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House of Representatives

The House met at 10 a.m.

PRAYER

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

On this day when we will dedicate the Korean War Veterans Memorial we recall those who served with dedication and honor over the years of the conflict and whose lives we remember with gratitude and appreciation. We pray, O gracious God, that our recollection of their devotion to duty, honor, and country will remind every person of their sacrifice and their willingness to serve at the Nation's call. May Your blessing, O God, that is new every morning and unites each person in peace, be with them who served and with their families, that Your grace will abide in their lives, now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. JOHNSTON of Florida led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANOUNCEMENT BY THE SPEAKER

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

THE KOREAN WAR VETERANS MEMORIAL

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

Mr. BARTLETT of Maryland. Mr. Speaker, all too often the war in Korea—which ended 42 years ago—is referred to as the forgotten war. That reference will end—once and for all—today as America rightfully remembers a war and its warriors who served this Nation with honor, courage, and dignity. This afternoon, thousands of veterans of that demanding and difficult conflict will gather on The Mall to dedicate an impressive memorial which is long overdue and richly deserved.

The Korean War Veterans Memorial will be a lasting tribute to the 54,246 Americans killed in Korea between 1950 and 1953. They fought with determination and valor, and in the end these brave Americans turned the tide of battle from near-certain defeat into victory.

Behind every war-related statistic there is a face, a family, a story, and a sacrifice. Those who came home deserve a place to remember those who did not. That place will be dedicated today. On this occasion, it is both fitting and appropriate to remind ourselves that we cannot live in a land of the free without first honoring the brave.

To the veterans of Korea, you are appreciated by a grateful nation.

A TRIBUTE TO BRITTANY HEUER

(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, on Tuesday, July 25, the life of Brittany Heuer was taken away from us. Brittany was only 18 years old.

Just a short 2 years ago, Brittany served as a page here in the people's House. Brittany's tremendous personality, her beautiful smile, and her willingness to help each and every one of us was always present here on this floor. But what makes this passing even more painful to the Members of the House, if you think carefully, Brittany's dad, Gary, doorman for the Sergeant at Arms, strong but gentle man, is also seated out here on the Republican side, friend to all of us, always working hard to take care of our interests. Now he pains deeply.

My colleagues, on behalf of all of the Members of the House, we want to extend to Gary and his beautiful wife Ginger, daughter Ashley, and all the Heuer family and friends our deepest sympathy.

The viewing will be today from 2 to 4 and from 6 to 8 p.m. in Waldorf, MD at the Huntt Funeral Home. Services will be Friday, the 28th, at 10 a.m. at the Huntt Funeral Home in Waldorf, MD.

My colleagues, may the good Lord keep Brittany and may the good Lord keep an eye on the Heuer family in this sad, sad time.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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READ THE REPORT ON MEDICARE

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

Mr. HOKE. Mr. Speaker, I rise today to urge Americans to read a report that was filed by the trustees of the Social Security trust fund and the Medicare trust fund. It is a short report. It is only 14 pages.

Mr. Speaker, I think it is our duty to urge senior citizens and Americans of all ages who care about Medicare for themselves but also for their children and their grandchildren, as we care about it for our parents and our grandparents, that they read this report. They can receive the report. It is 14 pages. It is a 14-page summary of the annual report to the American citizens. They can receive it by calling 202–224–3121. Ask to be connected to your Representative's office. At that number, 202–224–3121, ask for a summary of the annual report of the Medicare trustees.

It is factual. It is nonpoliticized. It is something, frankly, that many Members of the other side of the aisle do not want you to read, but it explains very clearly what is going on with Medicare.

MEDICARE AND MEDICAID IN FLORIDA

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

Mr. JOHNSTON of Florida. Mr. Speaker, I would like to address the House today about a very serious problem that will occur in my native State, the State of Florida. I am a fifth generation Floridian, and I dearly love my State, but they are confronted with a problem dealing with Medicare.

If the current bill that is proposed is passed, it will be a $1 billion cut over the next 5 years that will hit my constituents and all senior citizens in Florida. In my congressional district alone, they will be hit over $50 million.

To compound that, if Medicaid is block granted, we will have a catastrophic fiscal problem in Florida. Medicaid block grant will not even equal inflation. If does not even come close to the increase in growth that this State experiences, between 8 and 12 percent.

I call upon my 13 Republican colleagues from Florida to reconsider their position dealing with Medicare and Medicaid, not for political reasons but for the reason that I think they are devoted to this State as well as I.

SAVE MEDICARE

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

Mr. HEFLEY. Mr. Speaker, the American people are hearing a lot these days from the liberal Democrats. The have heard terms ''tax cuts from the rich'' and ''mean spirited,'' and all the usual class warfare terminology.

But there is something the American people will not hear from the liberal Democrats. The American people will not hear the liberals talk about the report from the President's Medicare trustees. They will not hear quotes from this report saying that ''concerted action must be taken promptly to address'' the critical problems with Medicare.

There is something else the Democrats will not be talking about.

They will not be talking about the millions of Americans who would be left out in the cold if Medicare were to go bankrupt. They will not talk about the seniors who would be unable to meet their health care needs.

Mr. Speaker, the liberals should acknowledge this report and work with Republicans to save Medicare.

SUPPORT MEDICARE

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

Ms. MCCARTHY. Mr. Speaker, I rise today to celebrate Medicare's 30th anniversary. It was approved by this great legislative body on July 27, 1965.

We sometimes take for granted Medicare and the impact Medicare has had on our seniors. Prior to Medicare, only 46 percent of our seniors had any health insurance. While those over 65 suffered the highest poverty rate, with almost a third living in poverty, today virtually every senior has health insurance. Medicare has been enormously successfully in ameliorating the suffering of our seniors while providing them with the dignity of knowing that health care will be there when they need it.

As a freshman, I was somewhat perplexed and surprised by my Republican colleagues' attack on this program without offering real reform. I have recently studied the history of Medicare enactment. President Harry Truman first introduced Medicare legislation in 1952.

For 13 years until its signing in law by President Johnson, Republicans voted overwhelmingly and consistently against Medicare. Republican antipathy on Medicare remains. They continue to try to dismantle this very successful program. This Congress should work to preserve what has been successful in improving the lives of our seniors.

On Sunday, let us celebrate a happy 30th birthday to Medicare and pledge to our seniors our support in protecting this successful program.

STRENGTHEN MEDICARE

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

Mrs. MYRICK. Mr. Speaker, 30 years ago Sunday, President Johnson signed Medicare into law. There are 37 million Americans who depend upon Medicare, including my own mom and my in-laws.

According to a recent report by the Medicare trustees, the Medicare trust fund starts going bankrupt in 1996. The new congressional majority is committed to preserving, protecting, and strengthening Medicare. We need to take the best ideas from the private sector because they do a much better job at health care than the government-run system.

We should also explore other options like medical savings accounts. We need to root out the fraud and the abuse that cheats the beneficiaries out of their money. It drains the reserves of the Medicare trust fund.

Finally, we need to keep partisan politics out of the discussion of Medicare. We need to put aside our differences and all of us work together to provide the strengthening of Medicare.

STRENGTHEN MEDICARE, DO NOT GUT IT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, in defending their indefensible cuts to Medicare, my Republican colleagues say we are increasing spending on Medicare. Only in Washington, DC can a cut be called an increase. This argument ignores the real-world implications of their so-called increases.

I challenge my colleagues to talk to real seniors who are struggling financially. They, not us, are the real experts on Medicare.

Ask them whether paying $1,000 more a year for health care is, A, an increase, or, B, a cut. Ask them if being forced into HMO's, which will limit their choice of doctors, is, A, an increase, or, B, a cut.

They will answer that they are having to pay more for less. They may have to compromise food and shelter to pay more for health care. We must hold firm on Medicare. We must strengthen it, not gut it. Medicare is the real contract with the people of America.

SAVE MEDICARE

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

Mr. SCARBOROUGH. Mr. Speaker, good Lord, the spin control is going so crazy here, I think I am going to fall down. I mean, I cannot stand up much more with this.

We hear somebody saying as a freshman I was perplexed that the Republicans had disdain for Medicare. I am a freshman, and I am perplexed that a report comes out 2 months ago saying Medicare is going bankrupt and the Democrats are not going to do anything about it.

That is perplexing to me. Then we talked about Washington speak, and we have got the Democrats saying that a

spending increase from $4,500 this year to $6,800 7 years from now is a spending cut. Again, more spin control.

Then we get somebody coming in from my home State, Florida, saying I want to protect the senior citizens in Florida. Yet the gentleman knows it goes bankrupt 7 years from now, and every senior citizen from Florida to California is without Medicare if we follow the Democrats' path.

As a Democrat says, beam me up, Scotty, I cannot take any more. I have to hold onto this podium tight because the spin control is going crazy. Let us talk reality for a second and talk real numbers. We are willing to save Medicare, and I hope we get some help from the Democrats.

□ 1020

REPUBLICANS NOW ENGAGED IN DAMAGE CONTROL REGARDING CUTS TO MEDICARE

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

Mr. LEVIN. Mr. Speaker, it is really damage control that they are engaged in. Those who are trying to cut Medicare massively are now trying to cover their tracks with deception. The majority party is now working with a group calling itself the Senior Coalition and it is passing around what they call ''the Pledge to save Medicare.''

Testimony from this group a few weeks ago before the Committee on Ways and Means came out in support of $270 billion in the Republican cuts, though they did not know what was in the cuts. This pledge says: ''Let's increase Medicare spending for beneficiaries, even though the $270 billion cut would increase copayments and deductible for seniors.'' This so-called pledge talks about maintaining the current Medicare fee-for-service system, even though the $270 billion in cuts would squeeze the option of fee-for-service for seniors. The majority party is on the run. There is no place to hide; surely not behind a cloud of deception.

NASA'S REMOTE SENSING TECHNOLOGY

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

Mr. SALMON. Mr. Speaker, earlier this month, 23,000 acres in the Scottsdale, AZ area were ravaged by terrible brush fires. The damage could have been much worse if not for a partnership between NASA and the city of Scottsdale.

Testing the applications of a new technology, called remote sensing, NASA jets flying over the blaze beamed images of the fire's hot spots via satellite to the ground. Firefighters were then able to use their limited resources more effectively and contain the blaze days sooner than they had thought possible, thus saving property, money, and lives.

Mr. Speaker, we will vote today to continue the excellent scientific research that is being conducted at NASA, and to streamline the agency by moving mature technologies toward privatization. The way Scottsdale and NASA worked together is a wonderful example of space technology being used to improve the lives of those of us here on Earth.

A SORRY BIRTHDAY GREETING FOR MEDICARE ON ITS 30TH BIRTHDAY

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

Mr. DOGGETT. It is the 30th birthday of Medicare, Mr. Speaker. What we have heard again this morning are birthday greetings for Medicare recipients from our Republican colleagues. It all boils down to a single sentence: They are saying to the older Americans of this country, ''If you will pay more for your health care, we will give you less health care.'' That is a pretty sorry birthday greeting, so they had to hire a public relations firm, and I have their report here, to tell them, ''Don't talk about improving Medicare. We can't afford to raise expectations, but keep in mind that seniors are very PAC-oriented and very susceptible to being led.'' That is what the Republican public relations firm told them to tell older Americans.

Then they came up with a Medicare pledge from a so-called Seniors Coalition. What that pledge says is, when you read between the lines, ''Raise the deductible, raise the premiums, pay more, and get less, Mr. And Mrs. Older American.'' That is a sorry birthday greeting for Medicare. When Lyndon Johnson signed Medicare into law, he signed a candle of hope, and we cannot have that candle extinguished by this Republican initiative.

THE FIRES OF MEDICARE ARE BURNING

(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, I cannot help but notice that my friend, the gentleman from Texas [Mr. DOGGETT], continually wants to go with budget overruns and time overruns. The fact is this: The best way to preserve Medicare is to stand now to save it, not play the old whining game of the liberals saying, ''We need to spend more and more,'' but find a way to say ''Yes, spend more money, but spend it more effectively.''

My colleague, the gentleman from Arizona [Mr. SALMON], made mention of the fire in my district and the fact that firefighters had to stand and deliver.

We have a crisis that is just as imminent as that fire. The fires of Medicare are burning. If we really want to save it, then my friends on this side, the liberals, come with us, let us work to solve the problem, and quit playing the sordid politics of the past.

REPUBLICAN PARTY DOTH PROTEST TOO MUCH CONCERNING MEDICARE

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

Mr. DEUTSCH. Mr. Speaker, I would say to my Republican colleagues, ''Thou doth protest too much.'' Let me talk about specifics. I hope that the people of this country are watching and getting engaged in this debate, because the reality of the 30-year history of the Medicare system is it never had more than a 10-year actual life. In fact, at one point in time, it had a 2-year actuarial life.

The majority party has made adjustments, or the former majority party has made adjustments. In my first year in Congress in 1993, we had a $50 billion adjustment to the Medicare system. What my colleagues on the other side of the aisle are proposing is a $270 billion cut in Medicare, astronomical by any comparison to what had ever been done before. It was not dictated by actuarial analysis. It was dictated by their budget, and they drew that. There is no doubt they can save $270 billion in Medicare, but the Medicare that will exist in America under the Republican plan will adversely affect 37 million people in this country. It will not be the Medicare that we know today.

WORKING TOGETHER TO SAVE MEDICARE

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

Mr. KNOLLENBERG. As we have heard, Mr. Speaker, the Medicare anniversary is July 30. Thirty years it has been in existence. This vital program, while it is only 30 years old, faces a very strong financial crisis. I think everybody on both sides of the aisle knows that. The Medicare board of trustees have concluded that Medicare part A, the hospital insurance trust fund, will be bankrupt in 7 years. We cannot say it any more simply. We will be unable to pay those bills for seniors.

The Republican majority will not let this happen and I am sure many of the Democrats do not want that to happen. We understand the importance of Medicare to seniors and stand ready to protect, preserve, and to strengthen this

program for current and future retirees. Unfortunately, many of our political opponents are trying to turn Medicare, the Medicare crisis, into a political issue. They continue to distort the idea of protecting Medicare by scaring seniors with imagined Medicare cuts, even though, as everybody knows, the benefits go per beneficiary from $4,800 to $6,700.

I would just ask the Democratic leadership and the Democrats on the other side, please help us. Join up with us, roll up your sleeves, let us achieve both better care with more choices. Let us protect and strengthen Medicare.

DO NOT REPEAL MEDICARE, THE ORIGINAL CONTRACT WITH SENIORS

(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, elected officials should listen more and talk less. I listened today while my Republican colleagues talked about how they intend to save Medicare. What they did not say is how they reduce expected needs of Medicare $270 billion over 7 years and still cut taxes $245 billion. Cut taxes, cut Medicare. Does that balance out?

Medicare. There is an estimated $44 billion in fraud and abuse in the Medicare system. Maybe we do have some agreement on both sides, and we can cut fraud and abuse and still provide for senior health care. However, it also appears that the new Republican majority is cutting personnel in the Health Care Financing Administration, the GAO, who investigate the fraud in Medicare. Furthermore, the account in the Labor-HHS appropriation bill is $2 million below last year for finding fraud, waste, and abuse. We need to save Medicare by cutting the fraud, but only in Washington can a $270 billion cut be said it is to save the program. We do not need to repeal the original contract with American seniors in 1965. Happy birthday—Medicare.

PRESIDENT CLINTON MUST REALIZE THERE IS NO PEACE IN BOSNIA TO KEEP

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, how many times will we have to watch President Clinton flip-flop on his Bosnian policy before we lift the arms embargo?

How much more indecision and bad judgment calls, not to mention flubbed airstrikes by the United Nations will we have to endure?

How many lives are we going to have to lose before common sense wins out?

The President is upholding an embargo on a country that no longer exists that will further involve the United States and possibly our troops in a war that is not ours to fight. We do not need U.N. control, we need U.S. control.

We keep hearing that we cannot lift the embargo because President Clinton wants to do whatever he can to keep the peace. Mr. Speaker, when is he going to realize that there is no peace to keep?

HAPPY BIRTHDAY TO MEDICARE

(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, as we celebrate Medicare's 30th birthday, let us remember its genesis.

It was the people of this country who asked their government to enter into a partnership with them to provide security in their later years.

It was an idea supported by Presidents Truman, Kennedy, Johnson, and even Nixon.

It was an idea that worked and continues to work.

Not one of my constituents has ever written, called, or met with me asking me to gut Medicare, eliminate it, or slash its funding.

The Republicans seem to think that they can fool the citizens of this country into thinking that their massive cuts will somehow reform the system. Cuts, I might add, that are suspiciously similar to the amount of money needed for their tax break package.

Mr. Speaker, Medicare is a trust fund, not a slush fund. It is a program whose inception began with the American people and is still overwhelmingly supported by them.

Let us celebrate Medicare's 30th birthday, Mr. Speaker, not prepare for its funeral.

REPUBLICANS' PROPOSAL CONTAINS MORE, NOT LESS, SPENDING FOR MEDICARE

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

Mr. NORWOOD. Mr. Speaker, this truly is an amazing 20 minutes, and surely must be very confusing to those people who are listening. Perhaps if we simplify this a little and do a little of the things that we might have done in the fourth grade, and use some repetition.

The average spending per Medicare beneficiary today is $4,800. Under the Republican plan, Medicare spending per beneficiary in the year 2002 will be $6,700. Under this plan, Medicare spending increases by $1,900 per beneficiary. That is a 40-percent increase. Let us try again, Mr. Speaker.

The average spending per Medicare beneficiary today is $4,800. Under the Republican plan, Medicare spending per beneficiary in the year 2002 will be $6,700. Under this plan Medicare spending will increase by $1,900.

Mr. Speaker, that is a 40-percent increase.

THE WACO TRAGEDY: THE TRUTH VERSUS DAVID KORESH'S DREAM TEAM

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

Mr. WILLIAMS. Mr. Speaker, I have been very concerned that the actions of the ATF and the FBI were inappropriate, to say the least, in that tragedy that occurred for everyone in Waco. Therefore, as one who is concerned about the ATF and the FBI action, I observed with great interest the congressional hearings that were held in the last Congress, and I have been an equally observant watcher of the congressional hearings about Waco in this Congress. I must say, the hearings this time have been politicized, and in my judgment, worse, are really an embarrassment to this House, and to the American people who seek to find out the truth.

The Republican majority on the committee are tragically acting like the defense for the Branch Davidians. They are appearing to be David Koresh's dream team. That is embarrassing. We need to get at the truth.

PROVIDING FOR CONSIDERATION OF H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 201 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 201

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. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry agencies, boards, commissions, corporations, and offices 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, and the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as pending. That amendment shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted,

the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. Further consideration of the bill for amendment shall proceed 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. All points of order against amendments printed in part 2 of the report of the Committee on Rules are waived. During further 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 CHAIRMAN. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. QUILLEN asked and was given permission to include extraneous material.)

Mr. QUILLEN. Mr. Speaker, House Resolution 201 is an open rule providing for the consideration of H.R. 2099, making appropriations for the Departments of Veterans Affairs, Housing and Urban Development, and various independent agencies for fiscal year 1996. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 2 of rule XXI—prohibiting unauthorized appropriations and legislation in an appropriations bill—and also waives clause 6 of rule XXI—prohibiting reappropriations—against provisions of the bill.

The rule further provides that after general debate, this bill shall be considered for amendment under the 5-minute rule, and the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as pending. That amendment shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendment shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If the amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. Further consideration of the bill for amendment shall proceed by title rather than by paragraph, and each title shall be considered as read.

The rule also makes in order the amendments printed in part 2 of the report of the Committee on Rules, and waives all points of order against these amendments. The rule authorizes the Chair to accord priority in recognition of Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, first of all, I want to applaud subcommittee chairman, JERRY LEWIS, and ranking member, LOUIS STOKES, along with the rest of the members of the Appropriations Committee for a job well done. They've performed miracles in meeting the needs of our country's veterans as well as the housing requirements of the needy and the elderly. The bill also funds NASA and numerous other agencies, and I am especially pleased to see that almost $2 billion has been allocated for the space station, which I strongly support.

But there is no higher priority, Mr. Speaker, than meeting the Federal Government's obligation to honor the commitment made to the veterans of this Nation. Whether it was during World War I, World War II, where I proudly served, or in Korea or Vietnam, or even during more recent military conflicts, over 27 million men and women risked their lives for the United States of America. We owe it to them to ensure that they have an adequate standard of living, and receive the medical care and other benefits they earned through their service to this country. The committee did an excellent job in making limited funds go a long way in order to live up to our obligations to our veterans, and I commend them for their dedication and hard work.

Mr. Speaker, this open rule will allow all Members to fully participate in the amendment process, and I urge its adoption. I include the following materials for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 25, 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	39	73
Modified Closed [3]	49	47	12	23
Closed [4]	9	9	2	4
Totals:	104	100	53	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 25, 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)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 25, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
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 (7/12/95)
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 (7/21/95)
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	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD 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.

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

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

Mr. Speaker, we strongly oppose this rule and the bill it makes in order, the Veterans Affairs, Housing and Urban Development, and independent agencies appropriations bill for fiscal year 1996.

This rule sanctions the most flagrant and wholesale violation in memory of the House rule that prohibits legislating on an appropriations bill. By protecting major legislative changes—policy changes—contained in this bill, it allows the Appropriations Committee to run roughshod over the authorizing committees.

If Democrats, when we were in the majority, had ever proposed a rule that protected by waivers so many major changes in substantive law, our Republican colleagues would have protested loudly and vehemently—and they would have been right. This rule ought to be defeated.

Mr. Speaker, up until today, we have generally accepted the need for waivers of rule XXI—the prohibition on legislation in an appropriations bill—which have been contained in the rules for consideration of appropriations bills this year. We recognize, from our years of being in the majority, that it is extremely difficult to avoid all violations of rule XXI in an appropriations bill.

There are almost always cases where it is necessary to include funds for programs or agencies that have not been reauthorized yet, or where it is necessary to provide some guidance to the agencies in the way moneys are spent. So we understand, and agree, that there are often legitimate and appropriate reasons to waive rule XXI.

However, the waiver of rule XXI provided by this rule goes far beyond the bounds of what can reasonably be considered legitimate or appropriate. This waiver is being used to allow the Appropriations Committee to substantially rewrite major environmental and housing laws. It is being used to allow the Appropriations Committee to usurp the function of the authorizing committees, and to deny the House the opportunity to have a full debate on these policy changes. That, in our view, is an egregious misuse of the waiver.

The majority defends this waiver by saying that the authorizing committee chairmen agreed to the Appropriations Committee's inclusion of legislative language in areas under their jurisdiction, which follows a policy that was established when the Democratic party was in the majority of providing rule XXI waivers only in such cases.

However, that policy worked when we were in the majority because our party's authorizing committee chairmen did not agree to major revisions to laws under their jurisdiction in appropriations bill, as the current authorizing committee chairmen apparently do. These chairmen are evidently willing to cede their responsibilities to the Appropriations Committee, rather than defend the integrity of the legislative process by insisting on their committees' right to make major policy changes the way they should be made, through authorizing legislation.

We suspect that the reason they are agreeing to this intrusion on their committees' rightful role and obligation is because they realize that these policy revisions might not withstand the scrutiny of a full-scale debate, with possible amendments, on the House floor.

To make matters worse, the rule denies rule XXI protection to amendments that would allow the House to debate these policy changes. It denies waivers for all but two amendments that Members sought protection for—amendments to be offered by Mr. KLUG of Wisconsin, and by Mr. DAVIS of Virginia. No amendments sought by Member from our side of the aisle received the protection they need in this rule.

During the Rules Committee consideration of this rule, our efforts to allow considering these amendments were rejected on a party line vote. As a result, the House will not have the opportunity to debate important amendments that were sought by Mr. STOKES of Ohio, the ranking Democratic member of the subcommittee, Mr. KENNEDY of Massachusetts, Ms. KAPTUR of Ohio, Mr. MORAN of Virginia, or Mrs. ROUKEMA of New Jersey.

We believe that if we are going to rewrite policy in appropriations bills then, in the interest of fairness, and of producing the best possible legislation, we ought to protect the amendments Members want to offer so that the House can have a full debate on these policy changes. That is particularly true if the House is faced with a bill, such as this one, that makes drastic policy changes that will significantly affect virtually all of our citizens.

Consider what this bill does to the environment: It slashes funds for environmental protection by 32 percent, providing one-third less than what we are currently spending. These cuts would cripple EPA's enforcement efforts, seriously weakening the implementation of virtually every major environmental law—including the Clean Air Act, the Clean Water Act, the Safe

Drinking Water Act, and the law regulating the use of pesticides. It would prohibit EPA from initiating cleanup at new Superfund sites.

In addition, 17 legislative provisions in the bill—language protected by this rule—would prohibit EPA from enforcing or implementing most Clean Water Act programs, including wetlands protection, new effluent discharge standards, new pretreatment standards, and new water quality standards; prohibit EPA regulatory actions with respect to many Clean Air Act rules; prohibit EPA actions on pesticides which had previously been allowed to be used on raw agricultural commodities; restrict the ability of EPA to issue rules concerning the emission of toxic substances from cement kilns and other industrial furnaces; prohibit EPA from implementing the Great Lakes Water Quality Program; prohibit EPA from taking actions against polluters whose violations are uncovered through state audits; and make numerous other changes that hamper the EPA's ability to protect the health and safety of our citizens.

When the funding cuts and legislative changes contained in this bill are combined with the changes to environmental policy that have been made in other bills the House has passed this year—including the Clean Water Act revision, and the so-called regulatory reform bills—this effort amounts to nothing less than a full-scale assault on the environmental protection laws that have served our Nation so well during the past three decades.

The other area that is cut drastically by this bill is housing, where funding is reduced by 25 percent from this year's level.

Here, too, the funding cuts and the legislative changes in the bill amount to significant changes in housing policy. Among other provisions, this bill would raise the rent ceiling for families living in pubic housing; suspend the existing preference system for public housing tenants; and suspend the one-for-one replacement rule for public housing. It would also prohibit HUD from issuing or enforcing a rule to apply the Fair Housing Act to the underwriting of property insurance, and make numerous other policy changes.

On top of all that, this bill also eliminates all funding for a number of current programs, including the AmeriCorps National Service Program, the Community Development Bank initiative, and the FDIC Affordable Housing Program. In addition, it provides for the termination of the Council of Environmental Quality and the Office of Environmental Quality within the Executive Office of the President.

Mr. Speaker, we recognize that reason that the bill cuts spending 13 percent below current levels is because the VA–HUD Subcommittee had a much smaller spending allocation to work with than in the past. However, I would point out that the subcommittee was in that position only because of the misguided budget priorities that the Republican majority has imposed. Those priorities are forcing Congress to make deep cuts in domestic programs in order to pay for unnecessary increases in defense spending—including more weaponry than the Defense Department itself has requested—and tax cuts that will mainly benefit the wealthiest among us.

Mr. Speaker, this is a truly bad rule—one that would trash our most important procedural safeguard, that protects the most egregious violation of legislating on an appropriations bill in memory—and that does so to allow the House to make damaging changes to environmental and housing laws with only minimal debate.

Mr. Speaker, I urge a ''no'' vote on the rule, and on the bill.

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

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

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

Let me point out that, yes, I am the chairman of the Committee on Rules, but before that I was the senior ranking Republican on the Committee on Veterans' Affairs for 10 years. I was very, very proud of that service.

I rise now somewhat concerned with my good friend, the gentleman from California [Mr. BEILENSON], who wants people to come over here and vote against this open rule. I just cannot believe what I am hearing. First of all, let us get the record straight once and for all. If you are listening back in your offices, Members, you had better listen up, because your political life is at stake here.

The gentleman from California [Mr. BEILENSON] wants you to come over here and vote against this rule. Behind the scenes, the reason they want this rule defeated is because they are concerned that there are cuts in such things as the Environmental Protection Agency, in housing, and a whole host of other things.

What they are not telling you is that we have spent days and days and days on something, the gentleman from Arizona [Mr. STUMP], chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY], the former chairman and the ranking Democrat on that committee, myself, the gentleman from California [Mr. LEWIS], and members of his committee. We have struggled for weeks to get adequate funding for the other part of this veterans and housing and independent agencies bill, and that is the veterans' medical care delivery system.

I want to commend the gentleman from California [Mr. LEWIS], but let me digress just 1 more minute before I do that.

If Members come over here and vote against this rule, then this bill does not come to the floor. And what happens? All of the issues are reopened. If you are going to increase funding for housing or the Environmental Protection Agency or all these other things, where do you think it is going to come from? It is going to come out of the only part of this bill that has an increase, and that is the veterans' portion of the budget. Think about that, ladies and gentleman. I want you to come over here and I dare you to vote against this rule.

Let us get back to the bill itself. The gentleman from California [Mr. LEWIS] came here with me 17 years ago. He has been a member of the Committee on Appropriations. I had an opportunity to serve on that committee when our good friend Jack Kemp stepped down and chose not to seek reelection. I did not do that because I liked the Committee on Veterans' Affairs, and I liked the Committee on Rules, where I thought I could be of some help.

The gentleman from California [Mr. LEWIS] has done an outstanding job. When we look at the budget that we had to vote for with its allocation to the 13 functional areas of Government, I guess perhaps the gentleman from California has had the toughest job of all in trying to make sure that this entire portion of the budget was treated fairly.

Let me tell you, they have treated it fairly. The Clinton administration had asked for an increase in the Veterans' Administration function, as they did with many other functions. As a matter of fact, they asked for so many increases that they would have increased the national debt by $1 trillion over the next 5 years if we had allowed that.

But we did not, because we have a deeper responsibility, and that is to balance this budget over the next 7 years. To do that, you have to cut just about everything. You have to get this spending under control, this leviathan sea monster that is literally drowning this country in a sea of red ink. Members of this Congress have done it.

In this particular bill, we have been able to scrimp and save and put together almost $300 million in additional spending over what was originally presented. In other words, we have adjusted the 602(b) allocation. That is inside-the-beltway talk, but what that means is, in other words, in the caps we have to live with, we have been able to in these last several weeks, after much negotiation, to raise that 602(b) allocation, the caps, by about $300 million, with all of it going into the veterans' medical care delivery system.

In addition, we have been able to adjust other functions within the Veterans' Administration to make sure that we have got adequate funding, similar to what was asked for by Secretary Brown and President Bill Clinton, of almost $480 million. That is about some 80 to 85 percent of what they were asking for.

In this particular bill, we have increases for the veterans' affairs and no increases for anything else.

I just want to say this. We are going to have amendments that are going to be offered on this floor today, and they are going to offer to cut other functions and put more money into the veterans' affairs functions. I am going to tell you this: That after all of the negotiations that we have gone through, that I am going to oppose any of those amendments that are going to try to cut other areas and put more money into veterans' affairs.

I have stood on this floor for 17 years as an advocate for the veterans, and I guess I have more plaques hanging on my wall than any other Member of this Congress, just about, for what we have tried to do for veterans. But I am going to tell you, the veterans that I represent know that we have done a good job, that it is adequately funded with the moneys that we have to work with this year.

I would just hope that every Member would not only come over here and vote for this rule, but that then they would support the gentleman from California's appropriation bill because it is an outstanding job that he has done. And I just commend the gentleman for it.

I will be here on this floor all day long. I will be glad to enter into a colloquy with anybody. I will be glad to go outside and enter into a colloquy and discuss what we have done. I think that the other Members who have worked so diligently with us to put this together will do the same thing.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield for a brief colloquy?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the pressures that the gentleman is under and the attitude with which he brings out this year's budget.

I would just point out to the gentleman that we would have about $245 billion more to play with if we were not involved in an enormous tax cut for the richest people in this country and that we could address a lot more of the veterans' needs, of the needs of the homeless and many other people in this country, the kind of capabilities they need their Government to be providing them. After the veterans of this country have served us, it seems to me that to be cutting the taxes for the richest people in the Nation is a very irresponsible act that is being undertaken at this same time.

Mr. SOLOMON. Reclaiming my time, I will be glad to continue with the gentleman on his time to say that the gentleman has a point, that there have been recommendations for tax cuts.

I personally think that a $500 tax cut for individual families in this country is not too much to ask for. I do not think that a capital gains tax cut is too much to ask for.

I am going to be speaking in Hyde Park, NY, Saturday morning, whether there is a session here or not, before many, many senior citizens who have worked all their lives. They have saved and they have scrimped, they have a little stock involved and they have held onto that stock. Now they want to sell it, but they do not want the Government to confiscate all of their profit after holding that stock for 20 or 30 years. That to me is being compassionate, and that is what we are really doing.

The gentleman's points are well taken.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. SOLOMON. Why do you not get your time, then I will be glad to answer your questions. We are running out of time over here.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would much prefer to spend the time debating this than anything else the gentleman from New York [Mr. SOLOMON] has to say.

Mr. SOLOMON. I have to retain my time and yield back my time. Come on over here and let us talk about it.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES], the ranking member of the subcommittee.

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

Mr. STOKES. Mr. Speaker, at the outset I want to associate myself with the excellent statement of Mr. BEILENSON.

Mr. Speaker, I regret to say that in my opinion, the bill we are discussing today is badly flawed. I had hoped to be able to offer amendments to improve this legislation somewhat, but under the unfair terms of this rule, I am restricted in the amendments I will be able to offer.

This rule demonstrates—in the clearest manner possible—the lack of respect the Republican majority has for the rules of the House of Representatives and for the rights of the minority. The rule waives points of order against nearly 30 pages of pure legislative language in the bill. That is right. More than one-third of the total bill is legislation that could be struck on points of order if not protected by this rule. I am not talking about technical violations. And I am not talking about waivers for lack of authorization. What I am referring to are changes in substantive law—pages and pages of it.

The rule also makes in order an amendment to be offered by the Republican bill manager. Although it makes 20 separate changes to the bill, this amendment is not subject to amendment or to a demand for a division. In addition, two other amendments requested by Republicans are protected by the rule from points or order. By way of contrast, not one of the nine amendments Democratic Members sought to have protected under the rule received protection.

When I testified before the Rules Committee earlier in the week, I asked that the legislative provisions in the bill not be protected. If that request could not be granted, I requested waivers of certain Democratic amendments so at a minimum the House could have a debate on the merits of these very important issues. That request for fairness was also rejected.

In closing, Mr. Speaker, I refer to a memorandum sent from the chairman of the Rules Committee to the Republican leadership earlier this month. The following statement was made:

> The more legislative policy debates that are injected into the appropriations process, beyond mere cutting amendments, the longer the amendment process on which bill will take. A greater effort could be made by the leadership to limit legislative provisions and amendments on appropriations bills in favor of debating and voting on these through the regular authorization process.

In my opinion, it is a grave mistake that the suggestion of the Rules Committee chairman was not followed on this bill. The debate on repealing the Brooke amendment or on repealing the Delaney amendment should be managed by the Legislative Committees after proper hearings and deliberation. It should not be accomplished on this appropriations bill.

I urge defeat of the rule.

□ 1100

Mr. QUILLEN. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. LEWIS], the distinguished chairman of the subcommittee.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I first want to express my very sincere appreciation to both the gentleman from Tennessee [Mr. QUILLEN], my colleague on the Committee on Rules, as well as the gentleman from California [Mr. BEILENSON], for their courtesy during our effort to put this bill together and to fashion a rule that allowed us to go forward with the work that we had to do here. I would like also to express my appreciation to my colleague, the gentleman from New York [Mr. SOLOMON], for his very kind remarks regarding our effort on this bill.

Mr. Speaker, we will have plenty of time today to discuss the substance of this bill, so I do not intend to put us through any of that at this moment, except to mention a couple of items that may not come up in the debate and reference a bit of the discussion relative to the language that exists within this bill.

Earlier in the year, during the rescissions process, the new majority made some effort to address what the House had done relating to spending during the 1995 fiscal year. It became very obvious to all of us that we were establishing spending priorities for the future of this country.

The effort is an attempt to reduce the rate of growth of spending across

the Government. There is little doubt that all of us recognize the need, progressively, to try to make sense out of what we are doing with our budget in terms of the national debt. Whether my colleagues are supportive of balancing the budget by 2002, as we propose, or they support the idea of balancing budget in a 10-year period as the President has proposed, clearly, we are going to have to address the question of reducing spending across all those elements of Government, especially where there is discretionary spending.

Mr. Speaker, this is one of those bills with the largest pools of discretionary spending. There is not any doubt that because the appropriations process is moving ahead of the authorization process, that there are implications between policy direction and what we ought to be doing with spending. Because of that, we have been working very, very closely with all of our authorizing committees. We are working with approximately six different committees, working with their chairmen with members, Democrat and Republican alike, attempting to seek new direction from those policy committees.

That has led to the addition of a good deal of language in this bill, much of which has been protected. I am a Member of the House who has long said that the appropriations process should be as separate as possible from the policy work of the authorization committees, but this is a most unusual year.

Post ''the revolution,'' our policy has implications relative to spending and the reverse is also true. So I want the House to know that while we have language in many instances that is designed to help us reduce spending, it is not the intention of this chairman to have the appropriations process become the authorization process in the years ahead. I would hope in the future that we will have very little language. But, indeed, the language in this bill is very important in terms of that overall effort to get a handle on the budget and move towards balancing the budget. We are at the same time, redirecting a long-established pattern of more spending every year by way of our appropriations bills.

Mr. Speaker, I want to mention one other subject area and that deals with the section of this bill that involves funding for NASA. Earlier in the year, we had no small amount of controversy swirl around the recommendations of this subcommittee that related to closing down some centers of NASA—three of them—and also to terminate one major program and delay a couple of others.

Mr. Speaker, I want to share with the Members how we came to that position, for it has had a very interesting impact upon our process. During the rescission work that I mentioned earlier, I had the opportunity to work with a number of my agencies. None was more cooperative than NASA. NASA stepped up to the plate and Administrator Goldin was most helpful in helping us examine their priorities.

Because of this, NASA did quite well in the rescissions process. We attempted to have the same kind of communication during the 1996 appropriation process, and that began with meetings between myself and Administrator Goldin.

We thought we were on a perfect pathway to effective cooperation, and then I received a phone call from the Administrator and his staff that indicated that somewhere on high, above the Administrator's office, the word had come down from the administration that they did not want communication with our committee about those priorities.

They said, ''Let the committee make its cuts itself.'' Essentially, they were saying, ''Do not cooperate.'' I suggested to the Administrator, and the people at NASA, that their bill would come forward in much different form than it might otherwise have, because I felt there was a need to consider the impact of infrastructure upon costs. We should be willing to reexamine programs in place to see if they continue to work.

It was very important that we be able to consider elements like that as we evaluated NASA's future. Clearly, I knew that we were not going to close centers, but we did need to send a message, not just to NASA but especially a message to this administration, that we need their cooperation if these bills are going to make sense for the country. Democrats and Republicans, we need to work together. Indeed, I was very disappointed in the administration's lack of willingness to cooperate.

Mr. Speaker, this bill is going to be a very controversial bill, without any question, but it does put us on a pathway that indeed gives us a real shot at balancing our budget by 2002.

We treated each account as equitably as possible. VA medical care is a very important account and we have done very well in that connection. From there, the reductions in spending that are involved treat every other agency in an equitable fashion, one against the other.

Mr. Speaker, this is a very good bill, in my judgment. I appreciate the Members' attention, I certainly appreciate their support, and I look forward to their vote for the bill.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. KENNEDY], the ranking member of the Subcommittee on Housing and Community Opportunity.

Mr. KENNEDY of Massachusetts. Mr. Speaker, this bill is an outrage. This rule is an outrage. It makes a mockery of every promise made by the Republican leadership to run an open and democratic House.

The bill contains page after page of far-reaching and devastating legislative changes that change basic housing policy of the past 20 or 25 years.

Whether it is the suspension of the Brooke amendment, which holds down rents for the poorest people in our society, or rent increases for families and senior citizens; the micromanagement of HUD administration; or the hamstringing of the Office of Fair Housing, the bill will create more homelessness and result in more abandonment of and disinvestment from our cities and sets of policies than we have considered in the Congress since I have served here.

Worst of all, Mr. Speaker, these changes are being made with absolutely no consideration of the authorizing committees. What we have here is a complete abandonment of the responsibility of people that come here to the Congress of the United States, are assigned to the authorizing committees, and then back off, never hold a hearing, never have an up-or-down vote on policies, and cede all of their authority to the Committee on Appropriations.

The appropriations, because they want to achieve not only a balanced budget but they want to provide a $250 billion tax cut to the richest Americans, not to senior citizens as was described by the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, but to the richest people in this country. That is where those tax breaks are going and that is why these cuts are being made and they are made without ever anyone standing up and having a debate about it.

So what happens is the authorizing committee takes a powder. We have a bunch of brain-dead people around here; flatliners who are not even taking the fundamental responsibility of holding a hearing and asking the real questions about how we should be making our priorities.

So, it is ceded to the appropriators. The appropriators take that authority and they say, ''Let us have at it.'' They make the chops wherever they want and have no idea what the impacts of these cuts are actually going to be the poorest and most vulnerable people in the society.

The Committee on Rules, which is supposed to allow any Member of this House the opportunity to come and offer an amendment on the floor of this Congress to be able to change what the appropriators have done, and they stifle every one of us.

Mr. Speaker, this is an outrage. If we look at what they have done to this HUD administration, at what they are going to do to create homelessness in this country, the people that look at these issues will be outraged.

If my colleagues look at the fact that we saw in this bill $5 billion cut overnight with the stroke of a pen, more homelessness will be created by the stroke of that pen than any policy in the history of this country.

We see 23 percent of the budget cut. We see things like the gentlewoman from Ohio [Ms. KAPTUR], who tried to offer an amendment to put back the

Drug Elimination Program, a program I visited twice this week in my own district. That program is providing tenant action groups with the capability of eliminating drug dealers from public housing; stricken from this bill without so much as a minute of debate and not even an attempt to be able to have that debate on the floor of the Congress of the United States.

The gentlewoman from California [Ms. ROYBAL-ALLARD], and I, have an alternative that would provide least-cost housing. Let us have your cost benefit analysis. Let us have it.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman, we will give it to him.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the gentleman will give it to us?

Mr. SOLOMON. Mr. Speaker, let me point out, this is an open rule. The gentleman from Massachusetts has been here quite a while and he knows what that means. First of all, this is an appropriation bill put on the floor under an open rule. Now, that means the gentlewoman from Ohio [Ms. KAPTUR] or the gentleman from Massachusetts or any other Member are treated the same. Let me explain, because the gentleman needs to know this. It will ensure to his benefit. This is an open rule. I am going to show the gentleman how to do what he wants to do.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I am listening.

Mr. SOLOMON. Mr. Speaker, the gentleman can offer any germane amendment that he wants to under the rules of the House and under this rule.

Mr. KENNEDY of Massachusetts. Mr. Speaker, reclaiming my time, I do not have that much time, but let me explain to the gentleman from New York the problem with what his premise is.

The problem is because the authorizing committee has never held a hearing, because we never passed a bill, which is way beyond my capacity because the chairman is now a Republican, none of these bills, none of these changes, the Drug Elimination Grant Program is not authorized, thus, it is subject to a point of order.

So the gentleman from New York can tell me that I can offer the amendment, but the first thing that happens is a Member pops up on the other side and say that I am out of order or the gentlewoman from Ohio [Ms. KAPTUR] is out of order because the program is not authorized.

The gentleman says it is an open rule; we can offer any amendment that we want. But the gentleman knows that hidden behind that are a series of procedural changes that the Republicans have offered time and time again that knock out our capability of offering and having a legitimate debate on these issues.

Mr. Speaker, I ask the gentleman, is that not true?

Mr. SOLOMON. Mr. Speaker, no, it is not true.

Mr. KENNEDY of Massachusetts. Mr. Speaker, can I offer the Drug Elimination Grant Program?

Mr. SOLOMON. Mr. Speaker, the gentleman has rights to offer limitation amendments, cutting amendments, and transfer amendments under the Rules of the House. The gentleman is trying to say that we are trying to prevent him from doing something, and I am telling the gentleman that he can do anything he wants to under the rules of the House.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the gentleman from New York knows that is not true. The gentleman knows those are not the rules that we are operating under.

The SPEAKER pro tempore (Mr. NUSSLE). The Chair cautions Members to refrain from using first names and should refer to Members in the third person.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. KAPTUR. Mr. Speaker, I was listening very carefully to what the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, just said. As the chairman knows, I came before the Committee on Rules in an attempt to get my amendment in order on this floor to have a full debate on the Drug Elimination Program.

Mr. Speaker, this bill eliminates the Drug Elimination Program, which I think is absolutely wrong for this country. It affects the town of the gentleman from New York, my town, every city and town in this country. I was denied the ability to bring that amendment up on the basis that this rule waived points of order.

The SPEAKER pro tempore. Does the gentlewoman have a parliamentary inquiry?

Ms. KAPTUR. Mr. Speaker, I am trying to get an answer to my question. I listened and the gentleman from New York said the rule provides that we can offer amendments to cut. My amendment is not a cutting amendment, Mr. Speaker, my amendment is an amendment to transfer money from FEMA to the Drug Elimination Program.

□ 1115

But I am not made in order on this floor. I would like the chairman, whom I have great respect for, to please explain to me whether under the rule I will be allowed an opportunity to have a full debate on that amendment as approved by the committee.

I have been told I cannot offer this amendment. I have a right to know that. He said I could offer this amendment.

The SPEAKER pro tempore (Mr. NUSSLE). The gentlewoman has not stated a parliamentary inquiry which the Chair can respond to. It is not the Chair's responsibility to interpret pending special orders, but to interpret them once adopted at the appropriate time.

Ms. KAPTUR. Now, wait a minute. I am not sitting down. I have served in this Chamber for 13 years. I want to know from the Chair if the rule provides me the right to offer my amendment to restore the funds for the drug elimination program.

My amendment transfers those funds from FEMA, which is in the same bill, to the account at HUD for drug elimination.

I just heard the chairman say amendments in order are cutting amendments. My amendment is not a cutting amendment. It is a transfer amendment. I have a right to know the answer to that question.

There are lives at stake all over this country on this amendment. It is important for me to know the answer. That is, I would expect the Chair could answer that question for me, with all due respect.

The SPEAKER pro tempore. The Chair cannot answer the gentlewoman's question. It is not a parliamentary inquiry the Chair can answer. The Chair cannot interpret the intent of the rule while pending. It can only rule on the enforcement of that rule.

Ms. KAPTUR. But the Chair obviously knows what the rule is. Does the Chair not know?

The SPEAKER pro tempore. The gentlewoman is engaging in legitimate debate, but has not made a parliamentary inquiry the Chair can respond to.

Ms. KAPTUR. How about if I ask the Chair under what part of the rule could I bring up this amendment? It is my understanding that I am barred from bringing up this amendment.

The SPEAKER pro tempore. This is something that the gentlewoman can direct, if the manager of the time would yield you time for a question or a colloquy; the gentlewoman may do that. The Chair cannot rule on this as a parliamentary inquiry.

Ms. KAPTUR. I ask the gentleman from Tennessee [Mr. QUILLEN], would he yield and answer my question, please, sir?

The SPEAKER pro tempore. Does the gentleman yield time?

Mr. QUILLEN. Mr. Speaker, I have the time. I think she has been speaking on the rule rather than making a parliamentary inquiry, and I will be happy to yield her 1 minute.

Mr. KENNEDY of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. QUILLEN. I am happy to yield the gentlewoman 1 minute.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 minute.

Ms. KAPTUR. I thank the gentleman for yielding this time to me.

It is my understanding that the amendment that I came before the committee to offer, which proposed

that we transfer $290 million from FEMA to the drug elimination program in order to restore it because it was zeroed out in the committee, which I think is backward policy for this country, is not in order on this floor.

If the chairman could, please, explain to me, based on what you have just said on the floor, is my amendment now in order?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. SOLOMON. Let me say something to the gentlewoman from Ohio [Ms. KAPTUR], for whom I have a great deal of respect. I have served on the Committee on Veterans' Affairs with her for years. We have not done anything to prevent you from doing anything that is allowed under the rules of this House.

Now, we have allowed cutting amendments. We allow limitation amendments. And we allow——

Ms. KAPTUR. Mine is not a cutting amendment, sir.

Mr. SOLOMON. You did not let me finish. Just a moment. We allow cutting amendments. We allow limiting amendments, saying none of these funds can be used for this purpose. We allow transfer amendments. If your amendment is in order under the rules of the House, you can offer it.

My suggestion is that you go to the Parliamentarian and let him advise you as to whether or not your amendment is in order.

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

Mr. LEWIS of California. Mr. Speaker, I understand my colleague's question and concern.

Her amendment is a very special category for, as you may recall in the rescissions process, we eliminated the money for this program. As a result of that, there is nothing in the bill to transfer moneys to, and above and beyond that the program is not authorized by the authorizing committee.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I appreciate and I have great respect for the chairman.

This is exactly where the rules process fails us, simply because the program has been operating since 1988, but because the House in committee has not acted, that program is not authorized. Therefore, if I try to offer this amendment, even though it is operating, I will be called on a point of order on the floor, Mr. Speaker. This is why I came before the committee.

Mr. LEWIS of California. If I could say to the gentlewoman, this program has existed for some time. The people in charge of the authorizing committee during that time chose, for one reason or another, not to reauthorize it. As a result of that and because there is no money in the bill, it does not qualify under the rules of the House. It has nothing to do with this rule. It has to do with the rules of the House. I am sorry to say that. That is the reality we are dealing with.

Ms. KAPTUR. If the gentleman will yield, you know, I feel sorry that the committee cannot conduct its business, but simply because that committee, under its so-called new leadership, cannot conduct its business, they have no right to eliminate these drug elimination programs around this country which are so successful.

It would seem to me the Republican leadership of this House could find a way for me to offer this amendment.

Mr. LEWIS of California. I must say, indeed, the new leadership has had 3 months to consider these problems. They have not been able to change the world yet, but the gentlewoman should know we are working on it.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking member.

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

Mr. MINETA. Mr. Speaker, I rise in strong opposition to this rule. H.R. 2099 is a bad bill, and since the rule protects that bill, this is a bad rule and should be defeated.

H.R. 2099 is replete with legislative provisions, funding restrictions and riders which go to the very heart of our Nation's environmental protection. The bill eliminates EPA's role in the wetlands program, it prohibits EPA from addressing stormwater pollution, it stops EPA from assuring the control of raw sewage through combined sewers and sanitary sewers, it halts all advancement in controlling industrial pollution, it prohibits efforts to clean up the Great Lakes, and it denies badly needed funding to our cities and States.

The result will be less environmental protection and increased risk to the health and safety of our constituents. This appropriations bill will single-handedly cause a major rollback of the protections of the Clean Water Act, Superfund, and the Solid Waste Disposal Act.

What does the rule do about the underlying bill? It waives all points of order against the legislative provisions, funding restrictions and riders which gut environmental protection. This is a clear abuse of the legislative process, and an affront to the citizens and communities we represent.

The people of this country are calling for responsive, responsible legislation. Yet, this rule protects provisions in H.R. 2099 which are totally irresponsible. H.R. 2099 rolls back environmental protection and denies financial assistance to communities, all in a misguided effort to pressure the Senate into gutting environmental laws.

My colleagues, this is not some game of legislative poker. We should not be playing fast and loose with the health and safety of our constituents. We should not be denying desperately needed funding to States and cities to create leverage in securing waivers, loopholes and rollbacks which benefit industry's bottom line, but which cause harm to the general population.

H.R. 2099 is a bad bill, and this is a bad rule. I urge a ''no'' vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I rise to just correct some of the misperception that I think was left on this floor with respect to the authorization.

I chair the Subcommittee on Housing and Community Opportunity. Of course, as most people realize, for the first time in 40 years, the Republicans have the ability to chair and control the agenda on the Committee on Banking and Financial Services and the subcommittees, including the subcommittee that I chair.

For the last 7 years, there has been an opportunity certainly to authorize the drug elimination program, and despite the fact that the opposition party, the Democratic Party, controlled both the House and the Senate for every one of those 7 years, there is a failure to reauthorize.

To suggest now that the new majority, who has been in control of that subcommittee for just a few months, is somehow responsible for not reauthorizing the program when they have had control for 40 years both on the House side, most of those 40 years on the Senate side, is a farce.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Speaker, I rise in opposition to this rule, this bill, and this process. In my tenure here in Congress, this is among the most heartless legislation I have seen.

To begin with, the Appropriations Committee has vastly exceeded its legislative authority in this bill. This bill legislates across the board. It infringes on the Banking Committee's authority by legislating in the area of housing. It enters the Commerce Committee's jurisdiction by legislating with respect to the environment. It is bad enough that the actual appropriations figures contained in this bill represent a virtual abandonment of this country's poor and moderate-income families. But the overt encroachment into authorization committee territory compounds this disaster.

I do not understand. We had a bipartisan effort with the gentlewoman from New Jersey [Mrs. ROUKEMA] and myself where we did rent reform that encourages people to work so that when they go to work their earnings are not taken up by the housing authorities

and public housing charging them more rent, encouraging people to work. That is done away with.

Mr. Speaker, this bill raises rents on poor people—it prohibits HUD from enforcing the Fair Housing Act with respect to property insurance. It prohibits HUD from implementing the final RESPA rules.

This bill targets its deepest cuts at vulnerable populations—the poorest residents in public and assisted housing, the homeless, the poor, working families, and the elderly.

These cuts are unwise, unworkable, and unfair. We should reject this rule and bring up an entirely new bill. I urge a ''no'' vote on this rule.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to thank the gentleman from Tennessee [Mr. QUILLEN] for yielding me time, although I did not get an answer to my question. I thank you for your gentlemanly comportment and also to the gentleman from California [Mr. LEWIS], our very capable Chair, who fully understands that I am barred under this rule from offering my amendment on the floor, and to my good friend, the gentleman from New York [Mr. SOLOMON], I will not be allowed to offer this amendment to continue the drug eradication programs in our public housing neighborhoods around this country, because I will be called on a point of order.

It is not an open rule, because the Committee on Banking and Financial Services did not complete its business, sir, and I only have a minute and three-quarters under the rule.

So if you would be kind enough, I would just like to say every mayor in this country, every citizen in this country, every person who lives in and around public housing understands what it is like to have these projects controlled by snipers and drug lords. I was in Chicago; you could not even walk from building to building, because there were snipers on the roofs who were controlling the drug trade.

When I am not allowed to offer my amendment, what it means is that this Congress is going on record as saying that hundreds and hundreds of communities across this country can go it alone.

□ 1130

I think it is absolutely wrong for us to return our backs on the scourge of the drug trade that is eating away at the hearts of our communities, and I think it is absolutely wrong, I think it is wrong from a public policy standpoint. I think it is politically wrong for me to be denied the ability to offer this amendment on a program that has worked from the time that Jack Kemp started it in 1988. The city of Albany will be affected. The city of Los Angeles will be affected. Every single major community and minor community in this country will be affected, and I think it is absolutely unfair, unfair that we are denied the opportunity to offer the amendment and the money. The proof in the pudding is the money that is used for this program. Rather than being spent on drug elimination, it is going to be bankrolled into a little account over in the Committee on Ways and Means to give tax breaks to the privileged few in this country. It is absolutely wrong.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I just wanted to remark that I, too, have been in Chicago, I, too, have visited State Street, Cabrini-Green. I have seen the distress in that community. I want to assure the gentlewoman that there will be other vehicles which use the same concept, the drug elimination, including CDBG, which is fully funded in this bill, as well as modernization funds which will be, by virtue of some new language that is offered, will be able to be fungible, be able to be used.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I would just point out to the gentleman that the funds in the bill at HUD have been cut by nearly 25 percent. Every mayor, including my own mayors in my district, and I represent several of them, do not have the luxury of being able to use money for this because they are so stressed out in the other accounts, sir. My colleague is going to make a lot of seniors pay more on their section 8 in their housing projects——

Mr. LAZIO of New York. Reclaiming my time, Mr. Speaker, I do want to reemphasize again the Community Development Block Grant Program, which is a very large program, is fully funded in this bill, fully funded, and that is well more than most other programs authorized all throughout the rest of this bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in strong opposition to a rule that is unfair, obviously, in its application. One-third of this bill before us is made up of legislative language, and then we have the sponsors and advocates of this rule suggesting that we are only going to play by the rules; that is, the rules they make. In other words, they protect their policy advances and from any type of debate, any application from being stricken in terms of points of order, but will not permit the long-term programs, programs that have a proven track record, to even be considered on this floor because of there application of technical points. That is what is going on here.

But I think the effect of this is, as my colleagues know, we can wrap this in the virtue of deficit reduction and the new majority. The fact is we all know that authorization bills sometimes fall short.

But I am not concerned about it because of myself. I am concerned because of people I represent, because poor people, because working families that I represent in my district, are going to be hurt by this particular program and legislation, those that are trying to strive to pull themselves up by their bootstraps, that are living in public housing, in assisted housing, that need some guidance for their kids in terms of drug programs. They need to have hope.

As my colleagues knows, former Secretary Kemp, when he was Secretary, at least favored housing. Since then, of course, I think that that has changed a little bit, but the fact is he favored it, and he had programs called HOPE, and what my colleagues are doing is taking hope away from people, increasing the number of people and families that are vulnerable in our urban centers, in our rural areas, where they need help with housing.

Look at what is happening in this country in terms of the working families that are getting less income, they have less ability to afford housing. We have more of them families that are vulnerable. They do not have the resources, and the fact is of course this bill, what we have done, and why I wrote a homeless program in the 1980's, and I thank my colleagues for supporting it then; even those funds are cut in this program by 50 percent. We had to write that program because there are 600,000 people on the street. In other words, we are failing in terms of the policies we have, for housing both as Democrats and Republicans, and the people I represent are going to be hurt by this further reduction of HUD.

I say to my colleagues, ''You cut modernization funds, Representative LAZIO, and the fact is that the authorizing committee just didn't fail to get the bill through the House. We really didn't even initiate the process in the last 6 months. I certainly understand that we have new leadership here, a new majority but we have got to have elemental fairness, we've got to look at what the impact is, and above all we should support and protect the vulnerable in this society, the working families that are trying to make it.''

This rule deserves to be defeated, Mr. Speaker.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, this is a bad rule, and it is a bad bill. Talk about an opportunity to dishonor our commitment to veterans, to environmental programs, to housing. This is the bill to do it. Talk about raising

havoc with jurisdictions in the House. I have served on the Committee on Energy and Commerce, all the environmental laws that for years that great committee worked to achieve on Superfund, on toxic pollution. Because of the gutting of some of the safeguards in this bill, who knows if we can recuperate?

Mr. Speaker, what we have here is a bill that for veterans this rule is going to mean 22,000 fewer veterans in this country will have hospital visits, and 500,000 fewer people will receive outpatient treatments. Again, for the environment this rule will mean cuts of $500 million for the safe drinking water State revolving fund and $500 million for the clean water State revolving fund. Why have a Clean Water Act? Why have a Safe Drinking Water Act?

What we have also is legislation that means that over 1,000 native-American families will not have a home to live in this year, and, if this is not bad enough, this rule also supports legislation that slashes funding for housing, for persons with AIDS, the elderly, and the disabled by 46 percent.

Mr. Speaker, AmeriCorps, the President's national service program, goes by the wayside in this bill. The Council on Environmental Quality, the enforcers, the watchdog of a lot of the Federal pollution issues in environment within the bureaucracy: slashed.

Mr. Speaker, what we have is an opportunity to defeat this rule and allow amendments, and let us face it. There are no Democratic amendments allowed to protect legislation that is important and to change the direction of this bill. Every authorizing committee should rise up against this legislation.

If you want to vote for a rule that destroys our commitments to veterans, housing, and environmental programs—this is it.

For veterans this rule will mean 22,000 fewer people will have hospital visits and 500,000 fewer people will receive outpatient treatments.

For the environment this rule will mean cuts of $500 million for the safe drinking water State revolving fund and $500 million for the clean water State revolving fund.

Passage of this rule means we will consider a bill that cuts assistance for homeless programs by 50 percent.

Supporting this rule means over 1,000 native-American families will not have a home to live in this year.

And as if that's not bad enough, this rule also supports legislation that slashes funding for housing for persons with AIDS, the elderly and the disabled by 46 percent.

Mr. Chairman, we are playing politics with people's lives. Attacking the deficit should not be partisan and mean, but that's exactly what the bill we're about to consider is.

I urge my colleagues to stop this cruel trick on the American people by defeating this rule.

This rule protects a lot of bad legislation in an appropriations bill and denies every single Democratic amendment to change that legislation.

Democrats are opposed to this Republican assault on housing and environmental programs that Republicans refuse to give us a chance to fix.

This bill weakens environmental laws, destroys housing programs, and raises rents on the elderly all to pay for a Republican tax break for the very rich.

Housing cuts to pay for tax breaks: The provisions in this bill will lead to rent increases for the elderly and the poor all to pay for a Republican tax break for the richest people in this country.

Gutting environmental laws for tax breaks: This Republican attack on American families guts Federal safeguards that protect our air, water, land, and public health from toxic pollution—it also cuts Superfund by more than $500 million and cuts State revolving funds for clean water and safe drinking water by more than $1 billion below the President's request.

Mr. BEILENSON. Mr. Speaker, we yield our final 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, I always enjoy discussing rules and praising and saluting my dear friend, the gentleman from New York [Mr. SOLOMON], one of the finest and most able men up here. He presides over his committee with extraordinary grace and dignity. It is always a privilege for me to appear before him. He has, however, presented to the House a bad rule. It is a bad rule on a bad bill, and it enhances his reputation as ''Closed Rule SOLOMON.''

What has he done? He slashes, the bill slashes, EPA funding. It is crammed full of legislative riders that are designed to eviscerate the environmental statutes that currently protect our lands, our waters, and air.

It is also interesting to note that these legislative riders which eviscerate the environmental laws are protected by points of order. As I stated in my testimony before the Committee on Rules, I strongly object to a rollback in the Nation's environmental protections without public debate and without concurrence of the legislative committees.

My good friend, the gentleman from New York [Mr. SOLOMON], announced that he had had the concurrence of the legislative committees. I know of no concurrence that was given by our Committee on Energy and Commerce. Nor do I know of any concurrence given by the Committee on Transportation and Infrastructure chaired by the distinguished gentleman from Pennsylvania. Now, while I do not dispute those words, the complete lack of even a minute of discussion of waivers provided by this rule of any authorizing committee leads me to question the process. It is at best curious, it is certainly outrageous, and it is very clearly antienvironment and anti-the-public interests. The rule allows dramatic changes in the environmental laws of the United States using the back door of an appropriations bill, something which is prohibited in the rules unless waived by the Committee on Rules. There has been little or no public discussion of better than two dozen riders that are attached. Some totally stop implementation and enforcement of the Clean Water Act. Others create unprecedent new privileges allowing States to shield companies from Federal enforcement actions and from criminal prosecution. Image that. Others arbitrarily create special exemptions from various provisions for oil and gas industries. Not only do these change policy, but they do it in a manner which is, frankly, incompetent and sloppy.

Mr. Speaker, I urge my colleagues to vote against the rule.

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

Mr. Speaker, the colloquy on the floor on the rule itself has been to ignore the veterans of this country. They have picked out items in HUD and others as primary. Let us not forget that this is a VA appropriation bill along with the problems that HUD has experienced over the years, along with the other independent agencies. Single out one thing, if my colleagues must, but do not forget that we are here to consider the whole picture. Look at the forest, not just a tree.

So I urge the Members of this body to support this rule, and support the bill, and support the veterans of this Nation.

Mr. Speaker, to close the debate I yield the balance of my time to the gentleman from California [Mr. DREIER], a very valuable member of the House Committee on Rules.

The CHAIRMAN. The gentleman from California is recognized for 6 minutes.

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

Mr. DREIER. Mr. Speaker, I thank the chairman emeritus of the Committee on Rules, my friend from Kingsport, TN, for yielding this time to me, and I rise in very strong support of this rule. I have been listening for the last few minutes to the statements which have been coming from our friends on the other side of the aisle, the gentleman from Minnesota [Mr. VENTO], the gentleman from Michigan [Mr. DINGELL], and others who are in some way implying that this is less than an open rule.

Mr. Speaker, the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], has made it very clear this is an open rule. Any of these Members, any of these Members who are complaining about this process, have an opportunity to offer striking amendments. They can do that under the open amendment process.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Mr. Speaker, I yield to the gentleman from Massachusetts, and I look forward to his remarks.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I ask my colleague can the gentlewoman from Ohio [Ms. KAPTUR] offer her amendment to put money back into the drug elimination program?

Mr. DREIER. What I said, if I can reclaim my time, what I said is under an open amendment process we are all allowed the chance to offer striking amendments.

Mr. KENNEDY of Massachusetts. She has a striking amendment.

Mr. DREIER. Yes, to transfer money into a program that does not even exist.

Mr. KENNEDY of Massachusetts. The program most certainly does exist——

Mr. DREIER. Reclaiming my time—if I could reclaim my time, we had a very healthy exchange that took place between the chairman of the authorizing subcommittee that deals with this issue, the gentleman from New York [Mr. LAZIO], and it seems to me that there needs to be recognition that an opportunity to deal with this is on the horizon.

Now my friend has raised the issue which I was not even going to talk about in my remarks, but let us look at the issue of drugs as it has existed over the past several years, and, as has been pointed out time and time again, we have seen during the Reagan and Bush administrations a decline in drug use in this country, but since we have seen the election of President Clinton there has been an increase in drug use in this country.

Mr. KENNEDY of Massachusetts. Will the gentleman yield?

Mr. DREIER. If I can continue to hold onto the time——

Mr. KENNEDY of Massachusetts. I am just asking the gentleman to yield.

Mr. DREIER. Let me just say that we have seen that increase. We are working to deal with the issue of authorization. We are trying to deal with this question head-on.

□ 1145

But the fact of the matter is, there have been tremendous chances for Members of the formerly-in-the-majority-party to deal with this issue through authorization, and it has not been dealt with. So in any way to claim the gentlewoman from Ohio [Ms. KAPTUR] is denied her opportunity to offer striking language is way off base.

Let me just say I want to compliment the gentleman from California, Chairman LEWIS, for the superb job he has done in dealing with the veterans, as the gentleman from Tennessee, Mr. QUILLEN, has raised this, and I know the gentleman from New York, Mr. SOLOMON, has, and also with an issue that is very important to me, and that happens to be the science question. I believe as we charge towards the millennium, we have to recognize our responsibility in further research and development in the area of the sciences.

The gentleman from California [Mr. LEWIS] has done a superb job in dealing with that. This is an open rule. It is one that deserves the support of the full membership in a bipartisan way. We complained on our side of the aisle in the past when we did not have an open amendment process. Frankly, we have brought that forward. We hope very much we can move ahead with this extremely important piece of legislation.

Mr. QUILLEN. 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 SPEAKER pro tempore (Mr. NUSSLE). The question is on the resolution.

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

Mr. BEILENSON. 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.

The vote was taken by electronic device, and there were—yeas 230, nays 189, not voting 15, as follows:

[Roll No. 586]

YEAS—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
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)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
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
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
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
Stockman
Stump
Talent
Tate
Taylor (NC)
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

NAYS—189

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
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
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Abercrombie
Bateman
Brewster
Collins (MI)
Hall (OH)
Hinchey
Hunter
Jefferson
McDade
Meyers
Moakley
Reynolds
Tauzin
Towns
Volkmer

□ 1205

Mr. PETERSON of Florida changed his vote from ''yea'' to ''nay.''

Mr. WALKER changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON DEVELOPMENTS CONCERNING MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to organizations that threaten to disrupt the Middle East peace process that was declared in Executive Order No. 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On January 23, 1995, I signed Executive Order No. 12947, ''Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process'' (the ''order'') (60 *Fed. Reg.* 5079, January 25, 1995). The order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the order. The order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the order (collectively ''Specially Designated Terrorists'' of ''SDTs'').

The order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the order are effective upon the date of determination by the Secretary of State or his delegate, or the Director of the Office of Foreign Assets Control (FAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On January 25, 1995, FAC issued a notice listing persons blocked pursuant to Executive Order No. 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 *Fed. Reg.* 5084, January 25, 1995). The notice identifies 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order No. 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition the notice provides 9 name variations or pseudonyms used by the 18 individuals identified. The FAC, in coordination with the Secretary of State and the Attorney General, will continue to expand the list of terrorist organizations as additional information is developed. A copy of the notice is attached to this report.

3. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 21, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $55,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Justice.

4. Executive Order No. 12947 provides this Administration with a new tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations to preclude diversion of such donations to terrorist activities.

In addition, I have sent to the Congress new comprehensive counter-terrorism legislation that would strengthen our ability to prevent terrorist acts, identify those who carry them out, and bring them to justice. The combination of Executive Order No. 12947 and the proposed legislation demonstrate the United States' determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism.

I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1995.*

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, I was absent yesterday, due to illness, and missed rollcall votes No. 572 through 585. I would like the RECORD to reflect that, had I been present, I would have voted as follows:

I would vote ''no'' on rollcall vote 585; ''yes'' on rollcall 584; ''no'' on rollcall 583; ''yes'' on rollcall 582; ''no'' on rollcall 581; ''no'' on rollcall 580; ''yes'' on rollcall 579; ''yes'' on rollcall 578; ''no'' on rollcall 577; ''no'' on rollcall 575; ''no'' on rollcall 574; ''no'' on rollcall 573; and ''no'' on rollcall 572.

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

Mr. LEWIS of California. 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 International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Small Business, 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. NUSSLE). Is there objection to the request of the gentleman from California?

Mr. BEILENSON. Reserving the right to object, Mr. Speaker, the Democratic leadership has been consulted and has no objection to this request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

POSTPONING VOTES DURING CONSIDERATION OF H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2099 pursuant to the provisions of House Resolution 201, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. Speaker, I would mention that we have a gap in time today of 2 hours between 2 and 4 when Members want to go to the Korean Memorial ceremonies.

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

Mr. STOKES. Reserving the right to object, Mr. Speaker, I would like to get further clarification with respect to rolling the amendments. If we can agree that not more than three or four would be rolled at a time, I do not think there would be any problem at all from our side.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Further reserving the right to object, I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, there is no problem with that on this side at all. I expect that we may have a series of amendments, five or six or seven, some of which will not request votes, and if there are three or four, I think that is very workable.

Mr. STOKES. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. MINETA. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from California. A number of us who are Korean war veterans would like to be going down to the dedication of the Korean War Veterans Memorial dedication.

There was some thought that maybe between the hours of 2 and 4 that there may be some opportunity so that some of us may be able to get away for the dedication of the Korean War Veterans Memorial. I would hope that we would be able to cluster some of those votes outside that 2 to 4.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for raising the question. We mentioned it earlier. It is very important that Members know that we will be trying to structure votes so that there will be free time between 2 and 4 for the Korean Memorial ceremony.

Mr. MINETA. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. 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. 2099, and that I be permitted to include tables, charts, and other extraneous material.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 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. 2099.

□ 1211

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. 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, with Mr. COMBEST 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 California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each be recognized for 30 minutes.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, colleagues, I am pleased to present H.R. 2099—the VA, HUD, and independent agencies appropriations bill for fiscal 1996. Let me get right to the bottom line. This bill, as it now stands, provides $60.045 in discretionary budget authority and $19.361 billion for mandatory accounts. This represents an overall reduction of $10.006 billion—or minus 14.3 percent—in domestic discretionary authority from last year's levels. It is $10.482 billion less than President Clinton requested for the 22 agencies, boards, and commissions that fall within the subcommittee's jurisdiction.

Following directly from our recent success in the rescissions package, this bill represents the urgent need to put Uncle Sam on a diet. We are doing what many said could never be done. We are making the tough decisions required to balance the Federal budget in 7 years. The bill reflects real cuts in each and every agency, except the VA's medical care account. These cuts, in this bill, at this time, are absolutely required if we are to keep our commitment to the American people regarding changing the way their Government in Washington operates with their hard earned tax dollars. We do not have the luxury of postponing these decisions to the outyears. We have tightened Uncle Sam's belt a notch or two, but this is the beginning, not the end, of identifying real savings.

At this point, I want to move away from the numbers for just a moment in order to share a few observations about the many people who have made it possible for the subcommittee to bring this bill to the floor today. I know that you will understand when I say this—the chairmanship of the VA–HUD subcommittee is not a lonely job. The Members should know how fortunate I feel to be working so directly with Mr. STOKES of Ohio who chaired the subcommittee in the 103d Congress.

Mr. STOKES is much more than a friend. Time and again, he has been someone on whom I can absolutely count when it comes to understanding the impact of the fundamental changes which we are making. The gentleman from Ohio never stops listening or working with me regardless of how much he may disagree with the substance of any matter under negotiation. And we appreciate the help we get from his able staff—particularly Leslie Atkinson and Del Davis.

Throughout our hearings this year as the subcommittee developed the bill, I encountered reactions ranging from amazement to amusement among our subcommittee's 11 other members. But I have always known that I could count on each and every one of those members to work with me to improve the direction, substance, and purpose of this bill. Indeed, it is a very special privilege to work on such a close basis with all who serve on the VA–HUD subcommittee. To a person, they are men and women of uncommon intelligence and conviction. This bill reflects their bipartisan participation and cooperation.

Last, I want to say how much I value and appreciate the work of the staff. With the exception of Paul Thomson who has long worked with us on appropriations matters, ours is a brand new

partnership. The work of the staff—beginning with our staff director Frank Cushing and including Jon Gauthier, Tim Peterson, and Todd Weber has been first rate. Their attention to detail has been nothing short of essential and I just want each and every one of them to know of our appreciation.

In keeping with the Speaker's guidance, the subcommittee has made every effort to work with all of the committees of jurisdiction that authorize the various programs affected by this bill. Though there will be continuing controversy over the numerous housing and environmental administrative provisions contained in this bill, the membership should know that we have worked diligently at both the member and staff level to develop the language with the knowledge and expertise of the various chairs in the Commerce, Transportation and Infrastructure, Veterans, Banking, Judiciary, Science, and Agriculture Committees.

When we have completed general debate, I will offer an amendment that increases the total dollars already provided for VA medical care, VA health professional scholarships, special needs housing, homeless assistance, and FHA multifamily credit subsidies. This amendment culminates the prolonged negotiations which we have had with our leadership and many of our authorizing partners. I share their desire to see much less legislation in this bill next year and I hope the coalitions which we have formed in working together this year will be lasting ones.

Let me move now to summarizing just a few of the many difficult choices and positive highlights that make up this complex piece of legislation.

DIFFICULT CHOICES

Four agencies are terminated for a savings of $703 million in discretionary authority from 1995 enacted levels: The Corporation for National and Community Service, Community Development Financial Institutions, the Chemical Safety and Hazards Investigation Board, and the Council on Environmental Quality. It's possible that we may get an amendment contemplating the elimination of yet another—the Selective Service System.

The bill does not provide requested funding for the construction of two additional VA hospitals in Florida and California which would have resulted in major construction costs of $343.2 million this year. We hope to continue working with Members from the affected regions to provide state of the art outpatient facilities that are consistent with the direction that Veterans Secretary Jesse Brown suggested last year when the VA was participating in the national health care reform debate.

NASA, too, will make a major contribution to deficit reduction. Their budget has been reduced by $705 million from last year's level. And we have gone much farther than I think Administrator Goldin would be comfortable with. This bill begins the process of reducing the size of NASA's plate. It makes real and painful program changes which will reduce fiscal year 1996 and outyear pressures. Two major NASA programs, the Space Infrared Telescope Facility and EOS will be substantially altered in order to help reduce the pressures on the overall bill.

This bill provides $4.88 billion for the EPA—a reduction of $2.4 billion or 33 percent from the fiscal year 1995 level. Frankly, our bill is an urgent plea to Administrator Browner. If you believe that Superfund is broken, help us fix it. If you believe that command and control is the wrong approach, act now to make EPA a facilitator of progressive environmental policy rather than an enforcer of excessive and inflexible Federal mandates. If you believe that EPA should base decisions on proven sound science, risk assessment, and thorough cost-benefit analysis, by all means join with us in perfecting this bill.

The EPA is a regulatory agency completely out of control, an agency that until now has delighted in routinely redefining its mission without proper congressonal oversight. The legislative provisions in this bill reflect the need and desire to restore some common sense and flexibility to the challenges of environmental protection in our country. The EPA should be a facilitator of progressive environmental policy rather than an enforcer of excessive and inflexible Federal mandates.

With regard to Superfund, I understand that my colleague from Ohio, Mr. OXLEY, the chairman of the authorizing Commerce Subcommittee, is set to move a reauthorization bill this fall. It is my hope that Administrator Browner will work with the authorizing committee in addressing the difficulties of this task. The issuance and funding of new records of decision [RODS] by potentially responsible parties is one area that should be analyzed during the reauthorization process.

EMPHASIZING THE POSITIVES

The subcommittee has provided a funding level of $38.1 billion for the Department of Veterans Affairs. The VA stands alone among the agencies in our jurisdiction. It's funding is not significantly reduced. Every requested dollar for mandatory spending is provided. If my conforming amendment is adopted in a few moments, an increase of $562 million will be provided for medical care—over and above last year's funding level of $16.2 billion.

We have also taken great care to provide every available dollar for the basic research mission of the National Science Foundation. NSF would receive $3.1 billion in this bill—a reduction of 6.5 percent or $200 million from last year's level.

The subcommittee's overall funding level for HUD, if my manager's amendment is adopted, would be $19.4 billion. The mark recognizes that two of HUD's largest and most cost effective programs—community development block grants—$4.6 billion—and the home investments partnership program—$1.4 billion—are working largely as intended. Neither program will absorb reduction's from last year's level.

The subcommittee has been mindful of the guidance from those who receive HUD dollars—nonprofits, local public housing authorities, and resident groups—that reductions in their funding should not proceed this year absent substantial legislative reform that maximizes flexibility in how they administer Federal housing dollars. And, even though HUD's comprehensive reform bill is far from final action in the authorizing process, we have provided $862 million for a section 8 replacement assistance fund.

In all of these matters, I have had the privilege of working with Mr. LAZIO—the chairman of the Banking Subcommittee on Housing. He has reminded me more than once that there is great need for thoughtfulness when one wields the machete. Numbers drive policy. Policy drives perception. And before we know it, we can have real change in the broken delivery mechanism that we all know as HUD.

The section 8 replacement assistance funds will provide for nearly 77,000 units of tenant based housing, thus allowing the Secretary to proceed with two of his most important initiatives—tearing down the worst of the low vacancy high rises in public housing and targeting assistance to individuals rather than properties. These vouchers will be available to anyone who loses their unit if these long overdue changes are undertaken by the Secretary. No one will be thrown out on the street and many of the individuals who could receive assistance under this fund will be in decent housing for the first time in years.

Mr. Speaker, these are the challenges and highlights presented with the fiscal year 1996 VA, HUD, and independent agencies appropriations bill. I hope that the members will see fit to accept the difficult tradeoffs reflected here. I urge you to support the bill when we get to final passage.

□ 1215

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

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to H.R. 2099, the fiscal year 1996 appropriations bill for Veterans Affairs, Housing and Urban Development, and independent agencies. As a member of this subcommittee for more than 20 years, it is a difficult position for me today to stand here in opposition to this measure.

Let me first acknowledge and recognize the work and leadership of our chairman and colleague from California, JERRY LEWIS. No one knows better than I, having previously served as chairman of this subcommittee, the complexities of this bill. As it stands, we must provide funding for critical

veterans, housing, environmental, science, and research and development programs. The increasing Federal deficit and call for Government reform has heightened the problems of meeting these essential needs. So Chairman LEWIS' task has not been an easy one.

Nonetheless, within the allocation that this subcommittee received, we have considerable opportunity to try and meet the basic and pressing priorities upon which veterans, the elderly, and low-income and working Americans depend. Unfortunately, instead, the subcommittee launches a wholesale assault on these individuals and those critical programs that provide safety net and human service programs, not to mention programs that are designed to ensure a safer and cleaner environment for our children and our communities.

Now we have heard our colleagues on the other side represent this bill as fair, given the adverse allocation of the subcommittee. But I don't think that our veterans, our elderly, our children, and our poor would agree. In fact, the President does not agree and has already indicated that he will veto this bill if it is presented to him in its present form. In his statement on H.R. 2099, the President says and I quote:

> The fiscal year 1996 VA/HUD appropriations bill passed by the House Appropriations Committee is unacceptable. I call on the Congress to correct the appropriations bills now under consideration before they reach my desk, not after.

Let me take a moment to explain to you why this bill is so unacceptable to the President and those of us who care about people.

For our veterans, this bill reduces by nearly $1 billion the level of spending that the President has requested for veterans including medical care, general expenses, and construction projects. These cuts seem especially callous. Certainly, individuals who have given the ultimate sacrifice and risked their lives for our collective safety and well being deserve to have the full level of security for themselves and their families to live out the rest of their lives.

In a letter circulated yesterday to all Members of the House James J. Kenney, executive director of AMVETS stated:

> The designated appropriations still falls well short of the funding necessary to even maintain the current level of earned entitlements for our veterans.

Further he says:

> The proposed budget will require painful decisions on the elimination of critical services.

The bill falls short in the areas of medical care—almost $200 million below the President's budget request, in construction—where critical facilities are needed for a growing and aging veterans population, in benefits servicing—where a cut to the VA Benefits Administration would impact the first line of support veterans receive when they approach the VA through the vocational rehabilitation counselling and the veterans services divisions.

This bill, once again, targets housing programs as we saw earlier this year in the rescissions bill. On top of the $7 billion taken from HUD in the 1995 rescissions, this measure cuts $5.3 billion from the President's request. The severity of the reductions are appalling enough seeing that $4.2 billion of the cuts to HUD came from housing programs alone. Hardest hit are those programs that provide affordable and decent housing for the elderly and poor, like section 8 incremental rental assistance and public housing operating and modernization funds.

But our colleagues on the other side did not stop here. Added to these crushing reductions are pages of extensive legislation that is tantamount to repealing the statutory goal of decent, safe, and sanitary housing for all Americans. Minimum rents are set and residents who only average $8,000 a year in income are forced to pay more in terms of their rent contributions.

At a time when affordable housing is at a record short supply, this bill would not only gut affordable and low-income housing but cut homeless assistance grants by $400 million. Secretary Henry Cisneros has stated that while the committee sees savings in these actions, he sees a terrible pain for the most economically vulnerable working people. Several colleagues and I will be offering amendments to try and correct these harmful actions.

When they finished with destroying our investment in public and low-income housing, our colleagues decided to set back this Nation's efforts to ensure that each American breathe clean air, drink clean water, and be safe from hazardous waste dangers. This devastation is accomplished through a cut in funding to programs like the Superfund Program, the Safe Drinking Water Revolving Fund, the Clean Water State Revolving Fund, and EPA operating programs. The public health is further jeopardized by the nearly 20 limitations and riders that further these pernicious acts. I will be offering, with my colleague on the other side, Congressman SHERRY BOEHLERT, an amendment to strike these riders from the bill.

The list of egregious actions in H.R. 2099 unfortunately continues. The Corporation for National and Community Service [AmeriCorps] and the Community Development Financial Institutions Program are terminated. The bill also calls for the close out of the Council on Environmental Quality within the Executive Office of the President.

Our Nation's critical investment in science and technology has also been reduced through the 5-percent cut in NASA and the 6-percent cut in the National Science Foundation.

The reductions in this bill are severe and reason enough for not supporting this legislation. What is even worse is that the cuts are being made in part to finance a tax break for the most wealthy. These actions are penny wise and pound foolish and I therefore strongly oppose this bill.

□ 1230

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

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the bill.

I would like to begin by commending the gentleman from California, Chairman LEWIS, for all of his hard work. Shepherding an appropriations bill through the legislative process is no easy task, yet he has done it with skill and flair. I would also like to thank the gentleman from Ohio [Mr. STOKES].

And finally, we all owe a debt of gratitude to the subcommittee staff—Frank Cushing, Paul Thomson, Tim Peterson, John Gauthier and Todd Weber. We truly would not be here today if it weren't for their tireless efforts.

Mr. Chairman, this is a good bill. It does not simply spread the pain throughout all of the programs in its jurisdiction, it makes the tough choices necessary to move up toward a balanced budget. Overall, it cuts about $10 billion in spending from last year's level. But it also preserves funding for programs which work well and are important to the Nation's future.

Now, we are going to hear a lot of heated rhetoric about disproportionate cuts in housing programs. But do not let that get in the way of the facts. Yes, next year housing programs will have to absorb some spending reductions—there is no doubt about it.

But when compared to the other agencies in this bill, HUD's funding actually will take up a larger share of the outlays than they did this year. In short, HUD will enjoy a slightly larger piece of a smaller pie. And in the present budgetary environment, that is nothing to complain about.

Mr. Chairman, there is a lot of good in this bill. VA medical care has been protected, as has funding for university-based scientific research. We preserve funding for NASA's core missions; and we send EPA a strong message that they must move away from their current Soviet-style, command and control system of regulation.

I am sure that every Member of this body, given the chance, would draft a VA–HUD bill that is different from the legislation before us. But, to use an often-heard quote, we can't let the perfect be the enemy of the good.

Mr. Chairman, this is a good bill, and I urge my colleagues to support it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. GONZALEZ], the ranking minority member of the Committee on Banking and Financial Services.

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

Mr. GONZALEZ. Mr. Chairman, I join my colleagues in expressing my strong opposition to the mean spirited and draconian HUD–VA appropriations bill for fiscal year 1996. If this bill is enacted, we are signaling almost a full retreat by the Federal Government as a critical partner in affordable housing and community revitalization. H.R. 2099 slashes one-quarter of the budget for the Department of Housing and Urban Development. It neither expands, nor preserves, nor rehabilitates public and assisted housing and then requires poor families to pay more for deteriorating housing, or go homeless.

I find it ironic that on Monday the Center for Budget and Policy Priorities released its new study, ''In Short Supply: The Growing Affordable Housing Gap,'' which determined that the number of low-income renters exceeded the number of affordable rental units by 4.7 million low-income renters. This Nation has lost 43 percent of its affordable housing supply, some 2.2 million housing units, over the last two decades, according to the study.

If we pass this appropriations bill, we virtually ensure that affordable housing will continue to decrease and deteriorate; we will lose our $90 billion investment in public housing; and hundreds of thousands more families will become or remain homeless. Despite what our colleagues on the majority and on the Appropriations Committee contend, these are not hard decisions, they are heartless.

Public housing residents in the more than 3,400 local housing authorities throughout the Nation are at risk of seeing their everyday maintenance requests go unanswered for lack of operating subsidies. This appropriations bill funds operating subsidies at only $2.5 billion, some $400 million below this year's funding and only 85 percent of what housing authorities need to operate their housing authorities.

And the eyesores of deteriorated and dilapidated housing in many of our urban centers will remain vacant and crumbling, further destroying neighborhoods because nearly one-third of the modernization funds and all of the urban revitalization grants for severely distressed public housing projects will be lost if this bill passes.

There will be no new public housing funded and no new section 8 certificates available for the first time in 20 years even though there are more than 5.6 million families today who pay more than 50 percent of their incomes for rent, or who live in substandard housing. There are more than 1.5 million families on public housing and section 8 waiting lists throughout this country. The number of families who are homeless or who pay exorbitant rents or who live in terrible housing conditions grows each year by more than 10 times the number of new families that would be assisted under the appropriation bills for 1996. During this fiscal year 88,400 units of affordable housing were financed through the various Federal housing programs—next year fewer than 15,000 units.

Frail elderly residents of public and assisted housing will not receive critical supportive services like personal care, transportation, and congregate dining, hastening the entry into expensive nursing homes and destroying the elderly's dignity and independence. Why? Because this bill provides no funding for the Congregate Housing Services Program. The bill also eliminates funding for the drug elimination grant program which has been so helpful to so many in fighting crime and providing residents a sense of safety and security.

The bill leaves two of the core programs untouched—HOME and CDBG. That is good; however, do not be surprised if a year from now or sooner, the mayors and the Governors are here begging for more money. Because, the deep, deep cuts in public housing and section 8, and the increases in the cost of that housing inevitably will mean trouble for our cities and States—more deteriorated housing and more homelessness—more people with nowhere safe and sound to live. While it may seem that there are a myriad of discrete programs, in truth Federal housing programs are interrelated, serving different needs and segments of our low- and moderate-income families. When one program is underfunded, it places pressure on all the other programs. What this bill does, make no mistake, is place the burden on cities and States, while the Federal Government takes a walk and abrogates its responsibilities.

I know it has become fashionable to bash the Department of Housing and Urban Development and to blame the poor, the victims, for their troubles. But slashing funding for the very programs that provide for one of the most basic needs—housing—is simply inexcusable.

HUD has taken a budget hit disproportionate to any other agency, except perhaps the EPA. And through the appropriations bill, housing policy—which I might add, should be under the purview of the Banking Committee—has shifted and changed course dramatically, without the benefit of hearings or analysis—all to get to the bottom line. So the Republicans will make the fundamental problems of a lack of affordable and decent housing and viable communities worse.

I have watched these programs work for poor and working families, for the elderly and for the disabled throughout my public career. One of my jobs in my home city of San Antonio before I came to Congress was with the San Antonio Housing Authority. Then public housing worked as it continues to in many communities today. And now with one simple action, the Republican majority will devastate the lives of families currently residing in public and assisted housing and those who wait, sometimes for years, for such housing.

The Republicans talk about their historic budget resolution, their vaunted balanced budget. But their bold insistence and desire to provide foolhardy tax breaks for the wealthy at the expense of America's poor and working families drives this process. That is the thrust of this massive and mean assault on our most vulnerable citizens.

Mr. Chairman, I include the executive summary of the study referred to in my remarks for the RECORD, as follows:

IN SHORT SUPPLY: THE GROWING AFFORDABLE HOUSING GAP

I. SUMMARY

New national housing data show that the shortage of affordable housing for low-income renters is now wider than at any point on record. This gap—4.7 million units—has grown consistently in recent decades because the number of low-rent units has fallen while the number of low-income families has grown. As a result of these trends, four of five poor renter households with incomes below the federal poverty line face housing costs that exceed 30 percent of their income, the federal housing affordability standard set in 1981. More than three of five poor renters spend at least half their income on rent and utilities.

The Affordable Housing Shortage

Data from the 1993 American Housing Survey, which is sponsored by the U.S. Department of Housing and Urban Development and conducted by the U.S. Bureau of the Census, indicate that a substantial shortage of affordable housing has developed in recent decades.

In 1970, the first year for which comparable data are available, there were 7.4 million low-cost rental units. That was roughly 900,000 greater than the number of low-income renters, which stood at 6.5 million. (Low-income renters are defined here as those with incomes of $12,000 or less in 1993 dollars, or roughly equal to the poverty line for a family of three. Low-cost units are those with rent and utility costs totaling less than 30 percent of a $12,000 annual income, or less than $300 a month.)

By 1993 this situation had reversed. The number of low-rent units fell to 6.5 million while the number of low-income renters rose to 11.2 million—resulting in a shortage of 4.7 million affordable units. This is the largest shortage on record. There are nearly two low-income renters for every low-rent unit.

The affordable housing squeeze means that many poor renters spend very large proportions of their income on housing. The new AHS data show that:

Some 82 percent of poor renter households—5.7 million households—spent more than 30 percent of their income on rent and utilities in 1993.

Some 4.1 million poor renter households—or three of every five poor renters—spent at least half of their income on housing. These households are considered by HUD to have ''worst case'' housing needs and are given priority for housing assistance under federal law.

The typical or median poor renter spent 60 percent of income on housing in 1993.

These housing affordability problems are nationwide, affecting poor households in every region of the country and both urban and rural areas. They are not limited to racial or ethnic minorities, and poor families with one or more workers are nearly as likely as those relying on public assistance to have very high housing cost burdens.

The shortage of affordable housing is one million or more rental units in every Census region—Northeast, Midwest, South, and West. The widest affordable housing gaps, when measured as the number of low-income renters competing for each occupied low-rent unit, are in the West and Northeast.[1]

Some 83 percent of poor renter households in central cities spent at least 30 percent of income on housing in 1993, as did 87 percent of poor renters in suburban areas and 74 percent of poor renters in nonmetro areas.

The problems of high housing cost burdens affect poor white, black, and Hispanic households alike, with more than four of five poor renters in each group spending at least 30 percent of income on housing. Similar proportions of both elderly and non-elderly poor renters had housing cost burdens this high, as did both working poor families with children and poor families without a worker.

The Role of Housing Assistance

The growing affordability problem reflects both an increase in poverty—and thus in the number of low-income renters—and a sharp decline in the supply of low-cost housing in the private market. In 1973, the first year for which such data are available, there were 5.1 million unsubsidized units with costs of $300 a month or less, as measured in 1993 dollars. By 1993, this number had fallen to 2.9 million units, a decline of 43 percent.

To help offset these trends, a significant portion of funds appropriated for housing programs since the early 1970s has been used to expand the supply of subsidized housing. While this has led to an increase in the number of low-income families receiving housing assistance, the number of new housing commitments dropped markedly in the 1980s, even as the affordable housing gap was widening.

Between fiscal years 1977 and 1980, HUD made commitments to expand rental assistance to an average of 290,000 additional low-income households each year.

From fiscal year 1981 through fiscal year 1995, new rental housing commitments fell nearly three-fourths to an average of 74,000 per year. In addition, two other federal housing programs—the HOME program created in 1990 and the Low Income Housing Tax Credit created in 1986—provide funds that allow state and local governments and private organizations to produce housing. Nevertheless, these programs are likely to add only modestly to the supply of housing affordable to the poorest renters since the programs generally are not targeted to very low-income households with severe housing problems.

If the number of additional commitments made since 1981 had remained at the level of the late-1970s, over three million more low-income renters would be receiving housing assistance today and the affordable housing gap would not be so wide.

Altogether, the relatively large expansion of federal housing assistance in the 1970s and more modest expansion in the 1980s resulted in an increase of 2.3 million in the number of families receiving housing assistance. This expansion was roughly equal to the decline in the number of low-cost units in the private market but failed to match the large increase in the number of low-income renters over this period. The overall result was a net loss in the proportion of low-income renters able to find affordable units and a substantial widening of the affordable housing gap.

Most poor renters remain without housing aid. In 1993, some 37 percent of poor renter households received a housing subsidy from the federal, state, or local government. The limited level of housing assistance means that most poor families seeking housing assistance are placed on waiting lists and usually wait several years before receiving aid. In 1993, some 1.4 million households were on waiting lists for housing subsidies for privately owned housing, and 900,000 households were on waiting lists for public housing.

The Impact of Congressional Proposals To Cut Housing Programs

The trends highlighted in this analysis—a declining supply of low-cost rental housing in the private market and a growing number of low-income renters—indicate that unless the number of families receiving government housing assistance increases each year, the affordable housing gap will grow wider. Congress, however, is considering large cuts in funding for federal low-income housing programs. These reductions are likely to end the longstanding practice of modestly adding to the supply of subsidized housing each year and would likely lead to a reduction in the number of low-income families receiving assistance.

The cuts being considered would have an adverse effect on the supply of low-cost housing. Reductions in operating and modernization assistance for public housing included in the House appropriations bill for HUD would likely lead to an increase in the number of vacant public housing units, since public housing authorities would face difficulty maintaining current units and repairing dilapidated units. The bill also would reduce funding for homeless assistance by nearly half, while suspending the requirement that available subsidies be targeted on households with severe housing problems that are most at risk of becoming homeless. In addition, the bill's elimination of efforts to expand the subsidized housing stock while the number of low-rent unsubsidized units continues to fall would widen the affordable housing gap. This can be seen by calculating what would have happened had such policies been in effect in the recent past. If no additional families had received housing assistance between 1973 and 1993, the shortage of affordable housing would have reached nearly 6.9 million units in 1993, rather than 4.7 million.

The proposed reductions in low-income housing programs also would tighten the financial squeeze on many households with very low incomes. Some of the federal savings would come from raising rents on nearly all tenants of subsidized housing, with the greatest increases falling on the poorest tenants. Poor renters not receiving housing assistance also could experience rent increases; if the number of unsubsidized low-cost units continues to fall while the subsidized housing stock is stagnant or begins to shrink, there will be more low-income renters competing for fewer low-rent units. The laws of supply and demand suggest this could push rents upward for many unsubsidized low-rent units. Furthermore, both poor renters who receive housing assistance and those who do not are likely to face greater difficulty in meeting higher rental costs as a result of reductions in other federal programs that assist low-income families and individuals. Expected reductions in AFDC, SSI, food stamps, Medicaid, and the Earned Income Tax Credit will limit the ability of many families to pay rent and meet other necessities. The combined effect of these developments is likely to be pressure for more poor families to ''double up'' and an increase in the number of families at risk of becoming homeless.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of this bill.

Mr. Chairman, as a new member of this subcommittee I want to thank Chairman LEWIS, Congressman STOKES, and the subcommittee staff for their leadership and guidance during this long process.

Our bill contains funding for many vital programs for our Nation's veterans, to protect and preserve our environment, to help house the needy and disabled, and for scientific research and discovery.

It has been a difficult task balancing these needs and funding all of the programs. I believe that we have achieved this. In total, our bill provides $79.4 billion for these programs. Mr. Chairman, this is $10.5 billion less than last year and $10.5 billion below the President's budget request.

Like the other appropriations bills that have passed the House this year, this bill moves the country closer toward the goal of a balanced budget. While I do not agree with all the reductions in this bill, I do believe it is time to stop throwing good money after bad and start refocusing our limited resources toward programs that work.

Since subcommittee markup, I have been contacted by many people who merely look at the bottom line or the appropriated level for each agencies that are contained in this bill. I would suggest to these people that they begin to look at the programs contained in this bill and ask the question are these programs working? In many cases they are not.

For example, both Secretary Cisneros and the President agree that the Department of Housing and Urban Development [HUD] needs to be reformed. In fact, it is the Secretary's own suggestion that many programs should be eliminated and the entire department should be reduced down to three umbrella programs. I am hopeful that the authorization committee on housing will soon adopt a housing bill that will reform HUD and put it back on track.

This message is also targeted toward the Environmental Protection Agency [EPA]. Simply sitting back and extending current law, like Superfund, is an abdication of their leadership. Its time to come to the table and be a full partner toward reform. EPA's Administrator has said the program is broken and this bill recognizes that fact. The bill provides adequate funding to keep the program moving, however, it stops the expansion of the program until the law is reauthorized. The last reauthorization was done in 1986.

In reviewing EPA's budget, I have found that the Superfund situation is not an isolated case, but a rule of thumb for many of EPA's programs.

[1] Due to data limitations, the regional gap figures refer to occupied low-cost units only, while the national gap figure accounts for all low-cost units, including those that are vacant.

Yes, environmental laws have worked, however, laws need to be updated and reformed and the status quo is not acceptable. In many cases the bureaucrats have decided arbitrarily to overstep their legal authority and push policies that are clearly beyond statutory intent. Distracted by regulation and litigation, EPA has lost their focus on the bottom line—protecting our resources and addressing critical environmental needs.

In my State of New Jersey, both housing and environmental programs are extremely important. That is why I am pleased to have worked with the chairman to provide additional resources for section 202 and 811—two housing programs that do work to help our older Americans and people with disabilities. This issue will be addressed in the chairman's amendment and I thank him for his support of these programs.

This bill also funds the Department of Veterans Affairs. Nearly half of the bill's funding supports these activities and I am pleased that the committee was able to increase medical care above this year's level by nearly $500 million. In addition we have been able to fully fund the compensations and pensions programs, veterans' insurance, and the Loan Guarantee Program.

This bill is not the perfect answer to all the problems that we face, however, it is the first step in a process that will bring us toward a compromise. Mr. Chairman, I support this bill and I urge my colleagues to adopt this measure.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise as a strong supporter of the space station and urge my colleagues to continue funding for this valuable space and science mission.

When I first came to Congress in 1993, I became a member of the Science Committee and the Space Subcommittee. During the 103d Congress, we lived through the highs and the lows of this program. There was a call for the project to be redesigned, and space station funding passed on the House floor by one single vote.

In early 1994, NASA made significant changes in the way it conducted business. They streamlined the program. For the first time, they named a single overall prime contractor for the space station, and they brought proven private sector know-how, decision-making, and competitiveness into the program.

Russia joined our international partnership, a partnership that already included Japan, Canada, and member countries of the European Space Agency. This provided us the opportunity to use selected Russian hardware, to learn from their experience in extended space flight, and to use the MIR space station for testing and training purposes. We all witnessed the successful results of this partnership earlier this month with the MIR docking.

The new, redesigned station, with Boeing as the prime contractor, forced NASA to trim costs and develop a program that was both fiscally and scientifically sound. The space station budget has been capped at $2.1 billion annually. This is not an open-ended obligation, Mr. Chairman. We will reach completion in 2002.

In 1994, continued funding for the station passed overwhelmingly, highlighting the success and bipartisan support for this program.

Mr. Chairman, with the station, we will promote international cooperation and the peaceful exploration of space. We will spawn new industries, new products and new jobs. We will give rise to unprecedented research capabilities, and we will provide incentives to our students to pursue scientific professions if America remains dedicated to preserving its scientific cutting edge.

Since we began the race for space in the 1950's, this Nation has taken upon itself the role of leader, not only in space exploration but also in space-based research.

For my colleagues who are looking for a down-to-earth, practical reason to support this station, here is one for you: your mother, your daughter, your sister, or your wife. Because of the unique microgravity environment the station provides for research, new and exciting approaches to diagnosing and treating breast cancer, ovarian cancer, and osteoporosis are being investigated in space labs in ways that simply are not possible on Earth.

In fact, Mr. Chairman, as a result of an amendment that I worked on that set aside funding specifically for women's health care research, for the first time on the recent MIR mission female rats were used to study the relationship of long-term space existence on the development of osteoporosis. Biomedical research on Earth, working hand-in-hand with space-based research, will help eradicate this terrible disease that affects our mothers.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. I thank the gentleman for yielding the time.

Mr. Chairman, I simply want to say that some of the cuts in this bill are obviously acceptable in the interest of deficit reduction. But the problem with this bill is that it simply goes too far. It makes what I consider to be savage cuts in housing. It contains a wholesale assault on our ability to protect public health and to protect clean water and clean air and our natural resources, and it contains unnecessary reductions in veterans' health care, all to free up more money in this grand scheme to provide significant tax reduction for people who make $200,000 a year or more.

I do not believe that is right. I would urge at the end of the day after we have had at it on the amendments that unless this bill is improved markedly, and I do not think it can be—I think it is beyond help almost—I would urge you to vote against it.

I have great respect for the gentleman from California [Mr. LEWIS], he is a good friend of mine, but I do not see any reason why we ought to use this vehicle to really crunch in a serious way our ability to protect public health from toxic chemicals.

If you take a look at this bill, fully one-third of this bill, which is supposed to be simply a budget bill, contains illegitimate legislative language that prevents the Government from enforcing the law to protect the health of workers, to protect the right of neighborhoods to know what kind of toxic chemicals are being infused into the atmosphere, to protect the public's right to drink safe clean water, and it engages in all kinds of Rube Goldberg operations in the veterans' health care area in order to squeeze out yet more money for tax cuts for the rich.

This is not a fair bill. It is not a decent bill. It ought to be defeated.

□ 1245

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY], ranking minority member of the Subcommittee on Housing and Community Opportunity.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. STOKES], my good friend who has done yeoman's work on trying to protect the poor and the vulnerable and the working people and our senior citizens in this bill.

Mr. Chairman, the trouble is we just do not have the votes to protect the people that the Republican majority wants to cut in order to provide a tremendous tax break to the richest and most powerful interests in this country, and at the same time, pump more and more funds into the defense bill.

It would be one thing if all of these bills were looked at with any kind of sensibility, but what we have seen is a $7.6 billion increase in the defense bill alone as it pertains to equipment purchases. We are buying B–2's that the Navy and Air Force say they do not need. We are buying F–22's that they say they do not need. The Navy says it really does not need this new submarine, but we are buying that anyway.

But, Mr. Chairman, when it comes to housing, we are going to go out and get public housing, raise rents on our senior citizens, and turn around and say that we are going to try to protect the homeless by cutting the homeless program in this country by 50 percent.

When all sorts of Cain was raised about that, the Republicans are going

to come back in and say they are going to put another $1 million back into the homeless program after 7 years, but they are going to take the money out of assisted housing in order to fund the homeless program.

We are going to create more homelessness and put the money back into homelessness. This is one of the most half-cocked, hair-brained schemes I have ever seen. The authorizing committee ought to have had hearings; made decisions about whether or not we ought to put funds into the section 8 program, versus public housing, versus assisted housing. There are good decisions that could be made and we do not have one of them that is located in this bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE], the ranking minority member on the Subcommittee on Domestic and International Monetary Policy.

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

Mr. FLAKE. Mr. Chairman, I rise today in strong opposition to H.R. 2099.

Mr. Chairman, I think all of us realize that these cuts are targeted to the most vulnerable people in our population, those persons who are in the greatest need, those persons who cannot stand the lethal blow that this particular bill makes available for them.

Mr. Chairman, it is the highlight of arrogance, in my opinion, that we devastate possibilities for community revitalization, that we take those persons who are in need of government support as it relates to section 8 rental assistance and that we reduce the amount available to them, while at the same time raising the amount of rent that they will have to pay.

Mr. Chairman, the height of hypocrisy is reflected in the fact that on this day we unveil a memorial for the Korean War veterans, while at the same time are cutting millions of dollars from the veterans' programs.

As a nation, we cannot afford to continue to allow people to live in substandard housing, allow people to live at a standard that is not qualitative, so that all of our people understand that they have a place in this great democracy of ours.

Mr. Chairman, where is our compassion? If we are compassionate, we will vote this bill down.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, when I refer to H.R. 2099 in one word that word is ''commitment.'' Congress has made a commitment to the people of our Nation to balance the budget and this bill takes a large step in that direction—providing more than $10 billion in deficit reduction. Yes, Uncle Sam can be put on a diet and the Appropriations Committee is his personal trainer.

But Congress also committed itself to end duplication of programs and eliminate the never-ending source of redtape. This bill eliminates outlived bureaucracies and consolidates several programs, with the President's blessing, in an effort to improve services such as better housing for those who need assistance.

Last, the bill fulfills our Nation's commitment to veterans. Our veteran's health is of utmost importance. That is why the VA medical care account was the only account in the bill not to receive a reduction. Assuming that the chairman's upcoming amendment is approved—and I urge my colleagues to support it—the VA medical care account will increase by $562 million more than last year's funding level. But that is not all. The bill provides increases over fiscal year 1995 funding for compensation and pensions, readjustment benefits for education and training, and veterans insurance. The bill also provides funding for medical research, the National Cemetery System, and State veterans' cemeteries, among other essential programs for veterans.

As a member of the VA–HUD Appropriations Subcommittee, I can tell you that this was not an easy bill to draft—and I thank and applaud the chairman and his staff for their dedication to this task. But it is a bill that makes priorities and fulfills our commitment to the people of this Nation to spend their money wisely. That is a promise made and a promise kept by this bill, and I urge my colleagues to support this legislation.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS], a member of the Subcommittee on Housing and Community Opportunity.

Ms. WATERS. Mr. Chairman, I rise in opposition to this bill. It is fundamentally flawed. It would ravage communities, uproot families, and disrupt the lives of thousands of Americans. We must reform public housing, but Republicans have gone about it entirely wrong.

This bill would increase rents paid by residents recieving section 8 vouchers from 30 to 32 percent of adjusted income. The average voucher family has a yearly income just under $8,000. This increase would have the affect of taking away $140 per year from these families.

It would also decresae the work incentive for able-bodied adults.

It would zero out community development banks, a bi-partisan programs which generates private-sector economic development.

This bill reduces housing for seniors, for the sick, and for the needy. It legislates a series of changes which would greatly inhibit our ability to house Americans, expand opoprtunities, and develop economically. It is extreme and it should be defeated. I urge defeat of this bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. ROYBAL-ALLARD], a member of the Subcommittee on Housing and Community Opportunity.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, the cuts contained in the Republican VA–HUD appropriations bill are devastating for working American families. For example, the community development financial institution fund, which helps communities and individuals empower themselves, will be defunded.

The CDFI fund was created because residents and entrepreneurs from low and moderate income communities unfairly experience barriers in obtaining credit.

Many do not qualify for loans to purchase a home or start a business because they lack conventional credit histories. As a result, individuals and communities cannot achieve economic prosperity and self-reliance.

CDFI fund resources leverage private sector funds and provide assistance and training to community development financial institutions.

The CDFI fund is a powerful tool that creates jobs, restores hope, and provides a better way of life for those desiring a piece of the American dream.

Only last year the CDFI received the near unanimous support of Democrats and Republicans. Vote ''no'' on the VA–HUD appropriations bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I want to talk specifically about cuts in this bill which concern me greatly; cuts to the Mission to Planet Earth, a critical NASA program. The President requested $1.34 billion. This bill, unfortunately, includes only $1 billion. That is a lot of money, but it is a very significant reduction from the request and from the level adopted by the Committee on Science this week.

The committee, on Tuesday, reported a bill that authorizes $1.27 billion for Mission to Planet Earth. This is $272 million above the reported appropriation amount.

Mr. Chairman, we should restore that money, if the allocation to this appropriation measure was not so constrained. I understand the problem of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] with respect to the funds available, but this program is a critical program for the future, not only of the space program, but for the future of the ability of those of us on Earth to understand better our environment and our weather.

Mr. Chairman, I would hope that the committee would see fit to increasing this sum as this bill moves through.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I rise today to express my strong opposition to H.R. 2099. It represents a political meat ax, rather than a responsible

carving knife, as we approach the budget process.

Mr. Chairman, there is a 23-percent cut in housing programs, representing more than $5 billion; representing the elimination of personal programs such as section 8, which helps disadvantaged people get housing, and HOPE homeownership grants that allow people to pursue the American dream.

This bill represents a 46-percent cut in housing for the elderly. How some Members could say we are helping the elderly is beyond me. The elderly will pay between an average of 400 and 600 additional dollars per year for senior housing.

Mr. Chairman, this bill represents a 54-percent cut for low-income assisted housing programs, the working poor of our country, and a 49-percent cut in homeless programs, which means that more Americans will be living in cardboard boxes and laying out along the street side.

Critically, it represents a 48-percent cut in construction and improvement in veterans' facilities, which means our Nation's veterans will continue to see inadequate treatment and work in inadequate facilities.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

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

Ms. VELÁZQUEZ. Mr. Chairman, I rise today out of a sense of deep sadness and outrage. Yet again, the majority brings before this body an attack on children, the elderly, and the poor.

The cuts in this bill are criminal. Funding for low-income housing is slashed by $7 billion. Homeless assistance; public and assisted housing; housing for the elderly, the disabled, and AIDS victims; and the FHA multifamily insurance program all suffer steep rollbacks. Many others, such as the Drug Elimination Program, are eliminated altogether. These cuts, Mr. Chairman, aren't about numbers—they're about human beings. There's a human tragedy behind every dollar of these reductions.

On any given night last winter, there were 600,000 men, women, and sometimes children living on the streets. This bill's $540 million cut in the McKinney program would mean that hundreds of thousands more will join them this winter. I urge my colleagues to vote no on H.R. 2099. There is too much pain behind this bill.

A $700 million cut in public housing operating subsidies, and a $2.3 billion reduction in the public housing capital budget isn't an abstraction. These cuts mean delays in both basic maintenance and major repairs; less security services; and the elimination of essential social services. For 3 million public housing residents, the reductions translate into deteriorating buildings, greater insecurity, and fewer opportunities for economic advancement.

Ending the Drug Elimination Program isn't about cutting wasteful pork-barrel projects. In New York City, the program funds 435 housing police officers who patrol the grounds and hallways of New York's public housing developments. These beat cops would be lost.

This is only a partial list of the many tragedies that would result from this bill. At some point in this appropriations process, reasonable minds and compassionate hearts must prevail. I urge my colleagues to reach that point in this bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO], a member of the Subcommittee on Housing and Community Opportunity.

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

Mr. VENTO. Mr. Chairman, I certainly rise in opposition to this bill, because it affects the people we represent.

Mr. Chairman, what do they want from us? What do they expect from this bill? They expect decent, affordable, sanitary shelter. They expect environmental justice. They expect us to try and respond to what their needs are.

We obviously have a budget problem, that is dug deeper by the tax breaks that our Republican colleagues on the other side of the aisle seem to want to advance and dig the hole deeper with our Federal budget deficit. We have to pull in the belt, but we do not have to do it on the basis of the poorest of the poor, the working people, or families.

□ 1300

They want shelter; they want a green environment. They want the same small good things of life. People want us to take the knowledge we have and use it to provide for their need and protection.

There are a lot of people walking around who have got their heads up in the stars. They want to look too and fund the space station. The votes are here for that.

Frankly, to me, it is the alchemists project of the 20th century trying to do something of questionable value at the very same time we have got real serious problems right here in our communities. We have got to advance not just on defeating the budget deficit, the fiscal deficit, but we have got to deal with the human deficit, what is happening to people in our communities. Those that do not have the skills, that do not have the education, do not have the shelter, to give them the wherewithal, those working people, so they can pull themselves up.

We have got to be partners in this process, the Federal Government with the non-profits and others. We cannot walk away from the State and local governments that are depending on these housing and environmental programs. They work. Let us not kill them.

Mr. Chairman, I rise in opposition to this, appropriations legislation that devalues communities and families with slash-and-burn cuts in important programs at HUD and the EPA. While the VA, HUD, and independent agencies bill has essentially insulated important Veterans programs, and saved NASA's space station yet again, this bill has set in its sights the undermining of environmental law and policies and the gutting of basic housing and shelter needs of poor American citizens. These housing cuts measuring roughly 25 percent of the total and budget for 1995 and are all the more dangerous in light of the recently approved rescission bill for fiscal year 1995 that took over $6 billion from HUD.

The underlying bill basically halves the funds available for HUD's homeless programs: assuring that approximately 130,000 fewer homeless Americans will be served this coming fiscal year. These are not just numbers, they affect real people families. They are the lives that won't recover from homelessness by moving into transitional or permanent housing, to jobs and self-sufficiency. Talk about a fiscal deficit must also consider the human deficit. The Minnesota communities of St. Paul, Minneapolis, Hennepin County, and St. Louis County, that could receive over $13 million in fiscal year 1996 for homeless assistance, would likely see $6.5 million less for providing key services and intervention to do just that.

Furthermore, the Federal Emergency Management Agency's Emergency Food and Shelter Program for the homeless is reduced 23 percent by this bill. This highly successful program that partners with the major national charities will find that it will be able to serve almost 24 million fewer meals, provide close to 1 million fewer nights of shelter for individuals and families, and give homeless prevention assistance through emergency mortgage-rent-utilities payments in close to 200,000 instances in the next fiscal year because of this bill.

To add salt to the budget cut wounds, this appropriations bill will cut public housing modernization funds and operating subsidies funds, forcing an increase in vacant unit, a reduction in maintenance and less spending on necessary security and social services. These cuts will mean almost $19 million less for housing authorities in Minnesota alone. The underlying bill then ironically asks low-income families, who do not have income to spare, to kick in more of their meager funds through minimum rents, a repeal of the decades old Brooke amendment that limits the percentage of their income spent on rent, and through the inclusion of utilities payments which of course is a significant cost in extreme climate areas such as Minnesota. All of this, without one hearing on the implications of these policy changes in our Housing and Community Opportunities Subcommittee at the Banking Committee.

This bill eliminates the Congregate Housing Services Program. It combines elderly, disabled and HIV/AIDS housing programs into one program and then cuts their funds 46 percent. It wipes out the successful Public Housing Drug Elimination Program. This program, which I tried to expand last year, often provides the extra support necessary for public housing authorities [PHA's] and their residents to make a difference in their lives. For example, in St. Paul Public Housing, this program is being used to offer a STEP Program: Support for Training and Employment Program. STEP provides job training with individualized

case management. This particular program partners with the Minnesota Department of Education, the U.S. Department of Health and Human Services, and St. Paul Public Schools.

This appropriation bill further reneges on decent, safe, affordable housing for all Americans by eliminating funding for new incremental section 8 rental assistance. This move will resign the millions on waiting lists today to an certain terminal wait in substandard housing or our Nation's streets.

The VA, HUD and Independent Agencies appropriations bill continues the assault on underserved communities by killing AmeriCorps, the FDIC Affordable Housing Fund, and the Community Development Financial Institutions Fund. The CDFI fund that was created in late 1994 to provide a national network of financial institutions dedicated to community development. It was bipartisanly supported at that time—and, even in the recent 1995 rescissions bill assured that the CDFI would have $50 million as it streamlined and reduced the administrative costs of the program.

This program is unique providing capital support for CDFI's to use to leverage or to provide incentives for more traditional thrifts and banks to increase community investment and lending. This Clinton initiative is about developing private markets in distressed communities in order to create jobs, provide housing loans, construct affordable housing, and provide other opportunities to help communities and individuals to help themselves through access to capital. The CDFI program should be funded. It has broad support from community groups and lending institutions alike. It is petty politics that sees it defunded today and I would hope that this Congress could rise above that and seek good policy instead.

In a year of relentless attacks on decades of environmental policies and laws, the Appropriations Committee budget plan for the Environmental Protection Agency [EPA] sets a new standard for outrageousness. The VA, HUD and Independent Agencies Appropriations bill for fiscal year 1996 cuts EPA's operating budget by one third and enforcement budget by 50 percent. The legislation prevents EPA from enforcing central parts of the Clean Water Act, the Clean Air Act, and other major environmental programs.

Because of these proposed radical cuts, the bill would reduce the ability of the EPA to respond to threats to the environment and human health. In the long run, this approach will mean more water pollution, more smog, more food poisoning, more toxic waste spills, and eventually, more taxpayer dollars spent to solve these problems.

It is particularly egregious to use the budget process to eliminate critical programs that protect public health and the environment—the Appropriations Committee should not be prohibiting any agencies from enforcing Federal law. If Congress intends to repeal or roll back environmental protection statutes, these changes should be debated out in the open. The American people will not stand for this give away to polluters behind closed doors.

Mr. Chairman, as I have stated, I have so very many concerns regarding this bill that I must certainly and will oppose it. This bill is full of authorizing language that reflect policy changes that have not been reviewed by the Committees of jurisdiction much less the public. This Congress has its priorities all wrong: Tax breaks for the rich, $2 billion in pie-in-the-sky funds for space stations our modern day alchemy, and giveaways for corporations who plunder our natural resources, while at the same time, eviscerating affordable housing, gutting environmental safeguards, and cutting funds for our most vulnerable citizens, the homeless. I do wish to be associated with supporting these ill-conceived attacks on our future and I urge my colleagues to oppose this bill.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, once again, I am pleased to rise in support of an appropriations bill both because of its substance and the process that molded it.

Chairman LEWIS fully consulted with the Science Committee on programs under our jurisdiction. The result is a bill that closely tracks the NASA and NSF authorizations reported by the Science Committee over the past 2 months.

H.R. 2099 starts the transition of NASA from an operational service agency to a premier research agency. Space science and human exploration are the priority as evidenced by full funding of such programs as the Cassini Saturn mission, Gravity Probe B, and the paramount space-based basic research laboratory known as Space Station Alpha. Revolutionary new efforts such as fundamental research in support of private sector development of fully reusable launch vehicles and small satellite and spacecraft technology is also promoted.

NASA programs that continue the Government as a service provider are transitional to the private sector. These include the space shuttle and Mission to Planet Earth. American commercial interests can provide both space transportation services and environmental and planetary data much more efficiently and effectively than huge, inflexible Federal bureaucratic armies that too often lack creativity and incentive.

The other shining jewel for science in the VA–HUD bill is NSF. Its basic university research grant funding is held virtually harmless at its current level. Not too many Federal missions can claim that fact. This appropriation follows the Science Committee's lead in promoting the priority of basic research in the physical science directorates.

So, all in all, Mr. Chairman, this is a very good bill. It makes significant progress on deficit reduction while also setting wise priorities for the future knowledge base of the Nation. I thank and commend Chairman LEWIS for accommodating the Science Committee's policy goals. I strongly support the bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR], a member of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding.

Sadly, I rise in opposition to this bill, which we have worked so very hard on.

Let me say for the record that I voted for almost every balanced budget amendment that passed this House and maintain a voting record that proves that.

This bill is truly too severe. It cuts housing in our country by over 23 percent. It means seniors living in buildings across this country will be paying $1,000 more a year even though they make $8,000 a year. It means our mayors will have to choose between homeless, where funds are being cut by half, and drug elimination programs, and I think that EPA's cut of 33 percent, when we have got dumps and leaking dumps all over this country and toxic waste that we have to clean up is really wrong.

I think the President had a 2-percent cut in this budget. I think that was reasonable. This budget is too extreme, too sever, and in addition to that, if you read the provisions in the report, it even tries to undermine EPA's ability to enforce environmental standards along our border as a result of NAFTA.

It is even undermining environmental enforcement. I encourage my colleagues to vote ''no'' on this measure.

Mr. Chairman, sadly, I rise in opposition to this bill. It is too extreme, at the same time too severe. I want to commend the distinguished chairman of our committee, the gentleman from California [Mr. LEWIS], for his cordial handling of this very complicated bill and to express my sincere appreciation for his efforts in restoring $10 million of funding to the Department of Veterans Affairs' Health Professional Scholarship Program by transferring funds from other accounts. I also want to acknowledge the diligence an wise counsel of the ranking minority member, the gentleman from Ohio [Mr. STOKES], on this bill.

Let me point out, I voted for the budget amendments that passed this House and maintain a voting record that proves it. But this bill is not even-handed—it cuts environmental protection by one-third; it cuts housing and senior housing by 25 percent, and it cuts medical care by $250 million at times when our World War II veterans are using the system in greater numbers.

INTRODUCTION

The programs under our committee's jurisdiction provide assistance and benefits that help millions of Americans achieve a better life. Included are programs for medical care and benefits for our Nation's veterans, affordable and decent housing for families and individuals of all incomes and circumstances, a safe and clean environment, and investments in technology and science.

Rather than cutting these budgets by a reasonable amount—say 2 to 5 percent—it axes support for key national commitments. The overall effect of the bill before this body is to seriously erode our efforts for veterans, housing, and the environment. This bill provides inadequate support for our Nation's veterans,

and it will impair our ability to provide them quality medical care. It also makes deep cuts in the funding for the Department of Housing and Urban Development—25 percent—and the Environmental Protection Agency—32 percent. In addition, this bill continues to fund one very big-ticket item, the space station, at the expense of other programs under the committee's jurisdiction, including ones designed to assist the poorest, the neediest, and the most vulnerable among us. I disagree with the severity of the reductions. And what makes it more egregious is that all the savings will not be used to balance the budget. Rather, the money is being controlled to give tax breaks to the Fortune 500 ''big daddies'' later this year. This is simply wrong.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Let me say, I am grateful to the chairman for his willingness to work with me to fund the Health Professional Scholarship Program. This educational and training program assists in assuring an adequate supply of trained health professionals, not only for the VA but also the Nation. To date, these scholarship awards have provided more than 4,000 scholarships to students in nursing, occupational therapy, physical therapy, respiratory therapy, and nurse anesthesia. I thank the chairman for his strong willingness to cooperate and provide leadership on this health scholarship program which helps advance professionals during a time when tuition costs are skyrocketing.

Upon graduation, students are required to complete 2 years of service in the VA health system, and the retention rate of the scholarship recipients in VA medical centers is greater than 50 percent.

The flexibility to provide scholarships for the education of a variety of health professionals has made this program particularly useful as changes have occurred in the delivery of health care services. As the program has identified shortages in particular categories of health professionals, the numbers and types of scholarship awards have been shifted accordingly. For example, in fiscal year 1994, more awards were made for advanced practice nurses, in contrast to entry-level nurses, and for physical therapists and occupational therapists. These are the health professionals currently in shortest supply in the VA, and they are anticipated to be needed nationwide in the future. This academic year, the program will be adding physician assistant awards to meet the needs of a health care system that is increasingly focusing on primary care.

The funding of this program is vital to the recruitment and retention of scarce health professionals in the VA, and it is necessary to be responsive to the health care needs of veterans who have courageously defended this Nation. I thank the chairman for his strong leadership on this program.

EAP/NAFTA REPORT LANGUAGE

I also oppose this bill because it contains too much free rein with legislation on an appropriation bill.

In addition, the report to this bill contains language which undermines our ability to enforce NAFTA. The report to the bill questions EPA's use of subpoenas to collect United States-Mexico border environmental data it infers EPA's issuing subpoenas to American companies with subsidiaries located in the vicinity of the New River and Imperial Valley in southern California, has somehow contravened NAFTA. This language is just one more example of the influence of big business lobbyists, and the extent to which the majority has subordinated the health and safety of our continent to pure greed.

Everyone knows that the EPA is well within its authority in issuing these subpoenas. They were issued to U.S. companies, which are required to comply with existing U.S. standards. The NAFTA contains provisions that protect our rights to determine and apply our own levels of environmental protection, and the Toxic Substances Control Act specifically authorizes the EPA to issue subpoenas as it did in this case. My colleagues on the other side of the aisle would be better served by listening to the Member of their own party who represents the district in question rather than the special interests and big business lobbyists who would use report language such as this in an attempt to intimidate the EPA into backing off of an investigation which would have major health implications for our citizens.

CONCLUSION

As I outlined earlier during the debate on the rule, I also oppose this bill because it zeroes out the effective drug elimination program. That has stemmed the drug tide across this Nation. Because of its elimination as well as the reductions in other vital programs that help veterans, the elderly, and children, I must oppose this bill and urge my colleagues to do the same. The bill is not balanced, and its savings will not help reduce deficit, but rather be transferred to billions in tax breaks to the privileged few. How sad.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the 1996 appropriations bill for the Department of Veterans Affairs, the Department of Housing and Urban Development, and independent agencies.

The Republicans have once again adopted a paint-by-numbers strategy to reach their arbitrary deficit reduction target and finance a tax break for wealthy special interests.

How simple is their strategy? Remarkably simple. And remarkably cruel.

Draw a line through those programs that help the poor, the needy, and the less fortunate. Slash your way across the Department of Housing and Urban Development, and the Department of Veterans' Affairs, until you reach the Environmental Protection Agency.

Once again, the Republican's have enacted wholesale change that will significantly decrease the quality of life for millions of Americans.

The Republicans profess to have our long-term interests at stake, but their actions—in this case—speak loudly and clearly.

This bill not only risks the health of our veterans, but the health and safety of all Americans.

Unable to eliminate the EPA, my Republican colleagues have done their level best to cripple this agency and eviscerate programs that ensure every American has access to safe drinking water, clean air, and a toxic-free environment.

Mr. Chairman, along the way, strike a crippling blow against housing programs that provide affordable, safe, and decent housing for the elderly, the poor, and the sick.

When you are painting by numbers, when your goal is driven by numbers, not by people, it is easy to pursue your goal with abandon.

I would like to take this opportunity to remind my Republican colleagues that behind those numbers are real human beings, living real lives, and struggling to get by in tough times.

A great number of the public housing units in this country are occupied by elderly women. And over a million of our children—of America's children—live in public housing units. For many of these kids, just about the only thing they can depend on, from day-to-day, is a place to go home to at night.

This bill slashes public housing operating subsidies and modernization funds. The bill eliminates—obliterates—funding for severely distressed public housing and development, in addition to new housing vouchers and certificates for the poor.

If you are homeless, forget it. The Republicans have decided to paint you out of the picture, cutting homeless assistance grants by 50 percent.

The Republican approach is really very simple. They shake your hand and direct your attention to the magnificent prize behind curtain No. 3. When you turn your head, they reach around and pick your pocket.

Hundreds of thousands of families who depend on section 8 assisted housing will get their pockets picked if this bill passes. At least 600,000 families in public and section 8 assisted housing will pay more every month in rent unless we reject this bill.

While we debate these cuts, I urge my colleagues to remember that this week marks particularly poignant moment. Today, we will dedicate a monument to the veterans of the Korean war.

There are few Americans more deserving of our support than these veterans, and the veterans of our wars of the last half-century.

Yet, the Republican bill cuts $250 million from veterans medical care and zeroes-out funding for a replacement VA hospital in northern California that was to service a veterans population of over 400,000 men and women. These cuts are unwise and break a promise that Congress made to northern California veterans 4 years ago.

Without adequate support, the VA will simply be unable to meet the increasing demand for health services as our veterans population ages.

This bill cuts the EPA budget by one-third, hazardous waste cleanup programs by 30 percent, and funds for wastewater treatment facilities by 25 percent.

Perhaps most devastating is the legislative language in this bill that would prohibit the EPA from taking action to clean our environment. These include restrictions on the EPA's ability to regulate sewer systems, wetlands, refineries, oil and gas manufacturing, radon in water, pesticides in processed food, lead paint, and water pollution.

Some very important programs—such as the Sacramento River Pollutant Control Program—have been funded in this bill. With this funding, Sacramento County will be able to complete the process of identifying which pollutants exceed water quality standards.

Once this is accomplished, the county can develop a feasible, cost-effective plan to address the problem of pollution in the Sacramento River.

While this critical program has been funded, hundreds of others around the country have not.

The Sacramento River Pollutant Control Program is a step in the right direction. But it does not begin to make up for the hundreds of steps back in this bill.

All of us have been asked to make sacrifices to help balance the Federal budget. We are prepared to make those sacrifices. But no one—not one American—should have to sacrifice decent living conditions or a clean environment to finance a tax-break for Republican special interests.

Mr. STOKES. 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, I have the utmost respect for the chairman of the subcommittee and the ranking member, but I do want to say to this House and to this country that to cut VA, HUD, and independent agencies as they have been cut in this bill is obscene, and it is not credible, and it does not show responsibility on the side of the Republicans' part of our House.

I have served with them for 2 years, but I cannot believe that our good chairman on the Republican side would cut these housing programs and gut them for poor people.

I want you to go with me for a moment or two and realize that there are poor people who live in public housing whose water has sewage in it, whose housing is really, really depreciated to the point that they can not live in the housing. It makes just a mockery of poor people who need public housing.

If government is any good to anybody, it should be good to poor people.

You zero out funding to seriously distressed public housing. I appeal to you to, please, redo some of the things in this bill.

First of all, you need to kill this bill, because it deserves a respectable death.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES] for yielding this time to me.

Mr. Chairman, this bill is very big on the deficit and tiny on fairness.

Certainly, we have to contribute and share the sacrifice in moving to a balanced budget by the year 2002. But we should be as concerned about the millions of senior citizens in this country as we seem to be about housing for astronauts in space. Our priorities should not be just about four astronauts being housed in comfortable quarters but about being fair to millions of seniors and low-income people and not slash their budget by 23 percent.

Let us make some of the tough choices around here and cut a B–2 bomber or two that the Defense Department does not even want. Let us cut back on the CIA and the tobacco subsidies. Let us not decimate NASA and the space station.

Other people have said the NASA budget is good. That is not true. Mission to Planet Earth is cut by $338 million. Science, aeronautics, and technology is cut by $313 million.

Let us be fair in our efforts to move together in a bipartisan way to balance this budget.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA], the ranking member of the Committee on Transportation and Infrastructure.

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

Mr. MINETA. Mr. Chairman, this is a bad bill. Through targeted spending cuts, restrictive language, and legislative riders, this bill is designed to assure less environmental protection and increased risk to the health and safety of our constituents. Without substantial changes, the House should reject this bill and allow the Appropriations Committee to develop a bill which is worthy of support.

Mr. Chairman, H.R. 2099 reduces funding for the Environmental Protection Agency by over one-third. This is unconscionable. While all agencies can use trimming of their budgets, we should be reviewing unsuccessful programs for cuts. Instead, this bill inadequately funds many of the programs which have proved to be highly successful—programs such as the Clean Water Act State revolving loan fund program. This is not cutting the fat, this is cutting the lean.

It also inadequately funds the Superfund Program with the excuse that this is a transition year for that program. If this bill is part of a transition, it is a transition to disaster.

This bill makes the funding of assistance to States and local governments subject to reauthorization of the Clean Water Act. It creates a hostage of every constituent who is concerned about clean water. It would also cut off funding for the Superfund Program on December 31 of this year. It creates a hostage out of every constituent who cares about cleaning up toxic waste sites.

Why does the bill contain these restrictions? Unlike past years, this is not about the prerogatives of the authorizing committees under the rules of the House. No, the restrictions of H.R. 2099 are designed to put pressure on the Senate to adopt the House position on waivers, loopholes, and rollbacks for industrial polluters which were included in H.R. 961.

That's right, the needs of State officials for money to operate State programs, the needs of cities to construct improvements in wastewater treatment, and the needs of the people for improved water quality are all being put on hold so that industrial dischargers might have more leverage in convincing the Senate to accept waivers, loopholes, and rollbacks of the Clean Water Act.

Throughout the clean water debate on this floor, proponents of the legislation repeatedly argued that the States know best, and that the States must be allowed the maximum ability to control water pollution decisions. But now, when it is time to actually indicate your support for cities and States, to literally put your money where your mouth is, the interests of State and local governments are being swept aside so that industrial polluters can have increased leverage in the Senate.

Under H.R. 2099, States and local governments are held hostage in receiving $1.4 billion in grants to implement the Clean Water Act programs, even as cities and States continue to bear the burden of State and Federal requirements to improve water quality. This bill is the mother of all unfunded mandates. This is not what the cities and States want, and it is not what the citizens who we represent deserve.

H.R. 2099 is an abuse of the legislative process, and an abuse of the interests of State and local governments.

In Clean Water alone, the funding in H.R. 2099 is far below what is required, and far below the levels which the House approved just 2 months ago.

The most recent estimate of needs generated by the States indicates that there are documented needs of over $130 billion over the next 20 years. At the funding levels of this bill, it will be impossible to ever fully capitalize the State revolving loan funds so as to meet these needs.

Additionally, the House budget resolution assumed a funding level of $2.3 billion annually for the water infrastructure account. During consideration of the clean water amendments of 1995 in May, it was the opinion of the majority of the House that the funding authorization level should be reduced to match the budget resolution. I opposed that amendment, and many of you joined with me. Now, even that reduced funding level is cut in half.

What we see is just one broken commitment after another to the cities and States. Promise the cities and States $3 billion to get support for gutting the Clean Water Act. When critics raise concerns about the bill, proponents argued that H.R. 961 was a strong bill because it provided $3 billion annually to the States.

But then the House Budget Committee developed a budget resolution which assumed spending of $2.3 billion annually. So the Republican leadership supports an amendment on the floor to reduce the authorization level to $2.3 billion to conform to the budget resolution. Now, we are being asked to approve a funding level one-half of the promise made just 2 short months ago.

This sounds again like promises made, and promises broken.

However, as objectionable as these funding levels are, this bill is totally unacceptable for the way in which it seeks to radically alter the implementation of the Nation's environmental laws. In all my years in the House, I have never seen a more outrageous attempt to dismantle environmental protection through the appropriations process.

Changes to the Nation's environmental programs should be debated within the context of the proper committees of jurisdiction. Instead what we have here is an attempt to gut the major environmental statutes by tucking legislation in the back of an appropriation bill at the last minute—legislation which would never survive public opinion if done in the open and through the normal process.

Let's look at some of the more egregious provisions.

Under this bill, EPA is prohibited from using any funds for the implementation of the Great Lakes water quality guidance, notwithstanding the enormous amount of work which States, local governments, private citizens, and EPA have put into the development of that guidance.

This guidance was the subject of two separate amendments during markup of the clean water amendments of 1995 by the Committee on Transportation and Infrastructure. Over the course of 2 days, a compromise was developed which was adopted by the committee. While the compromise clearly did not please all parties, it allowed the authorizing committee the opportunity to fully debate and consider the issue. In the end, the Transportation Committee specifically approved the use of the guidance. This thoughtful and deliberate process would be overturned should the provision in this bill restricting the use of funds remain.

Another of the restrictions prohibits EPA from taking steps to stop raw sewage overflows regardless of the environmental consequences of these overflows. These are the same overflows which cause beach closures and prevent the consumption of shellfish. This is not an imaginary concern, and it is not without its economic consequences. In 1994 alone, polluted water caused at least 2,279 swimming advisories and beach closings. This results in the loss of millions of dollars in tourist and recreational dollars, and thousands of lost jobs.

This bill says that EPA cannot address the serious issue of stormwater pollution, even though it often represents the major pollution problem in urban areas. This restriction would bar enforcement not only of municipal stormwater violations, but also of all industrial stormwater violations as well.

While I have long supported changes to the municipal stormwater program to make it more responsive to environmental needs and the economic realities of the cities, it is not the role of the Appropriations Committee to stop all efforts to address this serious problem. Not even H.R. 961 did that. Yet, that is what we have here before us.

EPA is prohibited from taking any action to implement or enforce the wetlands program. Clearly the Nation's wetlands program is in need of reform, but it is not in need of wholesale abandonment. H.R. 2099 will allow illegal activities to proceed unabated, regardless of the impacts on adjoining property owners since EPA will be powerless to assist in any enforcement activities. If this bill is enacted, upstream property owners will be able to fill wetlands with no risk of EPA interference. Upstream property owners will be able to contribute to flooding and water quality degradation downstream with no fear of enforcement of the law by EPA. This is not wetlands reform, this is an abandonment of the protection which we all expect our Government to provide.

The bill prohibits EPA from revising or issuing effluent limitations guidelines and standards, pretreatment standards, or new source performance standards notwithstanding the need of industry, States and localities for updates of existing standards. Yet, it is these standards which the States use for the dramatic improvements in water quality which we will enjoy. If this language is enacted, there are two likely results—either all progress in improving water quality will stop, or States will have to go this route alone. I do not believe that American people want improvements to stop, and telling the States that they must develop standards and guidelines on their own is a very expensive proposition for the States.

H.R. 2099 creates a new right to pollute the environment with no fear of repercussion. First, it reduces the enforcement budget of EPA by nearly $130 million. Second, it creates an entirely unfounded and new defense to any enforcement action. No penalties may be sought against a polluter if the matter is subject to a State law providing for a privilege for voluntary environmental audit reports. This may be the biggest ''Get Out of Jail Free'' card which ever existed.

Under this language, a polluter would be able to escape any penalty for environmental violations, no matter how severe, if the polluter merely turns himself in. In addition, this language is written so broadly, that the admission need not be related to the pollution which is the subject of the enforcement action. If this language is taken to its extreme, it appears as though it is not even necessary that the State law providing for immunity and the pollution need to have taken place in the same State.

Imagine if you would, the ability for a polluter to escape responsibility merely by reporting the polluter's own wrongdoing, and even if the reported wrongdoing is unrelated to the environmental harm caused by the pollution.

H.R. 2099 also would permanently waive categorical pretreatment standards for a single wastewater treatment plant in Kalamazoo, MI. Why this particular plant, and why right now? There has been no public discourse over the merits of such a broad exemption. Yet, the appropriations process seems to be the place where all your concerns with environmental laws can be addressed, and all environmental protection abandoned.

Mr. Chairman, the concerns I have just outlined are more than enough reason to oppose this bill. Unfortunately for the interests of our constituents and the environment, I have barely touched the surface. H.R. 2099 includes many more riders and restrictions on the ability of EPA to perform its responsibilities under the law and to fulfill the expectations of the general public. Many of these riders and restrictions favor specific industries or specific locations—industries such as oil, cement kiln, and pulp and paper, and locations such as Kalamazoo, MI, and the Kammer power generating station in West Virginia.

Each of these special riders or restrictions must be removed from the bill prior to House approval. That is why I intend to support the Stokes-Boehlert amendment to delete the riders and restrictions. The waivers, loopholes, and rollbacks which H.R. 2099 contains clearly make this an unacceptable bill.

I urge defeat of H.R. 2099.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON]. No Member has been more diligent in representing his district and more cooperative with the committee than the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I commend the chairman for the hard work that he has been doing.

It must be made very clear to all Members that if we do not balance our budget, there will be no resources for important programs like that NASA, like VA, and like HUD.

I support the chairman in the outstanding efforts in making sure that our manned space flight program is funded in this budget, particularly the space station.

I do have some concerns about the provisions in this budget for VA medical care in my district as well as some concerns about senior housing. I believe that we will be able to address some of these issues in an upcoming amendment on this bill.

However, I cannot overstate the importance that if we do not move toward a balanced budget, all of these crucial programs will no longer exist.

I commend the chairman. I commend all the Republican Members as well as the Democrat Members on the other side of the aisle for working very hard to getting us toward that goal, that goal that has been so elusive for so

many years and years and years, up until this new Congress, of balancing our budget and moving our Nation toward a future of prosperity not only for the people alive today but as well for future generations that will not be inheriting bankruptcy.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I rise today recognizing what we have to do regarding a sound fiscal policy.

But I also rise to say that we must give hope to the homeless. We have some 600,000 individuals who are homeless at any given night, and these cuts specifically in Homeless Assistance would fall heaviest on the poorest Americans. A national sample found the average monthly household income among homeless persons was less than $200, regardless of household composition.

Mr. Chairman, I am asking we give hope to the homeless. I would like to see more money added. I hope I will be able to offer an amendment that adds an additional $25 million to the homeless so they will not be hopeless.

I think the key issue is investment. Are we investing in people so that they can make a difference in their lives?

I think the Stewart B. McKinney Homeless Assistance Act supportive housing [SHP] funds for the homeless have been utilized successfully and productively. It provides the homeless with an opportunity to be housed, but at the same time it provides the homeless families with support services. In addition to this program, housing for those living with AIDS is vital. My local government and community in Houston found that those individuals suffering with AIDS can live in dignity if we provide them with support services and good housing.

We are here today to give hope, Mr. Chairman, and I hope we will give hope to the homeless by providing them the opportunities to make a difference in their lives.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise in opposition to this appropriations bill, VA, HUD. Cuts go too deeply. They have cut housing, veterans, space, environmental programs, HUD cut 23 percent, deepest cuts against the homeless people, funds for the elderly and disabled cut in half, operating expenses for improving public housing cut, elderly and low-income people soon to become homeless, EPA cut 33 percent, the Superfund toxic waste sites cleanup cut a third, the State revolving loan funds for sewage treatment plants cut in half, no funds for safe drinking water loan fund, veterans cut $1 billion, almost, veterans medical care cut $250 million under request, VA administrative costs and construction costs $500 million below requests, no new veterans hospitals, services to veterans who are now receiving it, 916,000 of them will be cut, the President's National Service Program cut.

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Cuts, cuts, cuts, cuts. We need to do something better than this. We need to send this bill back. This appropriation is insufficient, and I urge my colleagues to oppose it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES] for yielding this time to me. I rise to oppose H.R. 2099. The Republican majority finally has to reveal how they pay for $245 billion in tax cuts mostly for the wealthiest handful of Americans and who will get hurt. The hour of reckoning is here.

Who gets hurt? Well, yesterday it was our neighborhoods which lost the certainty of security that more cops on the streets have given them. Today the victims of the Republican assault are the homeless and low-income families who lose billions in housing assistance. Today it is middle-class students who lose the opportunity to serve their country while paying for college. Today it is our cities and rural areas which lose millions in community development block grants. At a time when the majority is block-granting everything in sight, they choose to slash this effective, flexible block grant that was established 20 years ago by President Nixon. Today it is our environment that takes a hit. Clean water, clean air, safe drinking water, the cleanup of hazardous waste; all are hurt by this bill.

Mr. Chairman, these are just a few examples of the harm done in a bill that at the same time preserves funding for the archaic Selective Service and gives billions to the space station. This bill typifies the Republicans' agenda: Slash funding for housing, education, training, and job creation for average Americans to finance tax cuts for the handful making over $100,000 a year.

Vote against this bill.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

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

Mr. STUMP. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for the tremendous job he has done in crafting this bill.

Mr. Chairman, I rise in support of the bill and want to compliment subcommittee Chairman LEWIS and Chairman LIVINGSTON of the full Appropriations Committee for their work on this measure.

They have made some of the most difficult decisions to implement the budget resolution mandate to balance the Federal budget by the year 2002.

The bill reduces virtually every agency under its jurisdiction below last year's spending level except the VA.

Compared to fiscal year 1995 spending levels, HUD is decreased 25 percent, EPA 32 percent, NASA 5 percent.

On the other hand, the bill puts VA's total spending levels slightly above 1995 rather than cutting it substantially.

The bill fully funds the President's request in several areas, with spending over and above the fiscal year 1995 level.

These include compensations for veterans with service-connected injuries, pensions for war-time veterans, education and training readjustment benefits, insurance programs, and the VA Home Loan Program.

Major construction is not as much as last year because the bill does not fully fund the two new inpatient hospital construction projects in the administration's request.

Medical research, which is very important to VA's ability to attract high-quality health care professionals, is funded at last year's level.

The national cemetery system is funded at last year's level to maintain this important activity.

I believe the cemetery system is in particular need of long-term attention because of demographic trends facing the veteran population.

Between 1990 and the year 2010, the VA projects that the veterans population will decrease by about 7 million veterans, or 26 percent. Many of these veterans will desire to be buried in a national cemetery and the VA should be ready.

The annual operating budget for the cemetery system, as well as grave site development in existing cemeteries, and establishment of new cemeteries should receive high priority than they are currently getting.

I will continue to work closely with the Appropriations Committee and the VA to expand and improve our national cemeteries so that veterans may be accorded the last measure of dignity a grateful Nation can provide in recognition of service to country.

H.R. 2099 increases VA medical care by $563 million. This is 75 percent of the administration's requested increase, and puts VA medical care spending at $16.8 billion for fiscal year 1996.

This increase has been accomplished through a combination of additional appropriated dollars and legislative savings which will probably not be possible again next year.

The VA should use this year to prepare for tougher fiscal constraints through management initiatives such as the New Visions Networks and the North Chicago hospital example.

Integrating VA medical centers and other health care facilities on a regional basis can eliminate or reduce duplication of capacity and administration.

Recent testimony in the Committee on Veterans' Affairs by the Disabled American Veterans indicates that the North Chicago VA Medical Center has implemented an HMO-based model of health care delivery.

Their experience apparently shows that since October of 1993, the number of veterans enrolled in their managed care plan increased fivefold.

In less than 10 months, the number of acute days of hospital care per $1,000 enrollees fell by 85 percent.

This was due to a reduction in the consumption of acute hospital resources due to

50 percent reduction in hospital stays; 90 percent reduction in the need for acute hospitalization for nursing home care unit patients; and 98 percent reduction in acute hospitalization for detoxification resulting from a shift from inpatient medical evaluation of these patients to an outpatient medical evaluation.

The facility was able to reduce from five to only two the number of acute hospital wards, representing a 63 percent reduction in beds.

The medical center estimates that they have tripled their efficiency. Quality of care was maintained while their operating costs were reduced dramatically. It is projected that annual potential savings could exceed $15 million.

Also, the realignment of services allowed for a reduction of 170 full-time positions.

If such projected savings and increased efficiencies prove out, this example should be duplicated as much as possible throughout the VA system.

The VA should aggressively pursue initiatives which can help reduce fixed costs and overhead, so that funds can be shifted to delivery of health care and other services.

The VA should eliminate or merge duplicative positions within the Veterans Health Administration and Veterans Benefits Administration bureaucracy in areas of procurement, personnel, logistics, EEO, administrative services, and finance.

Such duplication is acutely apparent in the departments of Veterans Affairs organizations that are collocated or within networking proximities.

The VA should also actively pursue privatizing service areas such as third party insurance collections, laundry services, food service, and computer software development and fire protection services.

The department currently has a tremendous opportunity to reap savings by more proactively implementing the Energy Policy Act of 1992.

The DOE recently published final rules for accelerating installation of energy conservation measures in existing federally owned buildings through energy saving performance contracts with the private sector.

These contracts allow Federal agencies to contract for energy conservation equipment and services with performance guarantees, and pay for them in the future from resulting energy cost savings.

This program could boost energy efficiency investment significantly beyond what can be purchased with appropriate funds.

The VA can use those savings to help maintain services during tighter fiscal times.

The Veterans' Affairs Committee will continue to explore proposals to increase VA's flexibility to provide health care at the most appropriate level and in the most cost effective way.

Working within current budget constraints, we will pursue eligibility and health care delivery reform. We will also look for additional revenue sources for the VA health care system.

I hope the VA will more aggressively pursue areas where it can save money to use for direct care rather than continuing to threaten closure of significant parts of the system.

The VA should close its 22 golf courses and sell off all its excess land before closing any hospitals.

The amount of money the VA receives each year is obviously critical to the amount of care which can be provided.

But just as important is what the VA does with those dollars.

Given a rapidly declining veterans population, the VA must improve strategic planning for its health care system, reevaluate infrastructure needs, enhance contracting and sharing agreements, and continue the shift away from expensive hospital inpatient care.

Mr. Chairman, I urge Members to support the bill.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I would tell my colleagues that I have shared some of the serious reservations that others have expressed on this floor today with the bill as it was reported from the committee. But may I say to the chairman of the committee that, as a former ranking member of the HUD subcommittee, I was very concerned about the HUD budget and the housing for the poor and the homeless. Let me be clear there is no question that HUD was certainly primed and ready for significant reductions. It is badly in need of reform, and in fact I would like to say it is in need of reinvention.

That having been said, may I say that I understand the problems that the committee had in reaching our budget targets, and they were enormous. But I, along with the gentleman from New York [Mr. LAZIO], quickly went to our committee members to state our concerns, particularly the concerns for the senior citizens, and the disabled, and those AIDS sufferers that have been talked about. Certainly these are needy and vulnerable populations, and, more than that, for those of us who worked with HUD over the years and on these programs, we also know that these programs are not only among the most popular programs, but from my perspective among the most scandal-free and well-run programs in HUD, and so I was very pleased when Mr. LEWIS, the subcommittee chairman and others on the committee were responsive to our concerns.

We will talk a little bit more later about the manager's amendment, but I do want to say that many things have been corrected in this legislation. We have targeted with humaneness and sensitivity the problems that are most in need of reform and at the same time protected the concerns of the vulnerable populations.

Compared to current funding levels, the bill deeply cuts appropriations for virtually every department and agency funded by the measure. Most significantly, the measure cuts funding for HUD by 25 percent and EPA by 32 percent.

While at the same time, the NASA budget is cut by a mere 5 percent—assuming full funding of Congress' new sacred cow, the space station. This is despite the fact that continuous redefinition of the goals and designs have inflated the cost of this project more than $63 billion over budget before its completion. And despite the fact that after 11 years, not one piece of hardware has been put into space for this project.

As the former ranking minority member on the Housing Subcommittee, I was very concerned about the effects of the cuts in the HUD budget.

Let me be clear, HUD was primed for significant reductions. It is badly in need of reform—significant reform. Indeed, reinvention.

But as the bill was reported out of committee, the combined cut to the programs affecting seniors, disabled persons, and people with AIDS—those people with special needs was 47 percent, from $1,852 billion in fiscal year 1995—prerecission—to $1 billion in fiscal year 1996. These seniors, disabled and AIDS suffers, are among the most needy and vulnerable. And, I must stress these 202 and 206 programs are among the most popular and well run scandal free of all the programs under HUD jurisdiction.

With that said, let me say that I recognize the difficult task that our members on the Appropriations Committee have before them. If we are to meet the goal of a balanced budget by 2002, we must make difficult decisions and significant changes in Federal spending.

We must work to fund the programs that work well and perform essential service while beginning the process of reducing or eliminating programs that are repetitive or ineffective.

For this reason, I will be supporting Chairman Lewis's amendment to H.R. 2099. This amendment addresses many of the concerns raised by both Chairman LAZIO and me. Including, retaining the ceiling of 30 percent on the retail levels for public housing tenants.

I share the concerns of some of my colleagues across the aisle about rent increases for residents of public housing. That's why I worked with Chairman LAZIO of Housing Subcommittee to remove the suspension of the Brooke amendment and minimum rents for public housing. These changes will be adopted in the manager's amendment, and I urge my colleagues on the other side of the aisle to support the manager's amendment.

In particular, the floor manager's amendment increases the total aggregate budget authority for HUD from $19.1 to $19.4 billion. This brings HUD to the post rescission fiscal year 1995 funding level.

Special needs housing for the elderly, disabled, and persons with AIDS is increased from the 1995 post-rescission amount of $1 billion to $1.4 billion, and HUD homeless assistance programs are increased by $100 million.

In addition, this amendment restores $70 million in budget authority for FHA multifamily credit subsidy. This $70 million is sufficient to meet current multifamily credit needs and provide funding authority for HUD and the authorizing committee to transition FHA's multifamily to a self-sustaining program.

This amendment deserves the support of this House. The provisions included in this amendment make H.R. 2099 a better bill—one that I can support.

Nevertheless, I must also note my reservations and deep concerns over the funding levels and the legislative language and prohibitions on the enforcement abilities of the Environmental Protection Agency [EPA]. I welcome the full and open debate we will engage in during the amendments offered by SHERWOOD BOEHLERT and others.

The CHAIRMAN. There are 3½ minutes remaining on each side.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Chairman, I rise today in strong opposition to the fiscal year 1996 VA–HUD appropriations bill. This bill is a polluters' bonanza.

Our environment is cleaner today *not* because individual businesses decided to put themselves at a competitive disadvantage and stop polluting. The air we breath and the water we drink is cleaner today because Congress passed Federal laws, which leveled the playing field for businesses and mandated a cleaner environment.

Instead of building on this success and fine tuning our environmental laws, the Republican majority is bent on taking us back to the good old days of little or no environmental regulation. Let me tell you about the good old days. The good old days resulted in six declared superfund sites in my tiny northwest Indiana district. In the Black Oak section of Gary the water was so toxic that the residents couldn't drink it or even water their plants without killing them. In the good old days, a northwest Indiana river stopped flowing because it was clogged with animal carcasses. Why does the Republican majority want to take us back to the good old days?

If a regulation is silly we should end it. It a law is wrong we should change it. But we must not roll back years of environmental progress.

Consider the drastic cuts to the Environmental Protection Agency. This agency, whose sole purpose is to protect public health and improve the living conditions of American citizens, will take a cut of 34 percent—the biggest reduction by far for any major agency! But this Republican bill does not stop there—it also contains 17 legislative riders all aimed at curtailing or eliminating the EPA's ability to set environmental standards or enforce regulations that are aimed at protecting public health. What's the point of giving the EPA two-thirds of its funding when you prohibit its enforcement of our laws in the same bill?

Upon closer examination of the vicious assaults upon the EPA, Mr. Chairman, I urge the House to oppose this bill.

The VA–HUD bill cuts funding of hazardous waste site cleanup by 33 percent, or $560 million. Does the Republican Party believe this waste is just going to disappear? If we slow the cleanup by cutting funding, it will cost us more later. Furthermore, one in four Americans lives near a toxic waste dump. Are we helping the citizens of this Nation by allowing the perpetuation of hazardous filth? Absolutely not.

The VA–HUD bill slashes enforcement of all environmental programs by almost 50 percent. By cutting $245 million of the funds that enforce those laws, the Republican majority's proposal severely limits enforcement of the protections Americans demand and deserve—and encourages polluters to continue breaking the law. Moreover, the cutback unfairly penalizes the thousands of companies that have invested in pollution controls and played by the rules to protect our health and our environment.

It gets worse, ladies and gentlemen. For, the VA–HUD bill sharply limits citizens' right to know about toxics released in their own community. By slashing funds used to provide American communities with information about toxic chemicals being emitted in local areas, citizens will be left in the dark. Toxic emissions don't understand property lines. People should have access to information about the toxics that are being emitted into their air, and harmful substances are polluting their streams. Thinking along practical lines, emergency workers need this information as well. If an environmental catastrophe were to occur in your community, would you feel safe with any less than the full information?

And what about the housing provisions in this bill. It targets its deepest cuts at vulnerable populations: the poorest residents in public and assisted housing, the homeless, poor and working families and the elderly.

The Department of Housing and Urban Development has been slashed by 25 percent. HUD assists 4.7 million households living in public housing and receiving section 8 rental assistance. Of these households, 36 percent are elderly. Encompassing housing assistance for the elderly, HUD's Special Needs Housing program took an $852 million cut! Is this the Republican's moral mandate—to abandon our senior citizens and their need for decent, affordable housing?

In my district, Merrillville, IN is lucky to be the home of the AHEPA House, a section 8 apartment complex that serves senior citizens. More than 100 elderly people are on AHEPA's waiting list.

Recently, the AHEPA House was able to afford an expansion. There will be 50 new units opening up in September. Calls requesting applications for those 50 units have been coming in from Indiana, Illinois and Michigan. So far, almost 150 people have applied for these 50 units. One hundred senior citizens are going to have to be turned away.

When I recently spoke with AHEPA staff about the crisis, I was told they were extremely concerned. One staff member spoke of those on the waiting list, ''I don't know how some of these people even eat,'' she said. Calls come in to AHEPA house every day asking for help.

If this bill passes, Congress will be sending a clear response to those calls for help. It comes in the form of a $852 million cut to the section 8 Special Needs Housing program.

I urge a return to decency. Are we to turn our backs on senior citizens who are barely able to get a roof above their heads while majority in this House finances a tax cut for the wealthiest in society? Of course not.

This legislation is a travesty and a danger to the American people. Public health is threatened. Pollution is encouraged. Housing is denied. The elderly are abandoned. Let's stop these irresponsible and indecent proposals that hurt American citizens.

Join me in opposition to this Republican bill and join me in a vote for the American people.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from California is recognized for 3½ minutes.

Mr. LEWIS of California. Mr. Chairman, first I want to express my appreciation for the cooperation of the Members dealing with this very, very difficult bill. We have had within our allocation great difficulty in dividing up these accounts in a way that is equitable to all. There is little question that everyone who is used to government continuing to grow is most disconcerted by the effort to reduce those historical levels of growth.

Nonetheless, let me address two basic subject areas of this bill. I want to make sure that it is clear in the RECORD that, while we have been through some very difficult times with housing, we have had great cooperation from the key members from the authorizing committee in connection with the way we have distributed these funds. It is a fact that housing accounts have increased by 50 percent in the last 4 years, so there is some room for flexibility as we address those problems.

In terms of actual spending in the 1996 year, the outlays for housing will actually increase over 1995. Those programs will have both time and a good deal of flexibility in terms of responding to the future pattern that we hope to see in these accounts.

Beyond that, I want to mention to my colleagues that the one account within this bill that has been treated differently than all others has to do with Veterans Administration medical services. There is an increase of some $553 million over the 1995 outlay account for medical services. The House has indicated its concern about making sure that we do not have cuts in medical services available to our veterans.

As my colleagues look throughout the bill, while there is very, very tough decisions that have been made, there is little doubt that the membership has helped the committee a great deal to make sure that we have treated each of these responsibilities as fairly as possible.

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

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to thank the gentleman from California [Mr. LEWIS], and also the gentleman from Ohio [Mr. STOKES], and my colleagues the gentleman from New Jersey [Mr. FRELINGHUYSEN] for their help in correcting a FEMA problem in my district as part of this legislation. I also appreciate the need for belt-

tightening as identified by the chairman, but I must point out that the Environmental Protection Agency, I believe, is treated too harshly in this bill.

Mr. Chairman, the bill contains about eight pages of provisos limiting the EPA's ability to improve, implement, and enforce regulations related to the environment and particularly with regard to the Clean Water Act that passed this House, which I opposed. If it does become law, this legislation would attempt to accomplish much of its negative impact through the appropriation process.

Just as examples: If the Clean Water Act was not reauthorized by October 1 of 1996, funds are not available or are limited under this bill for implementation or enforcement of the stormwater permitting process, enforcement of permit limits or compliance schedules for combined sewer overflows or sanitary sewer overflows. There is also cutback in implementation in enforcement of the wetlands programs and pretreatment standards.

For these reasons, unless some of the amendments are passed by the ranking member, I would oppose.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio for 1½ minutes.

Mr. STOKES. Mr. Chairman, let me in closing say once again how disappointing it is for me to have to vote against this particular bill. It is a bill that, as I said earlier, in the last Congress I took a great deal of pride in bringing to the floor, and it was a bill which I felt was responsive to the Nation's priorities at that time. Unfortunately I do not feel that this bill is currently responsive to our needs, and, therefore, I must oppose the bill.

But also in closing, a lot of comments have been made with reference to what has been done for veterans, and I just want to cite some of the statements that have come to us by way of letters.

''We strongly oppose any action by the Committee on Appropriations to make substantive changes to laws authorizing veterans benefits''—the Blinded Veterans Association.

The Vietnam Veterans of America say ''We like to see an appropriation bill that provides for medical research, and running the Veterans' Administration at the levels recommended by the President. There is room for change, but we cannot accept substantive changes in the veterans benefits laws being made by the appropriations committees.''

I can go on and cite the American Legion's response, the Paralyzed Veterans of America response, all of whom are not satisfied with this bill as it appears now.

As I said earlier, the President has indicated that unless this bill is changed substantively from its current form, that he intends to veto the bill. I think the best thing Members of this House can do is vote down the bill.

Mr. FILNER: Mr. Chairman, I rise today to alert you to a matter of utmost importance. Many of you know of the large number of veterans residing in California, and especially in my congressional district.

I am committed to seeing that we do not abandon our veterans, especially those who are in need of care—ranging from moderate care in assisted-living situations to full nursing home care. These veterans, who have sacrificed so much for our Nation, deserve to have their country come through for them when they need help.

Last October, the California Governor's Task Force selected a site in Chula Vista, CA as their top choice for a proposed home for military veterans. This is an excellent site, given the large number of veterans in Chula Vista and the nearby community of National City. This site is near Sharp Chula Vista Medical Center and within a 20 minute drive to the Department of Veterans Affairs Medical Center in La Jolla, CA. Close to the waterfront and located in a stable community, this home will provide southern California veterans with the care they need and deserve. It will also create 250 to 300 permanent jobs for this region.

The construction of this home depends in part upon funding from the Federal Government. The State of California will fund 35 percent of the cost—the State assembly has passed the appropriations for this project and the bill is now pending in the State senate. The State will soon be applying to the Federal Government for the remainder of the funding—and I intend to fight to insure that this funding is available.

This money will come from the line item, grants for construction of State extended care facilities, in the Federal Veterans' Health Administration construction budget.

I am here today to advocate for our veterans. We must never forget their service to our country. We must remain steadfast in our support as they grow older.

I am as committed as anyone to balancing our Federal budget, but not on the backs of our veterans. I urge my colleagues to keep the promise to our veterans during these budget deliberations and vote to retain the State home construction program funding. Our veterans deserve no less.

Mr. TOWNS. Mr. Chairman, I want to compliment the gentleman from California, the chairman of the subcommittee for his willingness to increase the funding for the special needs account. If the HOPWA Program funds remained at the level reported by the Appropriations Committee, it would have resulted in significant program cuts for New York City.

Homelessness would have surely increased for people living with HIV infection. This limitation on funding would have delayed the release of homeless inpatients and prevented individuals and families from moving out of housing that is no longer adequate to the health status of a person with AIDS. Fortunately, because of the compromise that you reached with my good friend from Long Island, Mr. LAZIO, New York City has been spared these serious program reductions. I want to complement you Mr. Chairman and all of my colleagues, Mr. SHAYS, Mr. SCHUMER, and Ms. LOWEY, who have been worked so hard to develop a positive solution for restoring the HOPWA funds.

Mr. CLEMENT. Mr. Chairman, I rise in opposition to the amendment.

The bill before us places many vital services such as housing, veterans benefits, and environmental protection on life support. The amendment seeks to sustain some of these important programs through a transfusion. Unfortunately, the transfusion is inadequate and is not sufficient to bring about a full recovery. In the process, a program no less meritorious than those the amendment seeks to protect will perish.

This is the 19th vote on the space station program. The station has been studied and redesigned to death. We are less than 30 months away from deployment—enough is enough.

As if terminating the space station was not enough, the amendment reduces funding for NASA an additional 20 percent below the level the President requested and severely threatens the viability of the space shuttle program. The loss of these two programs will result in the loss of more than 50,000 jobs and countless dreams.

Over the last 2 years, NASA has managed to keep the birds flying while absorbing a 30-percent cut. Frankly, I consider that a phenomenal feat. Dan Goldin and the men and women at NASA deserve our gratitude and appreciation for their hard work. But, the truth is Dan Goldin has run out of miracles. NASA simply cannot handle any more major programmatic cuts. There is no more water in the well.

So, although I am sympathetic to the gentleman's efforts to correct the deficiencies in the bill, I do not agree with his method. I urge my colleagues to oppose the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of H.R. 2099, the VA, HUD, and independent agencies appropriations bill.

As vice chairman of the Veterans' Affairs Committee, I am especially pleased that, under this bill, the VA will experience a $159 million increase over fiscal year 1995's levels. The Appropriations Committee is to be commended for asserting that, even in these times of fiscal restraint, our Nation's veterans deserve quality health care and equitable compensation for their service to our country.

The VA's medical care account will be increased by over half a billion dollars from last year. The compensation and pension program will see a $23 million increase from fiscal year 1995. Funding for readjustment benefits, which assists former service members in getting acclimated to civilian life, will increase over $50 million.

Mr. Speaker, New Jersey's veterans will be greatly assisted by this appropriations bill. Included in the funding for minor construction projects are two programs—a geriatric patient care program at the Lyons VAMC and a low vision center at the East Orange VAMC—which will bring immediate relief to thousands of New Jersey veterans who previously were forced to travel out of State for these types of care.

I will be working with Veteran's Affairs Chairman STUMP to ensure that report language endorsing these initiatives—along with an outpatient cancer chemotherapy center at the East Orange VAMC—is included in our construction authorization bill to be marked up later this year.

I have also been working with the New Jersey Department of Military and Veterans Affairs in an attempt to secure funding for a replacement State nursing home located in

Menlo Park, NJ. We have gone through a grueling application process and are encouraged that Menlo Park will be at or near the top of a priority list of deserving applicants. Because the Appropriations Committee funded the Grants for Construction of State Extended Care Facilities Program at last year's equitable level, we can be assured that sufficient funds will be available to fully fund those projects deemed most worthy.

I would like to thank Chairman LEWIS for all his hard work on this spending bill. It is fair to veterans, while still being mindful of the Nation's fiscal realities.

I urge my colleagues to support the bill.

Mr. MARKEY. Mr. Chairman, I rise today in opposition to cuts in the Public Housing Drug Elimination Program which are part of the Appropriations bill for Veterans Affairs, Housing and Urban Development, and Independent Agencies.

The bill reduces funding for the Department of Housing and Urban Development by $5.6 billion, or 23 percent below the 1995 level. It cuts funding for important programs which have important and beneficial impacts on the lives of many elderly and low-income Americans. I cannot turn my back on these people, so I want to bring some facts about these programs to the attention of the House.

While all Members of the House would claim to be opposed to the sale and use of illegal drugs, funding for the Public Housing Drug Elimination Program is zeroed-out in this bill. This program funds effective locally-run efforts to eliminate drugs. It is a key tool to help local housing authorities combat crime in public housing communities in Massachusetts and through-out the country.

The Drug Elimination Program received $290 million in fiscal year 1995. This money is used to fight drug distribution and abuse by reimbursing local law enforcement agencies, by employing security personnel and investigators, by providing physical improvements designed to enhance security, and by supporting tenant patrol groups. Along with making communities safer, it also funds the creation of innovative youth programs, offering young people and adults positive alternatives to drug use.

This money is a very cost-effective expenditure. The costs of drug use include higher security and law enforcement costs, a lower quality of life, lower educational attainment, and higher healthcare costs. Compared to the terrible costs which drug use imposes upon individuals and communities, this program is a bargain, and it is essential.

In my district, several housing authorities were recipients of drug elimination funds in 1995, including Medford ($240,000), Chelsea ($175,000), Woburn ($50,000), and Malden ($250,000). The end of funding for these programs would significantly hamper efforts to lessen drug use and improve the quality of life in these communities.

Mr. Chairman, I call upon the House to put taxpayers' money where their commitments are, and to continue funding for the Drug Elimination Program. The House recently funded $553 million as the down payment to build two additional B–2 bombers that the Pentagon didn't ask for or want. Let's stop wasting money on unwanted planes and start saving wasted lives.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to this bill.

The Republicans have once again adopted a paint-by-numbers strategy to reach their arbitrary deficit reduction target and finance a tax break for wealthy special interests.

How simple is their strategy? Remarkably simple. And remarkably cruel.

Draw a line through those programs that help the poor, the needy, and the less fortunate. Slash your way across the Department of Housing and Urban Development, and the Department of Veterans Affairs, until you reach the Environmental Protection Agency.

Along the way, strike a crippling blow against housing programs that provide affordable, safe, and decent housing for the elderly, the poor, and the sick.

When you're painting by numbers, when your goal is driven by numbers, not by people, it's easy to pursue your goal with abandon.

I would like to take this opportunity to remind my Republican colleagues that behind those numbers are real human beings, living real lives, and struggling to get by in tough times.

A great number of the public housing units in this country are occupied by elderly women. And over a million of our children—of America's children—live in public housing units. For many of these kids, just about the only thing they can depend on, from day to day, is a place to go home to at night.

This bill slashes public housing operating subsidies and modernization funds. The bill eliminates—obliterates—funding for severely distressed public housing and development, in addition to new housing vouchers and certificates for the poor.

If you're homeless, forget it. The Republicans have decided to paint you out of the picture, cutting homeless assistance grants by 50 percent.

The Republican approach is really very simple. They shake your hand and direct your attention to the magnificent prize behind curtain No. 3. When you turn your head, they reach around and pick your pocket.

Hundreds of thousands of families who depend on section 8 assisted housing will get their pockets picked if this bill passes. At least 600,000 families in public and section 8 assisted housing will pay more every month in rent unless we reject this bill.

While we debate these cuts, I urge my colleagues to remember that this week marks a particularly poignant moment. Today, we will dedicate a monument to the veterans of the Korean war.

There are few Americans more deserving of our support than these veterans, and the veterans of our wars of the last half-century.

Yet, the Republican bill cuts $250 million from veterans medical care and zeroes-out funding for a replacement VA hospital in Northern California that was to service a veterans population of over 400,000 men and women. These cuts are unwise and break a promise that Congress made to Northern California veterans 4 years ago.

Without adequate support, the VA will simply be unable to meet the increasing demand for health services as our veterans population ages.

Once again, the Republican's have enacted wholesale change that will significantly decrease the quality of life for millions of Americans.

The Republicans profess to have our long-term interests at stake, but their actions—in this case—speak loudly and clearly.

This bill not only risks the health of our veterans, but the health and safety of all Americans.

Unable to eliminate the EPA, my Republican colleagues have done their level best to cripple this agency and eviscerate programs that ensure every American has access to safe drinking water, clean air, and a toxic-free environment.

This bill cuts the EPA budget by one-third, hazardous waste cleanup programs by 30 percent, and funds for wastewater treatment facilities by 25 percent.

Perhaps most devastating is the legislative language in this bill that would prohibit the EPA from taking action to clean our environment. These include restrictions on the EPA's ability to regulate sewer systems, wetlands, refineries, oil and gas manufacturing, radon in water, pesticides in processed food, lead paint and water pollution.

Some very important programs—such as the Sacramento River Pollutant Control Program—have been funded in this bill. With this funding, Sacramento County will be able to complete the process of identifying which pollutants exceed water quality standards. Once this is accomplished, the county can develop a feasible, cost-effective plan to address the problem of pollution in the Sacramento River.

While this critical program has been funded, hundreds of others around the country have not.

The Sacramento River Pollutant Control Program is a step in the right direction. But it does not begin to make up for the hundreds of steps back in this bill.

All of us have been asked to make sacrifices to help balance the Federal budget. We are prepared to make those sacrifices. But no one—not one American—should have to sacrifice decent living conditions or a clean environment to finance a tax-break for Republican special interests.

Mr. GEJDENSON. Mr. Chairman, I rise today to express my strong opposition to H.R. 2099, the Department of Veterans' Affairs [VA], Housing and Urban Development [HUD] and Independent Agencies appropriations bill. This short-sighted legislation is a devastating attack on low-income Americans, seniors, veterans and disabled individuals. It drastically cuts worthwhile housing programs, does not provide adequate funding for veterans' programs, completely eliminates AmeriCorps, and is one of the most blatant attacks I have ever seen on our most comprehensive environmental laws. I strongly urge my colleagues to reject this bill.

First, with respect to HUD programs, funding levels for the current fiscal year do not meet the current demand and will force people to live in substandard housing or worse yet get thrown out on the street. That's not only bad policy but it's mean.

Further, I am disappointed that the bill consolidates accounts for special needs housing such as assistance for low-income seniors, disabled individuals and people with AIDS [HOPWA]. This consolidation would have been more tolerable had the funding level been set at the FY 95 aggregate amount. But it doesn't. In fact, H.R. 2099 reduces this funding by 46% compared to FY 95. The measure also eliminates the important congregate services program. Simply put this is mean.

But the Republicans did not stop there. H.R. 2099 reduces funding from the current fiscal

year for the modernization of existing public housing projects, seriously affecting capital improvement projects at many public housing authorities, in my district and across the country. Many of these facilities were built nearly 40 years ago and are beginning to fall into disrepair. This is mean and bad economics.

Second, it saddens me to think that AmeriCorps is being abolished. This program accomplishes what many in Congress have been calling for: federal money directed to local communities without interference from Washington. It taps into the desire of many young people to have a positive impact on their community by encouraging them to volunteer in education, environment, poverty and public safety programs.

Detractors say that the government shouldn't be in the business of supporting charities. AmeriCorps is far from a charity: the participants earn scholarship money to further their education. Others say that paid volunteers will undermine the spirit of volunteerism in the United States. The truth is, these young adults are paid only a small stipend. It is foolish to think that the AmeriCorps participants are doing this for monetary gain. In addition, many charities have fallen on hard times and are only too glad to have the help of these ''paid'' volunteers.

All this, however, disregards the basic idea of AmeriCorps: Encouraging national service at the grassroots level. Killing AmeriCorps will have a minuscule impact on the effort to balance the budget, but it will also kill the enthusiasm the program was designed to inspire in young Americans.

Third, the Environmental Protection Agency (EPA) has long been the target of polluters and their allies in Congress. I'll be the first to admit that the Agency has often been inflexible in its approach and too ready to restore to heavy-handed tactics. At the same time, I believe Administrator Carol Browner has instituted many internal reforms which have made the Agency more ''user-friendly'' while effectively carrying out its obligations to protect our environment and public health. I strongly believe that the Administrator has been responsive to Congressional mandates and requests. In spite of these actions, the bill before us is a vicious attack on the Agency, its mission and its personnel. And make no mistake about it, this measure is a threat to every American because it will compromise water and air quality, prevent hazardous waste cleanups and allow polluters to violate the law as long as they let states know they are doing it.

The cuts in EPA are devastating. The bill provides $2.35 billion less than the current fiscal year and $2.5 billion less than requested. Compliance and enforcement programs are slashed by nearly $460 million below FY 1995 and by $884 million below the request. These cuts will prevent the Agency from effectively enforcing the Clean Air and Water Acts, Safe Drinking Water Act, Resource Conservation and Recovery Act (RCRA), the Community Right-to-Know Act and many other environmental statutes. The report accompanying the bill makes it clear to this member that these massive cuts are designed to punish the Agency for carrying out its duties in a manner which is at odds with the vision of some of my colleagues. If members have problems with the direction of the Agency or wish to attempt to amend our environmental laws, they should utilize the authorization process to effect these changes. H.R. 2099 is an inappropriate vehicle to attempt to make major policy changes.

The bill makes deep cuts in the Superfund program. I do not believe a single member of this body, including this member, would argue that Superfund is flawless. I agree with many of my colleagues that we must reform this important program to reduce litigation, to direct more resources to cleanup and to set some parameters which link cleanup standards to future land uses. However, slashing funding by more than $400 million below the current level and prohibiting actions at new sites is not the best way to accomplish reform. This action is more akin to cutting off your nose to spite your face. This action also poses a real threat to human health because it prohibits the Agency or a contractor at a site to move beyond the stage of work in which the entity is engaged at the beginning of the fiscal year. Under these restrictions, the Agency or contractor would be prohibited from beginning to remediate a site if it was not in that phase of the process when the fiscal year begins. This limitation makes no sense. The most important goal of Superfund is to physically clean up sites and we should do everything we can to ensure that remediation moves forward as quickly as possible. If sites are on the cusp of being cleaned up but aren't, the American people have no one to blame but the Republicans on the Committee who wrote this bill.

In addition, the bill provides all funding for the program from the Treasury rather than from the Superfund which is largely capitalized by fees assessed on chemical manufacturers and on petroleum products as well as by revenue from settlements with polluters. The Committee has done this because some members of this body want to transform Superfund from a polluter-pays statute to a taxpayer-pays statute. This transformation will take place by doing away with retroactive liability and requiring every American to pay to clean up sites contaminated by a small number of companies or parties. While it might be appropriate to repeal retroactive liability under certain circumstances, this policy change must be carefully evaluated through the authorization process. The funding arrangement required by this bill effectively makes Superfund a public works project in fiscal year 1996. This change is designed to let polluters off the hook and will shift the costs of cleaning up every Superfund site from those responsible for the contamination to the taxpayers.

Nothing is more important to our survival than clean water. The American people in poll after poll have expressed their overwhelming support for the Clean Water Act (CWA) and for directing their tax dollars to ensuring our nation's waters are clean and safe. Unfortunately, this bill falls far short of the expectations of the American people. The bill provides $761 million less for water infrastructure projects than the current level. As a result, communities across the country will not be able to upgrade or build new sewage treatment plants. Modern sewage treatment can be credited with improving water quality in more communities than virtually any other measure. While we have made tremendous progress since the enactment of the CWA, the states have estimated that they have in excess of $130 billion in sewage treatment projects outstanding. Investing in these projects makes good environmental, public health and economic sense. However, the Committee bill fails to provide adequate federal investment in this vital area. My state of Connecticut estimates that it will lose $9 million in assistance from the CWA State Revolving Fund. As a result, the state will be forced to abandon several major sewage treatment plant upgrades or many smaller ones. This is a lose-lose proposition for my constituents and one with which they shouldn't be faced with.

In addition, the Committee eliminates all funding to support drinking water treatment grants. Millions of Americans continue to drink, and continue to get sick and die from drinking contaminated water. We don't know exactly how many Americans become sick each year because many people believe they have the stomach flu rather than attribute their illness to tainted water. Many of the problems with drinking water contamination can be traced to thousands for small water systems which serve millions of Americans largely in rural areas. These systems do not have the rate base to purchase modern treatment technology or to adequately protect source waters. In fiscal year 1995, the Congress provided $700 million to capitalize the Safe Drinking Water State Revolving Fund, similar to the existing State Revolving Fund, to provide assistance to communities to improve and develop water treatment systems. This revolving funds would be most beneficial to the small systems I mentioned above. Instead of investing in improving the health of millions of rural Americans, the committee eliminated all funding for this important initiative. This is action that adds insult to injury coming on the heals of the Republican rescission package which took back more than $1 billion provided for this purpose.

These accounts support activities which have direct impacts on public health and environmental protection. The American people want their resources to be spent to improve sewage treatment or to ensure that drinking water is free from harmful contaminants such as cryptosporidium. Moreover, these accounts provide assistance to communities and systems which have great needs, but lack the tax or rate base to pay the full costs associated with these needs. Finally, this is not a Federal giveaway. States must contribute their own dollars and many States, including my State of Connecticut, contribute far more than required by law. Federal support helps to ensure that every community can have safe water. Moreover, it guarantees that communities which invest their own resources do not have those investments compromised by communities upstream which cannot, or do not, invest in these areas. This is yet another example of the counterproductive cuts contained in numerous appropriations bills being brought to the floor this year.

Finally, Mr. Chairman, this bill is loaded down with 17 ''riders'' which prohibit the EPA from enforcing some of the most important sections of the Clean Air, Water, Safe Drinking Water and Community Right-to-Know Acts. By including these far-reaching provisions, the committee wins the award for legislating in an appropriations bill. Make no mistake about it, these riders are legislative provisions and are not simply spending restrictions. In fact, Chairman LEWIS referred to these riders as ''legislative provisions'' in a story about this bill in today's Congress Daily. Every American is threatened by the restrictions imposed in the provisions in question. Under the committee

bill, the EPA will not be able to enforce standards to curb nonpoint source pollution, to stem the discharge of raw sewage, to limit arsenic and radon in drinking water, or to ensure that communities are fully informed about the toxic chemicals which are released in the air.

I believe these provisions are detrimental to the interests of the American people and have been included at the behest of narrow special interests. In spite of overwhelming evidence that runoff from city streets, parking lots, and feed lots is the largest remaining water pollution problem, the bill prohibits EPA from enforcing standards to reduce contamination from these sources. Regardless of the fact that raw sewage is routinely discharged from storm drains nationwide following heavy rains, the Agency is barred from enforcing standards which will substantially reduce this public health threat. In a major blow to States like mine, which have taken aggressive steps to improve air quality, the bill allows questionable vehicle inspection programs to be given equal weight with centralized inspection programs. Moreover, it prevents the enforcement of certain rules which limit toxic chemical emissions into our air. These Clean-Air-Act-related provisions are especially egregious for Connecticut which is a dumping ground for air pollution generated in Western States. While certain States and their Representatives in Congress are decrying the alleged burdens imposed by the act and inserting provisions into this bill to delay their enforcement, these provisions will force residents in my State to endure very real burdens from western polluters.

I could go on and on about the harmful effects of these riders. I could go on to talk about how the bill prohibits the EPA from issuing standards designed to limit the amount of arsenic in drinking water. That's right Mr. Chairman, arsenic. Suffice it to say, these provisions are extremely damaging and represent a calculated attack on environmental protection. I urge my colleagues to support the amendment of the gentleman from Ohio, Mr. STOKES, and the gentleman from New York, Mr. BOEHLERT, to strike each and every rider from the bill. Policy changes of this magnitude should be addressed in the authorizing committees and in clear view of the American people.

Mr. Chairman, members should defeat this legislation. While I understand the need to balance the budget and reduce the deficit, this bill is no answer. This bill would hurt veterans, seniors, disabled individuals, and low-income families. Further, it is bad for the environment, public health, and the economy. It makes sweeping changes in our most fundamental environmental protection laws completely outside of the authorization process.

If the House passes this bill as reported by the committee, we might as well do away with authorizing committees and turn everything over to the Appropriations Committee. Passing this bill will set a terrible procedent.

Simply stated, this bill is mean, Mr. Chairman.

Mr. GEKAS. Mr. Chairman, during the course of the debate on this bill, I have heard several of my colleagues imply that as far as this Nation's investment in biomedical research is concerned, we should cancel the space station and just dump the money into similar research activities at the National Institutes of Health [NIH]. What this kind of suggestion tells me is that the nature of NASA's program of biomedical research and its collaboration with the NIH is woefully misunderstood. I'd like to take this opportunity, therefore, to highlight briefly the intellectual underpinning of NASA's program of biomedical research and the nature of the collaboration between NASA and the NIH.

On Earth, we are prisoners of gravity. Gravity influences all life on Earth. Gravity influences the behavior of everything—from single-celled organisms to rocks, plants, and ships at sea—on the surface of this small blue planet. When we fall, we fall down. We stay attached to the chairs in our offices because of the constant pull of gravity. In the plant world, roots grown down. Even in our own bodies, our hearts have to work harder when we stand than when we're lying down. Try as hard as I might, I can't even begin to imagine what life would be like on Earth without gravity.

So, too, gravity has influenced and shaped the development of all life on Earth for millions of years, ever since life on Earth began some 3½ billion years ago.

In space, there is very little gravity. This radically different environment is sometimes referred to as ''zero-g,'' or, more accurately, microgravity. For researchers in the field of biomedicine, this is an essential distinction, for the microgravity environment of space allows them to unmask gravity and to see, in many cases, for the first time, deeply into the physical, chemical, and biological processes which were previously obscured by gravity. Thus, thanks to our space program, for the first time in the history of humankind, scientists can manipulate gravity by decreasing its force as well as increasing it. This allows us to manipulate a primary force in nature in a way that promises to lead to radical new scientific discoveries about life on Earth.

This new capacity provides the intellectual underpinning of the relationship between NIH and NASA, and is the reason that thousands of life and biomedical scientists across the Nation want to conduct a portion of their research in space.

Over the past 2 years, many researchers at the National Institutes of Health [NIH] have expressed excitement over discoveries in the field of biomedicine. NIH scientists and NASA scientists have worked together on these problems since the days of the Mercury, Gemini, and Apollo space flight programs. Nearly 3 years ago, this partnership was formalized between NASA and the NIH for space biomedical research scientists.

Today, this partnership is thriving. NASA and the NIH have executed 18 cooperative agreements since 1992 and joint activities have included: scientific workshops; ground-based and flight investigations; and other specialized activities, such as a spaceline reference system developed with the National Library of Medicine [NLM].

As the world's premier organization in life and biomedical sciences, the NIH has access to the world's best biomedical scientists, who need a variety of laboratory resources. NASA's biomedical research program maintains and develops a rich supply of unique and specialized resources, including laboratories and access to the weightless environment of space. Thus, cooperation between the two agencies strengthens the performance of each and helps to ensure the highest possible return on America's investment in biomedical research.

Cooperation between NASA and the National Institutes of Health has expanded rapidly as the research community's understanding of the value of orbital research has grown. This cooperation expands access to NASA facilities and resources to a broader community of the world's finest research scientists. Cooperation between these two premier Federal science agencies leverages NASA's unique facilities, including orbital facilities, to produce the maximum return on America's investment in biomedical research.

Collaborative partners in space research, NASA and the NIH look forward to an expanding level of cooperation as orbital research enters the space station era. NIH researchers are expected to use the Space Station's next generation life sciences facilities, including the human research facility, the gravitational biology facility, and the centrifuge facility, in pursuit of national biomedical research goals.

Let me take this opportunity to share some specific examples of this thriving partnership with you.

Neurolab, NASA's next dedicated life sciences space shuttle mission, will carry investigations funded by five different institutes of NIH. NIH's Division of Research Grants managed the scientific peer review for all neurolab proposals. Neurolab will be launched on the space shuttle in March, 1998 and will support research in the brain and behavioral sciences.

The National Institute on Deafness and Other Communication Disorders [NIDCD] and NASA are co-funding a Center on Vestibular Research and Training at the Northwestern University Medical School with research sites in Chicago, Il, and Portland, Or. Each agency is funding this center at $500,000 a year.

Dr. Josh Zimmerberg of the NIH National Institute for Child Health and Human Development is using NASA-developed bioreactors and NASA-funded resident technical staff to pursue AIDS research goals under a 1994–1998 NASA–NIH joint venture.

NASA and the National Cancer Institute have developed a joint program to apply NASA developed digital imaging technology to improve early diagnosis for breast cancer. Digital mammography will be more sensitive than the current procedures.

The National Institute of Arthritis and Musculoskeletal and Skin Diseases has released a program announcement for supplements to its Osteoporosis Centers for research related to space flight.

The point I'm trying to make, Mr. Chairman, is that the NASA–NIH relationship is not one of competition—it's one of collaboration. Shutting down NASA space research, canceling the international space station and handing the money over to the NIH wouldn't solve the problem, for the NIH would have no way of getting into space, or of using the international space station.

NASA needs the NIH, Mr. Chairman and part of the NIH certainly needs NASA. It is precisely this kind of collaboration which ensures the highest return possible on America's investment in biomedical research.

Mr. POMBO. Mr. Chairman, I rise today to address the section of H.R. 2099, the fiscal year 1996 VA–HUD Appropriations Bill, that will prevent the Federal Emergency Management Agency [FEMA] from spending any further taxpayer dollars for work on Flood Insur-

ance Rate Maps [FIRM] for the City of Stockton and San Joaquin County, CA. I have worked with this appropriations subcommittee to see that language is included in this bill that would ensure that these inaccurate and deficient maps are not prematurely imposed on the Stockton metropolitan area. This Congress must ensure that FEMA is a partner with the city and county in providing accurate and complete information on the risk of flooding and to assist in coordinating the completion of improvements to the existing levee system. Such a coordinated effort will more rapidly restore an adequate level of flood protection and enhance, rather than threaten, the regional and state economies.

Unlike most FEMA floodplain maps for urbanized areas, the proposed FIRMs for Stockton do not indicate flood depths. Such information is critical to determine insurance premium rates and building code requirements. Because FEMA did not provide this information during its most recent flood insurance study, the city and county can only estimate flood depths, thereby assuming liability for inaccurate estimates, in addition to its individual property owners incurring the costs of determining the appropriate flood depths. In order to minimize this cost to property owners, the city and county have stepped forward to fully finance the necessary flood depth study. This necessary study is expected to be completed in two years. The legislation we are adopting today will suspend FEMA's maps and ensuing process, at least for one year, while the study is conducted.

FEMA's draft maps also contain significant errors. Processing has already been delayed by FEMA because of omissions and inclusions that were not part of the initial draft. The city and county have already hired an engineering firm to review the maps, and numerous other errors have been found. Despite the fact that the city and county are moving rapidly to review the proposed FIRMs, the 90-day appeal period allowed by FEMA is insufficient time considering the vast area that has been remapped. My provision contained in the appropriations bill is intended to prevent the appeal period from expiring while more accurate data is collected and eventually provided to FEMA.

Mr. Chairman, FEMA has praised the city and county for the initiative they have exercised to respond to these maps and the potential for future flooding. Since being notified last November, that nearly the entire metropolitan area was being redesignated as a floodplain, the local governments have already established a joint powers authority [JPA], retained engineering and public finance consultants, and appropriated more than $2 million. The city and county JPA plans to construct the needed flood protection improvements without federal financial assistance in order to expedite completion of the project. The JPA has already established a fast-track schedule that begins construction in May 1996 and expects completion before the end of 1998. We must now ensure that FEMA's administrative actions assist rather than impede this effort.

Mr. SKAGGS. Mr. Chairman, as it comes to the floor of the House today this bill is not only an abuse of the legislative process but a threat to the quality of America's air and water, the safety of America's food supply, and the health of all Americans.

This bill is striking evidence that the new Republican majority in the House is intent on carrying out a sneak attack on public health, on environmental protection, and on our public lands. Following the unfortunate example of James Watt, they are distorting the normal legislative process around here, acting against House rules by using the appropriations process to rewrite law and reshape policy, so that they can achieve, by stealth, objectives that lack real public support.

We saw the start of this pattern with the first rescissions bill, with its pages of legislative language waiving environmental and forest management laws, language that under the normal rules of the House should not have been in any bill of that kind.

We saw it again in the Interior appropriations bill, with its provisions to dissolve the National Biological Service, transfer its functions to the U.S. Geological Service and its provisions to essentially eliminate the Mojave National Preserve in California as a unit of the National Park Service, by a back-door attack instead of a straightforward proposal to repeal or amend the California Desert Protection Act.

Now, here it is again, and even worse, in this bill's provisions dealing with the Environmental Protection Agency. That part of this bill has more riders than the Long Island Railroad. Most of them are intended to prevent the government from doing its job in protecting our water, our air, our wetlands, our health.

Just take a look at the passenger count, Mr. Chairman, the number of riders on just that one part of this bill. In just seven pages, there are 21 anti-environment riders, including the following provisions: blocking enforcement of air pollution permits; limiting enforcement of stormwater and sanitary sewer provisions in the Water Pollution Control Act; handicapping the EPA's ability under the Clean Air Act to regulate toxic emissions from certain refineries; putting other limits on enforcing environmental laws affecting other parts of the oil and gas industry; stopping EPA from taking steps to keep arsenic, radon, or other radionuclei out of our drinking water; limiting the EPA's efforts to control toxic releases from cement kilns and other incinerators; restricting the gathering and publishing of information about the use of chemicals; restricting the protection of the country's wetlands; blocking efforts to encourage car-pooling; restricting efforts to improve water quality in the Great Lakes; and, undermining the regulation of pesticides in food.

Mr. Chairman, the pattern could not be clearer. Just take a look at it, page after page of regressive, antienvironmental and underhanded provisions aimed at handcuffing efforts to protect our food supply, keep our air and water clean, protect vital wetlands, all things vital to our natural systems all over the country.

It's no wonder, Mr. Chairman, that Carol Browner, the EPA Administrator, has concluded that we are seeing ''an organized, concerned effort to undermine public health and safety and the environment.'' If anything, Carol Browner understates the situation.

The American people need to know what is going on. They need to know that this new Republican majority is determined to undermine the progress we have made in the last several decades in protecting our environment, progress that the American people are proud of and want to see continued. They need to know that we are in the midst of a full-fledged attack on the safeguards of the water we drink and the air we breathe. They need to know, because when they do know, they will reject this assault on public health, public safety, and the public lands.

Mr. Chairman, the American people know that we need to do more, not less, in this area. For instance, two new studies this year tell us that 53 million Americans are drinking tap water that is below standards. What is the response of the new majority in this Congress to this? To do more to clean up the Nation's water? No. The Republican response is to come up with eight different legislative riders to undermine the Clean Water Act and the Safe Drinking Water Act! Hard to imagine.

This Republican sneak attack on the environment should not and will not go unopposed. The American people did not vote last November to roll back 25 years of environmental progress. They did not vote for more pollution, or for backhanded legislative shenanigans to undercut environmental standards just to satisfy the greed and the access paid for by many industrial polluters' campaign contributions.

So, Mr. Chairman, during the Committee's consideration of this bill, I joined in an effort to remove the numerous provisions intended to cripple the ability of the Environmental Protection Agency to perform its duties. Unfortunately, that effort was unsuccessful, as was my own effort to amend the bill by removing language that prohibits protection of wetlands.

Later, Mr. Chairman, there will be a renewed effort to remove these and other offensive and improper provisions from the bill. Unless they are removed, and the bill is otherwise improved, this bill will not deserve the approval of the House.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his thanks to the distinguished subcommittee chairman, Mr. LEWIS, and the distinguished ranking member, Mr. STOKES, for their efforts in bringing this bill before us today.

In particular, this Member wishes to express his thanks to the chairman for accommodating the concerns of this Member and many others in the manager's amendment, by increasing the bill's funding levels for several housing programs for the Department of Housing and Urban Development by approximately $300 million with appropriate offsets to meet the established budget restraints set for the subcommittee. This Congress faces serious fiscal restraints and this measure, with the adoption of the manager's amendment, faces those restraints in an admirable way.

This Member is also particularly pleased that H.R. 2099 includes $3 million in funding for the Indian Housing Loan Guarantee program at HUD. This very modest sum will guarantee the private financing of nearly $37 million in housing loans for Indian families. As you know, Mr. Chairman, there is a severe lack of decent, affordable housing in Indian country, due in large part to the lack of private financing in Indian country. This program provides a substantial means of bringing much needed private financing to Indian country. This very limited Federal funding is money well spent, and this Member commends the appropriators for including it in this measure.

This Member would also like to express his appreciation for the inclusion in the bill of $8.5

million for the National Rural Water Association's training and technical assistance program which the Members had specifically requested of the subcommittee.

In every State, on-site technical assistance is the backbone of small system compliance. Small systems have limited funds to operate and to comply with the Safe Drinking Water Act [SDWA]. Providing on-site technical assistance has been the most cost-effective way to improve drinking water quality in rural areas and to assist small towns with SDWA requirements.

Through technical assistance, small communities work together to conduct a statewide, peer-oriented, grassroots assistance program. Small towns do not have the engineers, the labs, and the resources of large cities to meet Federal requirements. Technical assistance allows small communities to help each other outside of the regulatory bureaucracy, results in a growing number of small systems moving into SDWA compliance, and assures steady improvement and a long term solution to small water system public health problems.

Mr. Chairman, this bill does not provide the funding levels many, including this Member, might like to see for many programs. However, at a time when difficult choices are necessary, the crafters of this measure have attempted to make those choices in a responsible way. For that they are to be commended.

Mr. KLECZKA. Mr. Chairman, I rise in strong opposition to the VA–HUD appropriations legislation before this House.

Mr. Chairman, many other Members have made the point that this bill goes after HUD funding with a machete instead of a scalpel. I understand the need for spending cuts, and I support eliminating programs that are wasteful or do not work. However, I would like to bring to your attention one HUD program that is efficient, cost-effective, and extremely necessary—and yet was eliminated by the Appropriations Committee.

Service coordinators were established in 1992 in response to a crisis in our Nation's public housing projects. It was at this time that financially strapped public housing managers began placing senior citizens and non-elderly disabled residents in the same housing facilities. The Milwaukee Journal-Sentinel recently reviewed the situation of the early 1990's, and I quote:

> Only a few years ago, frightened seniors couldn't move out fast enough from the city's 14 public housing towers and their muggings, noisy tenants, and other troubles.

The conflict between the needs and lifestyles of the elderly and disabled non-elderly populations in these projects was leading to mutual fear and distrust. Some of the younger residents were engaging in drug and alcohol abuse. In a few cases, violence even broke out.

In 1992, Congress passed corrective legislation that authorized and appropriated annual funding for service coordinators to bring the elderly and disabled residents together and to ensure that the needs of all were met. These needs included critical transportation, nutrition, psychological counseling, and similar services. The change in the projects was dramatic. To quote the Milwaukee Journal Sentinel:

> Within months, [service coordinators] * * * had made major inroads in easing tensions, helping residents get to know one another and linking those who were sick or abusing alcohol or drugs to the help they needed.

Mr. Chairman, I am deeply disturbed by the committee's decision not to fund these service coordinators. In cities like Milwaukee across the nation, service coordinators play a crucial role in maintaining a safe and healthy environment for our elderly and disabled public housing residents. I strongly urge my colleagues to support reinstatement of these funds in the Senate and conference committee.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in House Report 104–206 is now pending. That amendment shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule.

Further consideration of the bill for amendment shall proceed by title and each title shall be considered 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 CONGRESSOINAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT MADE IN ORDER BY HOUSE RESOLUTION 201—PRINTED IN PART I OF HOUSE REPORT 104–206

The CHAIRMAN. The Clerk will designate the amendment printed in House Report 104–206.

The text of the amendment is as follows:

Amendment made in order by House Resolution 201, printed in Part 1 of House Report 104–206:

On page 8, line 9, strike ''$16,713,521,000'' and insert ''$16,777,474,000''.

On page 8, line 11, strike ''$771,000,000'' and insert ''$789,000,000''.

On page 8, after line 21, insert the following:

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,386,000.

On page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,182,359,000''.

On page 21, lines 18 through 21, strike the proviso and on p. 22, line 4, after the colon insert the following new proviso:

''*Provided further,* That of the amounts earmarked under this head for modernization of existing public housing projects, $15,000,000 shall be used for the Tenant Opportunity Program:''

On page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,440,770,000''.

On page 23, line 7, after ''Housing Act:'' insert the following new proviso:

''*Provided further,* That of the funds earmarked in this appropriations Act for special needs housing, the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate:''

On page 24, line 1, strike ''$4,941,589,000'' and insert ''$4,641,589,000''.

On page 28, line 3, strike ''$576,000,000'' and insert ''$676,000,000''.

On page 30, line 15, strike ''$495,355,000'' and insert ''$505,745,000''.

On page 32, line 7, strike ''$302,056,000'' and insert ''$308,290,000''.

On page 32, line 14, after the last comma insert the following:

''That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been made available for obligation or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts: *Provided further,* That any amounts of negative subsidy resulting in fiscal year 1996 from the sales of assigned mortgage notes or insurance actions that exceed the amounts of negative subsidy determined to be generated during such fiscal year, based on the assumptions specified in the President's Budget for such fiscal year, shall be available to the Secretary for the costs of any note sales or insurance actions, without regard to whether the source of the negative subsidy amount is a note sale or insurance action, and the last proviso of this paragraph shall not apply to such amounts so used in connections with insurance actions: *Provided further,*''

On page 33, after line 2, insert the following new paragraph:

''In addition, for the cost of guarantees for loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), $69,620,000: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.''

On page 33, line 16, strike ''$193,299,000'' and insert ''$197,455,000''.

On page 34, strike line 12 and all that follows through line 16 on page 35, and redesignate the subsections accordingly.

On page 39, lines 3, 10, and 16–17, strike the words ''and the cost of any utilities''.

On page 48, after line 25, insert the following new sections:

SEC. 211. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM.—(a) Section 542(b)(5)

of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking ''on not more than 15,000 units over fiscal years 1993 and 1994 and inserting ''on not more than 7,500 units during fiscal year 1996.''

(b) Section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking ''on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995'' and inserting ''on not more than 10,000 units during fiscal year 1995''.

SEC. 212. DOCUMENTATION OF MULTIFAMILY REFINANCINGS.—Notwithstanding the 16th paragraph under the item relating to ''ADMINISTRATIVE PROVISIONS'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327; 108 Stat. 2316), the amendments to section 223(b)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal years 1996 and thereafter.

On page 54, line 17, strike the word ''four'' and insert the word ''five'' in lieu thereof.

On page 63, line 13, strike all after the comma to the end of the line 16 and insert the following in lieu thereof:

''That except for grants made under sec. 1443(a) of the Public Health Service Act, appropriations for programs and projects pursuant to the Federal Water Pollution Control Act made available under this heading shall be available only upon enactment of legislation reauthorizing such Act, and appropriations for programs and projects pursuant to other Acts made available under this heading shall be available only upon enactment of legislation specifically authorizing such appropriations.''

On page 64, line 16, strike the number ''$320,000,000'' and insert the number ''$235,500,000'' in lieu thereof.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each be recognized for 15 minutes.

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

□ 1330

Mr. LEWIS of California. Mr. Chairman, the manager's amendment is an attempt, working with Members of both sides of the aisle, to deal with some very specific problems while returning some funding to several accounts.

Mr. Chairman, my amendment restores $10 million for VA health professional scholarships, $64 million for VA medical care, $440.7 million for HUD's special needs housing account, $100 million for homeless assistance, and $69.6 million for credit subsidies associated with two FHA multifamily loan programs.

All of the costs associated with increasing these amounts are fully offset within the bill. To accomplish this, we have reduced FEMA's disaster relief by $85 million, and transferred moneys within salaries and expenses associated with the Federal Housing Administration. Additionally, we have offset the costs associated with unobligated reserves in the section 8 contract renewal account.

The amendment also strikes two HUD administrative provisions which have no immediate budgetary effect in terms of our 1996 bill. We have removed provisions relating to minimum rents in public housing as well as a suspension of the Brooke amendment which deals with limiting the amount of tenant's income which must go for rent.

These changes were carefully negotiated with the chairs of the appropriate authorizing committees and the leadership and leave the bill within its 602(b) allocation.

I urge an affirmative vote. The priorities addressed by these changes should meet with your strong and bipartisan support.

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

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the chairman of the subcommittee [Mr. LEWIS] takes a positive step in beginning to move this bill in the right direction. In fact, the areas which he has elected to modify, and thus included in this amendment, are the very ones that I have advocated in support of since the subcommittee markup several weeks ago. Unfortunately, this amendment does not go far enough.

While we can be pleased that an additional $74 million has been added to veterans medical care—$64 million to medical care and $10 million to the Health Professions Scholarship Program—we still are nearly $200 million below the President's request in this area. We also still leave the general operating expenses and construction accounts deficient.

The additional moneys in housing programs—as negligible as they are—and also the striking of the rent increase provisions for public housing residents are a welcome change in this committee's actions toward HUD. Once again, the actions by the chairman mirror my recommendations to this committee for some of the areas where we could do better and an amendment that I was going to offer.

It is unfortunate, however, that the amount provided in the chairman's correcting amendment is insignificant in terms of the overall cut to HUD. In fact, HUD still assumes nearly $5 billion in cuts, after this amendment. This amendment also does not remove the very damaging rent increases to section 8 tenants or any other of the harmful legislation.

I must also note a glaring omission in this amendment. That is the complete disregard for the devastation to EPA funding and the pages and pages of limitations and riders in this bill. I had hoped that the chairman would be more receptive to some consideration of changes in these areas. Clearly, the letters from chairmen and ranking members of numerous authorizing committees and subcommittees in opposition to the EPA riders tells us there needs to be a remedy for these actions. This exclusion of EPA from the amendment is a serious signal of the lack of regard for environmental concerns. It also reflects a total disregard for the functions of the authorizing committees having jurisdiction over environmental legislation in the House.

I hope that as we deliberate this bill today the chairman will be more open to other amendments and recommendations that are certain to be offered. I know that, if given the opportunity, we could attain both savings and provide essential quality of life programs for all Americans, as well as protect the health and welfare of our citizens.

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

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the cooperation of my ranking member. Even though this is not all that both of us may want, at least we are moving in the right direction.

Mr. Chairman, it is my privilege to yield 3 minutes to the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee of the Committee on Banking and Financial Services that deals with housing, and a very effective and cooperative Member in establishing the provisions of this bill.

Mr. LAZIO of New York. Mr. Chairman, I rise in strong support of this amendment because it is a responsible reply to the concerns of many Members.

As a member of the Committee on the Budget, I supported our efforts to balance the budget. I supported the rescission package that this body passed and will hopefully be signed by the President today.

Though I support reducing the Federal budget deficit, I do not support wholesale cuts to programs helping this Nation's most vulnerable populations.

I testified on Tuesday before the Committee on Rules on behalf of my amendment to this bill. I am pleased that my concerns and the concerns of several of my Republican colleagues have been addressed by the manager's amendment to this bill.

Through this amendment, HUD's budget is returned to the postrescission funding level it had for fiscal 1995. The reason I have been so adamant over recent weeks to increase the funding for particular HUD programs that directly help the most vulnerable populations in our communities is that I believe cuts should be appropriate to the program.

The Special Needs Account, which represents section 202 housing for the elderly, section 811 housing for the disabled and Housing Opportunities for Persons With AIDS, and the homeless is an account that we should not cut thoughtlessly.

By restoring more than $440 million to the Special Needs Housing account in this amendment, we support our senior citizens and disabled. I think it is tremendously important that we view this in the context of what is going on in another part of Washington today, the dedication of the Korean Veterans'

Memorial. The generation of Americans who brought this great Nation through the Korean war, the Second World War, and the Great Depression deserve our support. This issue is what we as a Congress are all about.

The current housing stock is clearly insufficient to address the needs of America's seniors. The average senior trying to get housing through this program waits for 25 months and 15 percent of these seniors wait more than 4 years for housing. If we fail to help our seniors—our parents and our grandparents—we fail all of America. If we cannot own up to our responsibility to protect them, what have we come to Congress for? This is the role for government, helping those who cannot provide for themselves.

In its original form, this bill would have cut funding for the HOPWA program, which provides decent housing for people who are debilitated by disease and cannot operate in the marketplace. This community needs our help. The result of a 47-percent cut in this program would be to increase homelessness and increase the cost of care, requiring in-patient care and hospital support.

This amendment returns funding for FHA's multifamily insurance programs, which provide jobs and much-needed low- to moderate-income housing without long-term Government subsidies.

While I can appreciate the difficult funding environment that Washington is currently facing, I firmly believe that these restored funds are a wise and necessary investment of limited resources. These critically needed Federal dollars will help many vulnerable low-income seniors and disabled persons obtain affordable housing.

This amendment is about compassion. It is about the proper role of Government in protecting the helpless in our society. This is an important amendment and one I think makes this bill fair to America's defenseless populations.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], a member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. FRANK of Massachusetts. Mr. Chairman, I will support this amendment. We know the old saying that a journey of a thousand miles begins with a single step. Well, this bill is a couple of thousand miles short, and this is the single step.

It is not the fault of the chairman, I believe, of the subcommittee. I think left to his own, he would have done better. But given the priorities that he had to work with, he has had to bring forward a bill that is savage in the negative effect it will have on elderly poor people and others.

They correct the rent increase that they wanted to give to people in public housing, but elderly people in assisted housing, elderly people in section 8, will get a significant rent increase in this. At the same time their Medicare costs will go up, and that is unworthy of us.

One thing I wanted to address: We are going to be told one part of the problem here, one of the reasons HUD has to take such savage deep cuts, is that HUD has been badly run. That is true. From 1981 to 1989, under the administration of Ronald Reagan, and specifically Secretary of HUD Samuel Pierce, HUD was one of the worst run departments in the history of the Federal Government.

When we are at the appropriate point in the full House, I will insert into the RECORD the statement of the Independent Counsel and the statement of Samuel Pierce which he issued when he was not indicted, and that was part, I think, of the deal, in which he said, ''I fully accept responsibility for my role in what occurred at HUD and deeply regret the loss of public confidence in HUD that these events may have entailed.''

HUD suffered grievously from the maladministration, the corrupt and inefficient administration from 1981 to 1989 under President Reagan. Now the poor people are paying the price. It is a classic case of blaming the victim, first for the Republican Party to have trashed HUD the way it did for 8 years, and now when Secretary Cisneros is building on the efforts of Secretary Kemp, Secretary Kemp did the damage control, and Secretary Cisneros is trying to move ahead and be positive, and we are being told HUD will be cut enormously, elderly people's rents will go up, people in need will not be helped, and it is partly because of the legacy of absolute corrupt inefficiency that we inherited from the Reagan administration.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the housing provisions in the manager's amendment. I made no secret of the fact I am concerned about the environmental cuts and the housing cuts in this particular piece of legislation, but I recognize, Mr. Chairman, that we must balance our budget. I supported the budget resolution and I fully understand that difficult choices have to be made to achieve our goal of balancing the budget by 2002.

However, as we made the spending reductions needed to move to a balanced budget, these cuts must be allocated fairly. Unfortunately, I believe that housing programs have taken a disproportionate share of the cuts in the VA, HUD, and independent agencies appropriations bill.

Here are the facts: The overall funding for this bill is about 14 percent less than fiscal year 1995.

However, HUD is receiving a 25-percent cut in its funding.

Only EPA receives a larger cut in this bill.

By contrast: The VA receives a 1-percent increase over 1995.

NASA receives a 4-percent cut from 1995.

I am not critical of these agencies at all. In fact, I support them, but the numbers speak for themselves: HUD is being cut 25 percent from the current level. Except for EPA, no other account is receiving more than a 6-percent cut from fiscal year 1995.

Having said that, I support the improvements made in the manager's amendment. I want to thank Chairman LEWIS for working with Congressman LAZIO and those of us who believe that the original bill did not provide adequate funding for housing for the elderly, disabled, and others with special needs; as well as assistance for the homeless.

I think the manager's amendment is an honest compromise. While special needs housing and homeless assistance are still receiving large reductions, this amendment does restore over $400 million for special needs housing and $100 million for homeless assistance.

Mr. Chairman, the section 202 program for the construction of housing for the elderly is one of the most successful programs operated by HUD. It provides affordable housing and support services for our low- and moderate-income seniors. There is clearly a shortage of affordable housing for the elderly and the disabled. I am pleased that the manager's amendment restores half of the original cut.

I can tell you from personal experience that the section 202 program for the elderly works and works well. These developments are boon to our low-income elderly and there are waiting lists for these developments whenever they can be built.

Mr. Chairman, I would encourage us all, regardless of where we stand on final passage, to support this amendment.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. STUDDS. Mr. Chairman, I rise in support of the chairman's amendment, which would restore $441 million in funding for special needs housing programs. These programs include section 202 housing for the elderly and section 811 housing for disabled persons, as well as housing opportunities for people with AIDS, or HOPWA.

I would like to say a few words, Mr. Chairman, about the importance of the HOPWA program. A few months ago I joined with Members on both sides of the aisle in an effort to prevent the elimination of this vital program, which provides grants to State and local governments for housing and supportive services for low-income individuals living with HIV/AIDS.

In my State of Massachusetts alone, HOPWA provides over $2.5 million in formula grants for affordable housing

units, supportive services, and short-term rental assistance for people living with AIDS who are in imminent danger of losing their homes.

Without the funds provided by this amendment, many individuals who are fatally ill will be forced to choose between essential medical care and paying the rent. Some will wind up in emergency rooms; others will literally die in the streets this winter.

No civilized society can allow that to happen. I commend the chairman for offering the amendment and urge its adoption.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. PRYCE].

□ 1345

Ms. PRYCE. Mr. Chairman, today I rise in strong support of the manager's amendment and commend Chairman LEWIS for his outstanding leadership, and Mr. LAZIO and his Housing Subcommittee staff for their tireless work in bringing about this compromise.

This amendment includes funding to provide greatly needed housing for low-income senior citizens, the homeless, and the disabled. Also, included is budget authority to meet current multifamily credit needs to transition FHA's multifamily to a self-sustaining program.

Over the past 60 years, FHA multifamily insurance has provided rental homes for more than 10 million hard working families, individuals, and the elderly. In Ohio alone, the FHA multifamily program has helped renovate or build more than 26,000 affordable rental units.

Mr. Chairman, the need for affordable rental housing is tremendous, and in setting our priorities with our limited resources, we must not forget our elderly, our vulnerable, our homeless, our disabled, the ill, and those most in need. This is responsible legislation, it's the proper role of government, and I urge my colleagues to support this important perfecting amendment.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I want to thank the gentleman for yielding time to me.

I want to commend the chairman, the ranking member, as well as the gentleman from New York [Mr. LAZIO], the gentleman from Connecticut [Mr. SHAYS], the gentlewoman from California [Ms. PELOSI], and the other Members who were instrumental in adding money for AIDS housing and housing for the elderly.

We in New York have a staggering number of people with AIDS who face one of three choices. They can live on the streets. That is not very acceptable, to die of AIDS on the street. They can live in acute care hospitals. That treats them well, but it is extremely expensive, $1,085 a day, according to the Massachusetts Insurance Rate Setting Commission.

Or they can live in a HOPWA group home at the cost of about $40 to $100 a day. It is the humane way to go, and it is also the cheaper way to go.

That is why I am very grateful. I was one of the original authors of HOPWA on the housing committee. I am very grateful that the committee has made room for HOPWA, but my gratefulness is meaningless compared to those who will need this housing and use it. It has been a big success in New York.

I also want to say we are desperately short of 202 housing, and the fact that this will increase 202 is another benefit. I urge support of the en bloc amendment.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of Chairman LEWIS' amendment to reprioritize some of the housing programs and to add more funding for the special needs housing programs which consolidates the housing construction programs for people with disabilities, the elderly, and AIDS housing. In addition the amendment adds more funding for the homeless housing program and the Multifamily Credit Subsidy Program.

I am pleased to be a part of this compromise agreement reached between Chairman LEWIS and the chairman of the Housing Subcommittee, Mr. LAZIO. While I agree that the Department of Housing and Urban Development is in drastic need of downsizing and consolidation, I was concerned about the reduction in the special needs program.

By adopting the Lewis amendment we will be sending a clear message to the bureaucrats at HUD that Congress is willing to support programs that work like the section 202 and section 811 programs. Both of these programs have a proven track record and I am pleased that this amendment addresses the successes of these two programs.

This amendment will also address the multifamily credit subsidy program. Here again, I believe that we need to find ways to revise the operation of the current multifamily programs, so that it can become self-sustaining without a federally appropriated subsidy. However, in the interim and lacking a new authorization, Congress needs to continue this program because if targets the people who are most in need.

Again, I urge my colleagues to adopt the Lewis amendment and make these constructive changes to the VA, HUD, and independent agencies appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I do want to rise in support of this manager's amendment. As has been stated, we are attending to the seniors, the disabled, and the AIDS sufferers.

I also wanted to point out that there is clarification necessary here because all too often there has been reference made to the fact that we are increasing the rental costs and suspending the Brooks amendment. That is not true. In this manager's amendment, we are restoring the ceiling on the rental levels, not only for public housing tenants, which is extremely important, but I would hope that my colleague from California, [Ms. WATERS] would understand also that the ceiling of 30 percent is retained not only on public housing but also on the senior citizens and the disabled.

So we are not ravaging the poorest, in terms of their rental costs. I think there has been a widespread misunderstanding bout this.

I also would want to say that as one who worked on the rental housing reforms of last year with the gentlewoman from California [Ms. WATERS], we are not abandoning that. They are maintained, those reforms are maintained in this legislation.

Mr. Chairman, I want to say that as the gentlewoman from Ohio [Ms. PRYCE] has said, a very important part of this manager's amendment, which has thus far been ignored, is the FHA multifamily credit subsidy. We are improving that. We are working toward reform. This is an essential component of a private-public partnership that is essential to meet our multifamily needs.

Further I would like to clarify for Ms. WATERS: I share your concern with the increase from 30 to 32 percent for the section 8 Tenant-Based Program. However, this does not apply to the Public Housing Program. Nor does it apply to 202 elderly or disabled. Moreover, I am pleased that the bill does include the public housing rent reforms we worked on last year along with Representative KNOLLENBERG.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

I must say that on balance I think it does more good than harm. It is basically a pea and shell game, what is played here, in terms of what is funded. I think it deals with the short term types of needs, so I guess we have to take care of some of that, but only some of them. It restores, instead of underfunding, McKinney and FEMA by 50 percent. We now only underfund it by 40 percent in this amendment.

So those are the types of priorities that, in other words, we are going to do less in 1996 than we are doing in 1995. While that problem persists, it still maintains rent increases for those in some of the assisted housing programs. It is really trying to buy votes to secure support in terms of those that want to show that they are making

some move improving a bad bill. I commend them for the pressure they exerted, but frankly it falls far short of where we have to go.

It is, I think, an indication of where the priorities are in this new Congress that have to be addressed in terms of where the dollars are going to end up. The amendment with the underline bill simply provides a little more legislate a little bit less than otherwise would be the case.

It tries to basically buy off on the cheap in terms of this bill some reluctant supporters. It just does not go far enough, as my colleague from Massachusetts said. The journey begins with the first step, but we have got many miles to go before we get back to where we belong.

We have a responsibility, I think a moral responsibility, Mr. Chairman, to stand up for those that are vulnerable, those working families in our communities that are trying to make it. That is why we are here on the floor today, we Democrats, we want to stand up for those folks that in fact need our representation. They are not represented by the PAC's and the others, but they need our help and that of the House.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, I rise in support of the manager's amendment that would increase the Special Needs Housing block grant by $441 million, providing for the restoration of crucial funding to the Housing Opportunities for People with AIDS [HOPWA], section 202, and section 811.

Mr. Chairman, at a time when homelessness has reached crisis proportions and when so many very crucial programs that provide desperately needed services are being chipped away, one by one, we must work to preserve adequate funding for these important housing programs which are key to the basic existence of so many Americans.

The HOPWA program provides community-based, cost-effective housing for people living with AIDS and their families.

AIDS is now the leading killer of Americans between the ages of 25 and 44. At any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. We have a responsibility, not only to respond to this very devastating public health crisis, but to provide assistance to those who are suffering from AIDS.

This amendment is cost-efficient and will save funds that would, in the absence of the housing and services provided in a HOPWA-funded residential facility, result in higher expenditures for hospital or emergency room costs. The costs of HOPWA facilities are between one-tenth and one-twentieth of the costs of hospital or emergency rooms. In fact, it is estimated that HOPWA dollars reduce the use of emergency health care services by an estimated $47,000 per person, per year.

Sections 202 and 811 have also proven to be enormously valuable programs, which have provided thousands from our growing senior population and people with disabilities with affordable housing, independence, and security.

Without these valuable programs so many risk homelessness, and, quite possibly, premature death due to exposure to poor nutrition, stress, and lack of medical care.

Mr. Chairman, this amendment is socially, morally, and fiscally responsible. I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I, too, want to rise in support of the manager's amendment today and to thank the gentleman from California [Mr. LEWIS] and the gentleman from New York [Mr. LAZIO] and so many others across the aisle that have worked so hard to come up with this compromise. I think it takes a great step in the right direction.

Mr. Chairman, we are talking about some big numbers, 19.1 to 19.4 billion. We talk later on in the bill about $600 and $300 million. The key though is back in our districts where we know it works. I recently visited a facility run by People, Inc., a not-for-profit. It takes these funds and makes sure that disabled and handicapped citizens are used properly in the right direction.

I think that when we look back at our directions in our home States and towns and districts, we can see that this money works. Seniors, homeless vets, and others, it works.

While there are some criticisms, we know that these big, big number we talk about here on the floor and in and out of committees, back in our districts where we have a chance to see it right away in action, we know that this money is put to its best use. I congratulate all the Members who worked for the manager's amendment and urge its support later on this afternoon.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

(Mr. KENNEDY of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think that if Jesus Christ were watching this particular amendment on the House floor, he would look down at us and think that this was a poor attempt to imitate his miracle of the loaves and fishes.

The fact of the matter is that we are trying to play a shell game here. We are trying to pretend that we are cutting off an arm and sewing back a finger and saying that everybody should be thankful for the efforts that have been put into it.

The reality is that we are cutting this budget, we are cutting the housing budget by billions and billions of dollars without a single hearing. We go about this by cutting $400 million out of the homeless budget. We put $100 million back, bringing it to a $400 million cut, and everybody is supposed to kneel down and say, thank you very much.

The fact of the matter is that, if we are interested in ending homelessness in America, we have to invest in building housing for folks. This country did not have homeless people in it in the 1960's and the 1970's and the like because we built affordable housing. Since Ronald Reagan's time, we have cut affordable housing and we have seen the rise of homelessness.

If we are serious about ending these issues, if we are serious about doing something about the plight of so many millions of Americans that live in public housing, we want to take a snapshot of some politician in front of a public housing project, that is great. And we condemn the whole thing. Or we are dealing with the fact that the vast majority of public housing is very good housing, and we need to continue to invest in it.

But by coming along and chopping it off, what we are going to do is go about creating the very public housing disasters that Members so adroitly condemn. So let us deal with the problems. Let us support this amendment, because it does a little bit more, and we cannot carry the votes to kill this whole bill. But let us recognize that what we need to do is kill this bill, put the funds into affordable housing. Cut the B–2, cut the taxes, not for the rich but for ordinary citizens.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I have been wrestling with this bill for a long time and wrestling with what we are about as Members of Congress. I know that we have bankrupted this nation because of the kind of rhetoric of my colleague from Massachusetts who somehow thinks that if we spend more money we help people.

I think that in a hearing that my subcommittee is going to have in Chicago, we are going to have a hearing in Chicago because the Federal Government had to take over public housing because it has totally failed. A 4-mile stretch, one side a throughway and the other side 4 miles of public housing, and the poverty rate is 15 percent of the official poverty rate.

So I have come to the general conclusion that 12-year-old girls having babies and 14-year-olds selling drugs and 15-year-olds killing each other, 18-year-olds who cannot read their diplomas, 24-year-olds who have never had a job, 30-year-old grandparents is the legacy of this welfare state that must change. We are going to change it.

But this amendment, the fine work of the gentleman from New York [Mr. LAZIO], the fine work of the gentleman from California [Mr. LEWIS], the fine

work of some Members on this side who weighed in and have helped rescue a certain part of this bill to restore some funding for senior housing that works, for HOPWA that I know works, housing opportunities for people with AIDS and for helping those who are disabled to restore some money in the homeless is to me a gigantic step in the right direction.

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I do not have all the answers, Mr. Chairman. I just know we have failed miserably, and I know it is not going to be solved by a lot more money. Hopefully we will get beyond the kind of rhetoric that we just heard and start to interact with people to make sure the money we do appropriate actually means something and does some good.

Mr. Chairman, I salute the gentleman from California [Mr. LEWIS] again, and the gentleman from New York [Mr. LAZIO], and Members on both sides of the aisle who recognize that we have failed miserably, and we need to put a new and complete face on housing.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding time to me.

My friend, the gentleman from Connecticut [Mr. SHAYS], who was talking about assisted and public housing, has left the floor. I just wanted to point out that I think that most of us recognize that there are problems with some assisted and public housing, as the gentleman from Massachusetts [Mr. KENNEDY] said on the floor, and that there are troubled housing authorities. These constantly are held up as the basis for not continuing housing program.

Mr. Chairman, the fact of the matter is that in my community, I would welcome the Congress to focus on the programs that are working very well. We have public housing that is 40 and 50 years old, that is being renewed in terms of contracts that represent some of the best quality housing for our low-income members of the community and working families, and it is serving its purpose. To be sure, any time we have that kind of concentration in terms of public housing—in some areas miles of low-income high rises—most of us recognize those political decisions that concentrate these tremendous numbers of low-income individuals in housing projects in large urban centers, and across the country. Such planning, such architecture causes a big problem—a very big problem.

However, Mr. Chairman, I think that this particular bill is denying modernization and operating funds for all public housing across the board. These policies are going to affect the good, the bad, and the indifferent, and I think we need to focus. We do not want to see more public housing have the type of plight that has happened in the example that has been given by my colleague, the gentleman from Connecticut [Mr. SHAYS]. However, that is exactly what is going to happen.

What is really I think the problem in this bill, Mr. Chairman, is that it fails to help us preserve the existing resources of 4.7 million public and assisted housing units that we have. We are going to see a further deterioration of such housing. The money in the pipeline is necessary and useful for maintenance and operating in a fair way, and maintaining that housing.

Mr. STOKES. Reclaiming my time, Mr. Chairman, I appreciate very much the comments made by the gentleman from Minnesota, and they echo my own views in terms of that subject.

I would just say in closing, Mr. Chairman, that while I commend the chairman for his effort to improve the bill in this direction, and he certainly has improved it to some degree, it certainly has not gone as far as is really necessary to try and correct this legislation and make it palatable. It is unfortunate that we are in that position; and my position, of course, would have to be that until we can clear up these other matters in this bill, this is a bill which I would have to oppose.

Mrs. MORELLA. Mr. Chairman, I rise in support of the chairman's en bloc amendment. The program funding that is restored in this amendment affects individuals who do not have alternative resources. It is critical that we approve this amendment to restore at least a minimal level of funding for our most vulnerable communities.

Perhaps we have difficulty imagining ourselves in our seventies, eighties, or older. Do we think that because we have reasonable resources now, that a major illness, accident, or just a very long life could not wipe out our seeming financial security? How can we refuse to assume responsibility for minimum care, in this case just providing shelter for the elderly, for those living with HIV/AIDS, for the disabled, and for the homeless. I don't think any of us can, in good faith.

This amendment restores $441 million for HUD special needs housing and in addition, it strikes the provision requiring section 8 rental assistance recipients to pay additional utility costs. I have great concern with the bill's provision which pegs assistance to the marketplace. In Montgomery County, MD, this potentially could result in more than 3,500 section 8 recipients being forced to live in areas of concentrated poverty.

Mr. Chairman, I do not believe that this Congress really could accept a 49-percent reduction in the McKinney Homeless Assistance Program which has been a tremendous benefit to all communities. We still know little about how to meet our Nation's increase in the number of homeless, but it is a tragedy that must be addressed and we have a program that has proved itself over the years. Nor can we turn our backs on our seniors and the disabled who must depend on a fixed income and many of whom have no where else to turn.

My county's housing opportunity commission was recently lauded by Secretary Cisneros when he said: "Montgomery County, MD, may have the Nation's most comprehensive and balanced local housing program." It is important to remember that this success is dependent on, and in cooperation with, Federal support for "special need" housing programs. Assistance for such housing is needed in all areas of the country and every jurisdiction. No community can carry it alone.

Another program addressed by the amendment is the Housing Opportunities for People With AIDS [HOPWA] Program, the only Federal housing program that specifically addresses the housing needs of people with HIV/AIDS. It is estimated that one-third to one-half of all people with AIDS are either homeless or on the verge of losing their homes. Many people with AIDS are still faced with eviction because of discrimination, despite Federal and State antidiscrimination laws. Many others lose their homes when they are no longer able to pay their mortgage or rent because of illness and lost wages. Still others are already homeless when they become ill. Despite these problems, people living with HIV/AIDS historically have encountered great obstacles in receiving assistance through Federal housing programs.

HOPWA was created to address this desperate need, giving communities the flexibility to develop a broad range of housing options and support services to meet their specific needs, consistent with this Congress' efforts to provide greater local control.

Without adequate resources for HOPWA, people with HIV/AIDS will die early and without dignity—in emergency rooms, shelters, or worse—in the streets alone. This amendment ensures that at least a minimal amount of funding is available to provide housing for people with HIV/AIDS to ensure that they can live out the remainder of their lives with some level of decency and comfort.

Mr. Chairman, the cuts that have been chosen for H.R. 2099 are inhumane. We can do better than to take from the most vulnerable among us. This amendment is a fair and reasonable effort to restore basic housing needs, and I urge its adoption.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding to me. I have no further speakers on this side. It is not my intention to ask for any more time. Indeed, I would hope that we could go to a voice vote on this, because buses are going to the Korean war memorial service. I certainly appreciate the cooperation of the ranking member in this matter.

Mr. STOKES. We are pleased to cooperate with the chairman in that regard. We do not see a need for a record vote on this particular amendment.

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

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment printed in part 1 of House Report 104–206.

The amendment was agreed to.

The CHAIRMAN. The amendment made in order by the rule having been agreed to, the Clerk will designate title I.

The text of title I is as follows:

H.R. 2099

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 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, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $17,649,972,000, to remain available until expended: *Provided,* That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992, (38 U.S.C. chapters 51, 53, and 55) the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further,* That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): *Provided further,* That $12,000,000 previously transferred from ''Compensation and pensions'' to ''Medical facilities revolving fund'' shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: *Provided,* That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487) $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,713,521,000, plus reimbursements: *Provided,* That of the funds made available under this heading, $771,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $251,743,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the ''General post fund'': *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the ''General post fund'', as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $821,487,000: *Provided,* That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: *Provided further,* That the $25,500,000 earmarked in Public Law 103–327 for the acquisition of automated data processing equipment and services to support the modernization program of the Veterans Benefits Administration is available for any expense authorized to be funded under this heading: *Provided further,* That none of the funds under this heading (including funds referred to in the preceding proviso) may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

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, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $183,455,000, to remain available until expended: *Provided,* That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further,* That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: *Provided further,* That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further,* That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further,* That of the funds made available under this heading in Public Law 103–327, $7,000,000 shall be transferred to the ''Parking revolving fund''.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $152,934,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided,* That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. (a) Effective October 1, 1995, section 5505 of title 38, United States Code, as in effect when repealed by section 1201(g)(4)(A) of Public Law 103–446 (108 Stat. 4687), is hereby reenacted and, as so reenacted, is amended by striking out ''September 30, 1992'' in subsection (c) and inserting in lieu thereof ''September 30, 1996''.

(b) The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5505. Limitation on compensation payments for certain incompetent veterans.''.

SEC. 108. Chapter 19 of title 38, United States Code, is amended as follows:

(1) Section 1920 is amended—

(A) in subsection (a), by inserting '', and for the reimbursement of administrative costs under subsection (c)'' before the period at the end of the second sentence; and

(B) by adding at the end the following new subsection:

''(c)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the National Service Life Insurance Fund, reimburse the 'General operating expenses' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

''(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of National Service Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

''(3) This subsection shall be in effect only with respect to fiscal year 1996.''.

(2) Section 1923 is amended—

(A) in subsection (a), by inserting ", and for the reimbursement of administrative costs under subsection (d)" before the period at the end of the last sentence; and

(B) by adding at the end the following new subsection:

"(d)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the Veterans' Special Life Insurance Fund, reimburse the 'General operating expenses' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

"(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of Veterans' Special Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

"(3) This subsection shall be in effect only with respect to fiscal year 1996.".

(3) Section 1955 is amended—

(A) in subsection (a), by inserting ", and for the reimbursement of administrative costs under subsection (c)" before the period at the end of the first sentence; and

(B) by adding at the end the following new subsection:

"(c)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the United States Government Life Insurance Fund, reimburse the 'General operating expenses' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

"(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of United States Government Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

"(3) This subsection shall be in effect only with respect to fiscal year 1996.".

(4) Section 1982 is amended by striking out "The United States" and inserting in lieu thereof "Except as provided in sections 1920(c), 1923(d), and 1955(c) of this title, the United States".

PERMISSION FOR MEMBER TO OFFER AMENDMENT OUT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that amendment No. 34 offered by the gentleman from Oregon [Mr. DEFAZIO] to title I be in order at a later point in the reading of the bill, notwithstanding that title I may have been closed.

This has been agreed upon by both sides of the issue in terms of the Members debating it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from California [Mr. LEWIS].

Mr. Chairman, the report of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations contains language that highlights the excellent work conducted by the EPA in the use of a helicopter for water quality testing along the New York-New Jersey coasts. The EPA established a water quality testing program due to the pollution problems experienced that year by New Jersey and New York in the beaches which they experienced in 1988. As Members may recall, this was front page news which caused people to stay away from our beaches. This problem could have done irreparable harm to the economy, but with the cooperation of the Federal, State, and local governments, a comprehensive plan was implemented to ensure that the ocean water quality would never be in the sad shape that we found it in 1988. Since 1988, we have made steady progress in making our coastal waters clean.

There are two critical elements to the EPA's water quality testing program. First is the spotting of floatables in the coastal waters, and the second is the actual monitoring and surveying of water quality. In both situations, the EPA utilizes a helicopter to conduct its work.

I want to clarify the committee report language. The committee language discusses the spotting and immediate cleanup of floatables, but does not specify or mention monitoring and surveying of water quality. I ask the subcommittee chairman if the intent of the committee language includes the monitoring and surveying of water quality, in addition to the spotting of floatables?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, yes, the committee realizes that the water quality testing program which has been instrumental in solving the coastal water problems which New Jersey experienced in 1987 and 1988 should continue. As the gentleman stated, this program includes spotting of floatables and monitoring and surveying of water quality.

Mr. SAXTON. Reclaiming my time, would the chairman of the subcommittee explain what funds are available to continue this program?

Mr. LEWIS of California. It is the committee's intention that the funds come for this program from EPA's environmental program and compliance account.

Mr. SAXTON. Mr. Chairman, I appreciate the willingness of the chairman of the subcommittee to include this language in the committee report. This program is vital to New Jersey and I want to commend the gentleman for his excellent work as chairman of the subcommittee.

AMENDMENT NO. 50 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment No. 50.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: 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 21, line 15, after the dollar amount, insert the following: "(increased by $200,000,000)".

Page 22, line 15, after the dollar amount, insert the following: "(increased by $200,000,000)".

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)".

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that we have a limitation of 1 hour, divided equally on each side, the gentleman from Wisconsin controlling part of the time, and I will control the other half of the time.

Mr. OBEY. That is perfectly acceptable to me.

The CHAIRMAN. On this amendment and all amendments thereto?

Mr. LEWIS of California. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment simply cuts out the money for the space station, cuts the deficit by almost half a billion in the process, and transfers the rest of the unused money from the station into veterans' health care, into housing for the elderly and low-income and disabled, and to other science, especially other nonstation NASA science.

Mr. Chairman, like anybody else, I am thrilled by the history of the space program. I was at the launch when Neal Armstrong went to the Moon. It was one of the most thrilling experiences of my life and, I suspect, that of

every other American who witnessed it. However, these times require very tough choices. Some of those choices in this bill and a variety of other bills, are being avoided, rather than made. The result, I am afraid, is going to be severe constriction of our scientific capability, as well as a warping of our national priorities.

Mr. Chairman, the space station is sold as science, and I suppose, in some ways, it is, but there are two kinds of science which are funded by Government. One is investigator-initiated science in which a scientist gets an idea, he applies for a grant, other scientists review that proposal, and, because we have limited funding, only the science which is judged to be the very best is actually approved for Federal financing. This is, I think, quite different science.

Much of it, though certainly not all of it, Mr. Chairman, is what I would call politically generated science. It is, in many ways, a political project which has been redesigned countless times. And I do not mean to use the word ''political'' in a denigrating way. I happen to have great respect for the terms ''politician'' and ''public servant.'' Without politics, societies have wars, so I have great respect for political decisions.

However, I think there comes a point when we have to ask by which process we will learn the most and gain the most to advance this country scientifically. I think in many ways this project, desireable though it might be if we had additional resources, I think it is in many ways a public works demonstration project. Its supporters will talk about it in terms of the scientific payoff it can have. I think the question is: What knowledge will we gain through the expenditure of money for the station versus what kind of knowledge we will gain if we put that money to use in other scientific endeavors.

Mr. Chairman, the cost of this station is supposed to be, when we count up what has been spent and what will be spent, about $94 billion, $75 billion yet to be spent. To put that in perspective, that is about $4 billion a year; on average, that represents about twice as much as we spend annually on cancer research. It is more than we spend in the entire NASA or NSF budget, and it will not buy, in my view, 94 billion dollars' worth of new information.

It will finance, to a very large extent, repeated performances of functions that we already know how to do. It will finance 73 additional shuttle flights, at least, to carry into space very large amounts of material and equipment which will be assembled by workers floating around the globe. I would describe that as being, say, 90 percent a large-scale construction project and 10 percent a science project. My percentages may be off, but I think Members get my general drift.

Mr. Chairman, my concern at the scientific level, and because I have responsibility wearing my other hat as a member of the Subcommittee on Labor, Health, and Human Services, and Education, where we fund all NIH research, for instance, I have great concern that, because of the budget squeeze, this station is going to squeeze out other science in our Federal budget. We are going to have additional budget cuts next year.

Everybody knows that, no matter what decisions we make this year. I think if we keep the station, that over time, because of the declining level of Federal spending vis-a-vis previous plans, we will in essence obliterate our ability to support a lot of other needed science.

□ 1415

If I can keep just for the moment on the scientific issue, by passing this amendment, I think you help us to save other NASA science, you help us to fully fund Mission to Planet Earth, or virtually fully fund it at its requested level, and in addition to, I think, improving the balance of science that these dollars would produce, you allow us to restore $400 million to help the elderly and the disabled get decent housing here on Earth and, frankly, those of you who know me, know that I would, any time, put decent habitat for people on the face of the Earth ahead of habitat for astronauts.

In addition this amendment would allow us to restore $400 million to veterans' health, including correcting the problem which we have in the bill which will if not corrected squeeze the benefits of about 12,000 veterans, many of whom suffer from illness who will have their disability payments reduced because of the legislative provisions in this bill. This will allow us to try to correct that. It will also, in addition, give us a bonus of an additional almost $500 million savings on the Federal deficit. It seems to me that this is the rational thing to do given our budget squeeze.

One the veterans' side, for instance. The bill before us delays funding for $750 million in medical equipment in our veterans' medical centers around the country. This would enable us to meet some of the shortfall in the veterans' funding area. I really believe it represents a far better balance in expenditures.

I want to say this to those who have had a strong commitment to the station in the past. I understand that and I respect it. If this were the world that existed back in the 1960's when President Kennedy first began the space program, if we had an economy that was expanding at that rate, if we had resources which were expected to expand, if we did not have a poverty situation which was increasing, if we did not have a degenerating housing situation, if we did not have desperate needs in the environmental area, I would not be here offering this. But we have in the 1980's seen a huge run up in public debt because of policies which I largely opposed but nonetheless they were adopted and rammed through here over our objection, and those things have consequences. The consequence of those decisions in the early 1980's is that we have such a huge overhang of public debt, we are now being forced to make choices which squeeze out a good many valuable programs. The choices we face here is whether or not we will squeeze this one out or whether we will pretend for a while that we can continue it, meanwhile watching it every day gobble up other essential pieces of the budget, including other pieces of the science budget.

I respect people who differ with me on this issue, and I know that this offers people tough choices, but we are paid to make those tough choices. I think we ought to begin on this one today.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to express my appreciation to the gentleman from Wisconsin for cooperating relative to the time difficulties that we have. While we have much agreement, there is some disagreement regarding this amendment.

It is suggested by way of the author's recommendation that there is some cost to go in terms of our space station completion and operation, somewhere around $94 million.

According to NASA's evaluation, the dollar figures really should be $26.2 billion including $13.2 billion for final development and construction and $13 billion for 10 years of operation.

Setting that aside, it really is no small bit of irony that we are considering an amendment here today that would eliminate space station funding. It was just last evening that I had the privilege of being at the White House where the President was giving a medal to Comdr. Jim Lovell, one of our best known and most talented and successful astronauts.

The effect of this amendment in the final analysis would do two things that I would suggest are very, very important for all Members to consider: First, the amendment would eliminate space station and thereby all those flight operations that relate to space station. It would undermine the President's effort to further develop an international cooperative effort between friends in Eastern Europe as well as with Russia.

There are those suggesting that if you eliminate space station, then in some way that money is suddenly going to become available for any number of other priorities. I would suggest the latter is a total misconception of what would likely occur.

It is my view that NASA's support flows around the public's interest in man's space flight, the public's interest in station. Indeed, if we eliminate those programs, it is my view that NASA would all but be eliminated itself. To presume that with the other priorities that we see in this bill, such

as housing, such as veterans, such as EPA, that suddenly a huge flow of dollars would be available for scientific research and other science programs, some would suggest is at least a bit naive.

This amendment would kill space station. In my judgment it would kill NASA's total program. Indeed it would terminate our American mission in space.

I urge a ''no'' vote on the amendment.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise to speak in favor of the Obey amendment. This is a summer when all of us are thrilled by recalling the adventure of *Apollo 13*. It was one of the milestones in the challenge John Kennedy put to America. We needed the challenge and we could afford that challenge. But that was then and this is now.

Now is a time when we need to make our public housing programs better—and this administration is trying. But we need to continue a Federal commitment to housing for the most vulnerable people in our society.

Now is not a time when we can renege on our commitment to the men and women who fought our wars.

Now is a time when we have to make genuine efforts to control our deficit. We have to be credible and fair in this effort.

Now is not a time when we can afford the space station. The challenges that face us today are very different than the ones that confronted us in the 1960's of John Kennedy and *Apollo 13*.

There are so many things that trouble me about this bill. It is so mean-spirited in so many ways.

As chairman of the Congressional Urban Caucus, I am distressed at the harshly anticity, antipoor, antiveteran, antienvironment aspects of this bill.

How can we make it better? Throw it out and start over again. But Mr. OBEY'S amendment does a good job in pointing out the inequities of the bill, as well as its departure from genuine and fair deficit reduction.

I urge my colleagues to support the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong opposition to the amendment and give my support for full funding of the international space station *Alpha*.

On the one hand we will hear from opponents that budget cutters have cut far too deeply into the NASA budget and that those cuts severely imperil the U.S. space program. On the other hand we hear opponents cite a flawed GAO study that says the space station is going to cost $94 billion and we should just do away with it.

Well, I believe both arguments are incorrect and wrong.

The space station represents America's future in the development of space. In the Science Committee, under the leadership of BOB WALKER and JIM SENSENBRENNER, we have gone to great lengths to make certain that the space station will progress in a responsible, fiscally competent, efficient, and on-schedule fashion for the next 7 years.

If that were not the case I would not support the program.

In a time when we are scaling back, tightening, and eliminating, some ask how we can allocate full funding for the station. The answer, quite simply, is that the station is an investment in America's future.

Are we going to lead the way in space or are we going to watch others from the sidelines? Are we going to lead the way in space-based research or will our citizens have to wait for medical progress? Are we going to lead the way in sending products into space or will we be forced to buy services from the other nations who stayed involved with the station?

The space station is very much about America's future. In fact, it is a pathway into the future. In the Science Committee, we recognize this reality and embrace it. We can see the commercial possibilities sand the necessity for America to be competitive.

We can do this and keep our commitment to balance the budget.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 7 minutes.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. I thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from California [Mr. LEWIS] for yielding me this time.

Mr. Chairman, I think beyond question the remarks I make here today and the vote that I cast on this amendment will rank amongst the most difficult that I have ever had to make.

I have come to the conclusion that we can no longer sustain a space program of the type that I would like to see and which has been recommended by all of the experts in this field, at the budget level which we are now confronted with, and that as a consequence I will have to oppose the space station.

I have this chart here which will enable me to explain the budgetary situation. I have had this chart for a number of years. I used it for the last couple of years to try and tell the President that we could not continue the space program and the space station at the level of his budget. I have now revised it to include the Republican budget as well, which I find makes the President's budget look good.

When I came to Congress, NASA's budget was here. I came in the early 1960's. The Republican budget at the end of a 5-year period will bring us back to less than it was in the early 1960's. The President's budget would allow us to do slightly better but not too much.

Five years ago, President Bush commissioned a report on the future of the space program. This was at this point right here on the chart. The commission was chaired by the present chairman of Martin Marietta and composed of distinguished citizens and scientists.

At that point the commission recommended that to maintain all of the programs NASA was supporting, including the space station, it would be necessary to continue this upward curve, up to about here. At this point, it would equal about half in terms of GNP what it was over here.

Instead of following the recommendations of that report, what actually happened was just the opposite. We have tried to maintain all of those programs in NASA's portfolio with a budget which is less than half of what was recommended by that report.

Here is when the present administrator, Mr. Goldin, came in.

□ 1430

He was appointed by Mr. Bush, told to streamline NASA, to cut the budget, to use all of the necessary techniques, including reductions of the bureaucracy, and redesign of programs to achieve the NASA Program goals, but at considerably less money.

Here we are today, and Mr. Goldin has done one of the most magnificent jobs that I have ever seen a Government employee do and he has maintained the level of the programs and cut the overall budget by 15 percent.

Here is where we are. Where do we go from here? In my opinion, we can continue to make modest cuts and continue all of these programs, but we cannot go as far as the President recommends, which amounts to a 30-percent cut from where Mr. Goldin started, nor can we do what the Republican budget includes, which is a 40-percent cut.

Mr. Chairman, in other words we are proposing to cut the budget for NASA almost in half over a period of years, and to still finish what we have done.

The gentleman from California [Mr. LEWIS], the distinguished chairman of the subcommittee, a very astute gentleman, recognized in his original subcommittee report that they could not do that, so the gentleman proposed cutting out a number of major science programs and three major installations. The gentleman will have to do that again next year, and it will carry

next year, because there is no way to continue with NASA.

So I am suggesting to all of my colleagues that we need to take a fundamental look of where we want to be in space. We are about to see the collapse of all of our cooperative efforts, including the space station, because we do not now have adequate reserves to guarantee us against the unexpected in the remaining 5 years of that program.

Our allies in Europe, with whom I keep in fairly close touch, including this morning, our allies in Japan, our allies in Canada, are questioning whether we can continue these programs on this kind of a budget trajectory, and they are correct, and they are likely to leave the ship in the very near future.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I certainly appreciate both the interest of the gentleman from California [Mr. BROWN] in the work of NASA and also the gentleman's chart, because it reflects many of the frustrations that I share with the gentleman.

One of our problems has been that NASA's financing begins in our Subcommittee on Appropriations. There is no question that funding competing with housing and veterans' programs has competed with NASA.

On the other hand I have argued that the only hope that NASA really has to get continued support within the House is the mission in space. That is how we developed the broadly based bipartisan support that NASA has had so far. Frankly, without space station, I think all of that disappears.

Mr. BROWN of California. Mr. Chairman, I happen to agree with the gentleman. I think NASA's programs will begin to unravel if we end the space station. On the other hand, we are now headed on a trajectory which will leave us at a level of expenditure of two-tenths of 1 percent of the Gross National Product at that point. Up here we were eight-tenths of national GNP.

Now, we all say we give NASA a high priority. Wonderful program, great science, great adventure, very stimulating. And then we give it less resources than any other part of the domestic discretionary programs; less than any other science; less certainly than nonscience aspects of the budget.

Of course, you can compare it with defense which continues to go up, even though we do not have any realistic wars in the near term. We are not giving NASA the priority which we all say that it ought to have, and it will collapse.

Mr. Chairman, I told the President this last year. I said, ''Your budget this year will survive. The programs could continue, but the 5-year outlook, it cannot.'' I said, ''I will vote for the space station this year, if you will work hard to keep it a half a billion dollars. Last year they gave the President more than he asked for; a good sign.

This year the President did not reexamine the 5-year outlook. I am not going to support it under these conditions and I continue to point out that we are lying in our teeth if we say space is important and then give it this kind of a budget.

Mr. Chairman, I rise today to state my overall dismay over the events that have led us to consider this amendment today. In 1990, then-President Bush brought together the Nation's wisest and most knowledgeable experts on the space program to review the future direction we should take. At that time the concern centered around NASA's ability to sustain major efforts such as the space station and the space shuttle program and still carry out its basic missions in science and space exploration.

This panel, called the Augustine Commission, produced a report remarkable for its insight and vision. One of the most notable recommendations was that the scope and direction of our Nation's space program must be accompanied by a stable budget—a budget that at least keeps pace with inflation. If we truly have as our objective the expansion of human presence in space, the budget must some day reach a level approaching about half what it was during the Apollo years according to the Augustine report.

Scarcely had the Augustine report been released than Congress and the administration embarked on a fierce competition to cut the NASA budget. Over the past 5 years, there seems to be no cut large enough to satisfy the budget cutting frenzy in both the Congress and the executive branch. The most recent reduction by the White House—a $5 billion cut over 5 years—was doubled by the Republican budget resolution. This mimics some kind of high stakes poker game in which the losers will be not only NASA, but our future generations.

Over the past 5 years, as this scenario has unfolded, I have agonized over how best to call attention to this fantasy that NASA funding is a bottomless pit—that we can cut indefinitely and still expect to keep major NASA centers open, still keep major programs afloat, and still keep the public confidence in our stewardship of NASA.

Today, I have reluctantly reached the conclusion that this fantasy is no longer plausible. I see no juncture this year, nor in the future at which leaders in Congress and the White House will reverse this trend or reach a consensus on the need for a stable long-term NASA budget. Thus I plan today to vote to terminate the space station. This is a very painful decision for me—but I have no other morally acceptable choice.

In saying this I want to give my highest accolades to NASA and to Administrator Goldin who has struggled to meet the demands of OMB to cut back, and his strong voice against the further reductions proposed by the Republicans. NASA has made Congress's job vastly easier by forging ahead on reforms, by proposing rational ways to reduce spending and absorb the cuts levied by OMB and by returning the space program to the American people. It is profoundly unfair to ignore the solid work already done and replace it with the vague, misguided policy directives that masquerade these days for budget cuts—policy directives to go forth and privatize, commercialize and so on. These are no more than buzz words, indeed buzz words that nobody can even agree on.

I have been and will remain a strong supporter of the space station. But the Republican budget plan and the lack of leadership in the White House on space issues leaves me no choice but to point out that NASA cannot remain a viable agency and cannot sustain a viable space station program within the budgetary envelope that has been put forward by the Republicans.

I tried to make this point last year that the President's own 5-year budget plan would not sustain a balanced NASA program as well as the space station, but I was obviously unsuccessful in convincing them.

I fully recognize that the amendment which I will vote for will, if passed, put NASA overall in worse shape. The amendment that should be considered today is one that will restore the cuts that have been made to NASA in this bill and to bring it back to at least the level in the President's request in fiscal year 1996 and to maintain stability thereafter by keeping pace with inflation. There is no doubt that that amendment will fail miserably.

I will close by restating that my vote today represents my personal position and I do not necessarily ask that my colleagues join me. I hope, however, that my colleagues in this and future Congresses will join me in focussing on this important problem and lending their genuine support to the space program.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Obey amendment and in opposition to the misguided priorities represented in it.

Mr. Chairman, the money that we spend on NASA can never be justified in the abstract. But where it can be justified is in the spinoffs that our investment in the future, which is represented in the NASA budget, brings.

Throughout the civilian space program since 1957, we have seen revolutions in telecommunications, revolutions in materials development, revolutions in medical techniques, revolutions in the development of new types of medications that do a better job in treating what ails human beings with fewer side effects.

Mr. Chairman, those types of spinoffs will end if NASA collapses. And make no bones about it, the space station is the linchpin of NASA's efforts. We take away the space station, we take away a lot of the scientific research that will end up providing a huge improvement in the standard of living for every human being on this earth, and not just in the United States, but elsewhere as well.

So let us not eat our seed corn. Let us not turn our back on research. Let us continue to support the space station by voting down the Obey amendment.

Mr. Chairman, this amendment calls into question the American commitment to space. We should not be questioning that. If it is adopted, it will

mean that the Congress will have, in effect, thrown away the $17 billion already spent on the development of the space station, and the 50,000 pounds of material that have been already produced that will go up into orbit.

It will welch on our international partners: the Russians, the European space agency, the Germans, the French, the Canadians, the Japanese, and will tell those international partners that America is an unreliable partner in any big-ticket expensive scientific investment and tell them that the $6 billion that they have spent will be thrown away, just as the $17 billion that we have spent.

Mr. Chairman, I do not think that that is the example that we should be setting in the Congress of the United States. The $400 million that is transferred into HUD does not buy very much housing, but it is done at the expense of wrecking a major program that this Congress has committed itself to for over 10 years.

The space station should be kept in the budget. This amendment should be defeated. We should not wreck America's future in the development of the things that are spun off from what NASA has done.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

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

Mr. SANDERS. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, is it really appropriate to be talking about another $74 billion investment for a space station when we have 5 million children in America who are hungry and this Congress is cutting back on nutrition programs and food stamps?

I do not think that that is a proper or moral tradeoff. We should not be doing that.

Mr. Chairman, the budget that we are dealing with now devastates programs for affordable housing. How can low-income people bring up a family when they make $6 an hour and are forced to pay 50 or 60 percent of their limited incomes for housing? How many more families, how many more children, will be made homeless as a result of this budget? That is not right.

Mr. Chairman, the wealthy in our country have the resources to send their kids to the finest private schools and the finest colleges, colleges which often cost $25,000 a year or more.

The working class and the middle class of this country do not have that luxury. In fact, it is harder and harder for the average American family to afford college for their kids.

Mr. Chairman, how do we tell the working families of this country that we are prepared to spend tens of billions more on the space station, but we are cutting back drastically on student loans, on Pell grants, on upward bound, on the National Service Program; congressional decisions which will make it impossible for millions of American kids to afford college. Billions more for hardware in space; major cuts in education. That does not make sense.

The Republican budget that we are operating under eliminates LIHEAP. Elderly people in Vermont, throughout this country, will go cold when the weather becomes 20 below zero. Mr. Chairman, $74 billion more for the space station; elderly people in America going cold. Those are wrong priorities.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I rise in opposition to the Obey amendment that would kill 40,000 high-technology American jobs and the support of that amendment by the gentleman from California [Mr. BROWN] that would somehow make NASA better by taking $2 billion out of its budget this year.

Mr. Chairman, today's decision is about the future. Today's decision is about doing something that will be remembered as a step into human kind's destiny. Today's decision is about contributing to the never-ending quest of human exploration. Today's decision is looking beyond our present problems and building something toward tomorrow.

The space station, like all the other vehicles that have carried us toward the future, is surrounded by controversy. It is easy to dispute, even mock, the unknown. Because what we will learn by going to the frontier is more about imagination and hope than it is about hard, cold fact, the potential of the space station often defies description; and that is a problem in legislative debate.

But history, rather than science, is instructive. The easy argument against exploration always has been not here, not now, because there are too many other needs that must be met first with our limited resources. Invariably, throughout history that easy argument has been wrong. Men and women who have bought the easy argument have become the defenders of the status quo and their dreams have been lost. Nations who have bought the easy argument have lost their sense of destiny and declined in both power and prestige.

Mr. Chairman, between now and the year 2002, we will spend something less than two-tenths of 1 percent of our projected national outlays to build, orbit, and man a space station. In that same period we will spend at least 12 percent of our total national outlays, or more than 70 times than what we spend on space station, paying interest on the national debt.

Massive commitment to debt without some small investments in exploration and imagination is not the foundation on which great nations are built or sustained. Still, putting men and women in space to live and work takes real money. We owe the American people no less than an assurance that the money will be well spent.

We will do completely unique scientific work aboard the space station that holds the promise of new discoveries. The payoff could be enormous.

We will develop new technologies in order to build the space station that will allow us to build world class products here on Earth. The payoffs will be immediate and real.

We will forge a partnership with the international community which will build mutual trust and respect. The payoff is a promise of peace.

We will cooperate in an international venture that may prove to be a model for other scientific endeavors. The payoff will be a triumph of American leadership.

Are the payoffs worth the price? For some here, the answer is obviously ''no.'' They want to spend the money in other ways. But they would have us give up a lot.

When we abandon space station, we stop 30 years of progress in human space flight. When we abandon space station, we leave the space shuttle as a magnificent flying machine without its original mission.

When we abandon space station, we kill off the last major science project being done with international partners and jeopardize the future of cooperative efforts.

When we abandon space station, we abandon American leadership in the arena of the future and leave the potential of space to others.

When we abandon space station, the dream is no longer alive.

Mr. Chairman, if my colleagues came to Congress to, in some small way, touch the future, here is their chance. Somewhere out there, on the endless frontier, is the destiny of humankind. We can step toward that destiny, or can we step back, away from it. I hope most of us will choose to step forward.

Mr. Chairman, my colleagues' support for the space station will allow Americans to know a new and unique frontier for the first time. And in knowing that frontier, America will define the future. I yield back the balance of my time.

□ 1445

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I am, indeed, honored to follow the distinguished chairman of the Committee on Science and his remarks. He is right on. He is right on the issue, and I appreciate the work that the chairman of the subcommittee on VA, HUD, and independent agencies has done on this issue. He has been very fair in allocating these funds.

Mr. Chairman, I rise in strong opposition to this very misguided amendment. For the most part, the accounts the gentleman from Wisconsin seeks to

increase have already been accommodated in the managers amendment. In regard to the VA medical account, this is the only account in the bill that has already received an increase over the fiscal year 1995 level.

The Obey amendment attempts to redirect the priorities set out in this bill and I submit to my colleagues that the priorities of the gentleman from Wisconsin are far different from those of the majority of this House.

While this amendment makes rather small add backs to several accounts, it terminates the international space station program. This is a program that represents one of the few areas of this bill where Federal tax dollars actually contribute to an investment in this Nation's future.

I am a vigorous supporter of the space station for many reasons. For me, and I think for most Americans, America's space program is one of the activities undertaken by our Government which is unquestionably legitimate.

And the objectives are far too important to compromise. Forget the unparalled knowledge about space itself, forget even the new heights of international cooperation and the building of inhabitable structures in space.

The long-duration microgravity capabilities of the space station will directly affect research in cell and developmental biology, human physiology, biotechnology, fluid physics, combustion science, materials science, benchmark physics and the large-scale commercial development of space. We cannot afford to forgo the tremendous impact these scientific efforts will produce.

Moreover, the reaching of these objectives through space research is exactly the type of activity that Americans expect their Government to undertake. This expectation is what separates space station funding from Federal spending on paintings and poetry, on museums, publishing, broadcasting, farm subsidies, loan guarantees, real estate development, and bank bailouts.

And let me be clear: To those who believe that we can maintain a human space program without the space station, don't fool yourselves, without the space station there is no shuttle program and without that, there is no NASA. I submit to my colleagues that the space station is a program we cannot afford not to fund.

I urge my colleagues to reject this misguided amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, later in the debate on this legislation, the gentleman from Indiana [Mr. ROEMER] and I will be proposing an amendment that will apply the entire savings from the elimination of the space station program to deficit reduction.

But I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. OBEY] because I do believe that it is a worthwhile amendment to support as well. Although I would prefer that all the money go to deficit reduction, I believe that the $400 million of deficit reduction which is included in the Obey amendment is certainly not chopped liver and in future years the elimination of the space station will free up tens of billions of dollars for deficit reduction and for more cost-effective programs in space and on Earth.

Let me say right off the bat, I think ''Apollo 13'' is a wonderful movie, and I do believe that it is the destiny of humankind to explore space, to boldly go where no one has gone before, but I do believe, with this expenditure, as with every other expenditure that we consider, we have got to look at the numbers and we have got to be hard-eyed in our justification for it.

I marvel at how some of the flintiest, hard-core fiscal conservatives in this House get all wobbly and emotional when the subject comes to the space station.

I just urge you to look at the space station with the same hard-eyed analytical approach that you do with other spending programs. I believe that a critical reason why we have to kill the space station is the reason that my friend from California, the former chairman of the Committee on Science has laid out. There is no one, I believe, who feels more strongly about science and believes more deeply in space exploration than the gentleman from California [Mr. BROWN], the ranking Democrat on the Committee on Science. He has come to the realization that we cannot afford both to continue good science in space and to build the space station.

I concur.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, I thank the gentleman for yielding me this time to speak today on space station.

My friend from New Jersey said we get wobbly and tear up when we talk about the space station. That is because I think of the starving children around the world who are hungry. We say, how can we feed these kids? Well, we are going to feed them one time by transferring the money.

Ladies and gentlemen, the answers to the problems may be by going to space. When we go to space, we have a totally new environment in which we can solve many problems.

We are denying our scientists that access to that research if we vote to cut the space station. It is wrong. It is misguided, and it is shortsighted.

I am embarrassed to say we cannot even cut the National Endowment for the Arts 10 percent, but we are willing to cut our Nation's future.

Queen Isabella had problems. She had potholes. She had problems. She still sought out new worlds.

We will always have problems, but we will always not have the space station.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I find it ironic that on this day of the dedication of the Korean war veterans memorial on The Mall, we will shortly be working here with the new Republican majority on the Hill to vote to deeply cut veterans' benefits.

This bill fails to meet the promise we made to our Nation's veterans in the areas of medical benefits, education, vocational rehabilitation and many other areas. If you do not believe what we Democrats are saying about this bill, I believe you should at least listen to the major veterans' organizations that strongly oppose it. The American Legion believes that the dramatic VA funding reductions called for will clearly undermine the commitment of our Nation to its veterans. This Nation's contract with its veterans is irrevocable and must never be abrogated. The Veterans of Foreign Wars says, ''The designated appropriations still fall well short of the funding necessary to maintain even the current level of earned entitlements for our veterans,'' and it says, ''The cuts cross the line and fall well short.'' The Paralyzed Veterans of America is upset gains in VA medical care account were achieved only at the expense of other major veterans' programs. Vietnam Veterans of America say the cuts ''far exceed what is fair and equitable and that it will force the VA to decide between equally worthy groups of patients.'' The Disabled Veterans are incensed because this bill cuts benefits to some service-connected veterans saying, ''The proposal is ill-advised and strikes at the very heart of our Nation's obligation to provide compensation to all citizen soldiers disabled in the defense of the freedoms we all enjoy.''

That is a provision that would deny mentally incompetent veterans any benefits if their estates are valued at less than $25,000.

The Obey amendment is important for the veterans of our country. It reinstates the cuts made in those mentally incompetent veterans' benefits, for example.

I urge my colleagues to stand up and support the Obey amendment, and that will be their effort to stand up for our veterans as well.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I agree with the gentleman from Wisconsin [Mr. OBEY] that we have to make every effort to ensure that our taxpayers are getting the most for their tax dollars. I certainly agree with the gentleman from Wisconsin that we need to eliminate wasteful and unnecessary programs.

I even go so far as to agree we need to cut back wherever we can, and I am willing to have a side-by-side review of

my record of having cutbacks and trying to be frugal with the people's money.

But Americans are not going to be getting the most for their tax dollars if they abandon the project that is going to help us have a better future. My basic support is for the biomedical thrust in space. We are still searching for cures for cancer, diabetes and other diseases. Micro-gravity research in space already has had encouraging results and has raised our hopes for future medical breakthroughs.

Of course, there are no guarantees. Jonas Salk had no guarantee. Louis Pasteur had no guarantee. Dr. Fleming had no guarantee. There are no guarantees. But we have not found these cures here in this environment, and we might just find them in the weightless environment of space.

Those Americans whose lives are threatened by disease would argue that finding a cure for their illness would be well worth this financial investment in the space station. Little children who have lost their hair to chemotherapy, tubes in them, veterans of the wars of the world wasting away, these are people who have hope in research.

Who would not be willing to pay 2.2 cents a day in return for this investment? Even if we do not eventually find these cures, the technological and scientific benefits that will result will justify this expenditure.

Mr. Chairman, I urge you to vote against the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in strong opposition to the termination of the international space station. Mr. Chairman, there have been seven votes in the House to terminate space station since 1991.

The space station has survived every vote. We have had a firefight every year.

I urge the Members to oppose this amendment. You cannot be responsible and build a house and get to the point of putting the roof on it and say now is the time to turn our back on this program. We have gone too far to do that.

If we give up on space station, we give up on human space exploration. Do not let the 104th Congress be the Congress depicted in another movie much like ''Apollo 13,'' as the Congress that turned its back on this very critical program.

Support the space station. Vote against this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Chairman, I rise in bipartisan support of a strong, balanced space program, and therefore must join the bipartisan opposition to the Obey amendment to terminate the international space station.

Our space program must balance human space flight with key science, aeronautics and technology initiatives like the Mission to Planet Earth. By killing the space station, we will greatly disrupt this balance by effectively ending NASA's human space flight efforts.

When I came to Congress 2½ years ago, I was a space station skeptic. I was concerned about the program's cost and how it was being managed. I was not sure that the program's benefits justified continued investment by American taxpayers.

But NASA's Administrator Dan Goldin has brought the station program under control. NASA has streamlined management by selecting a single prime contractor, and cut program costs by adding incentives for cost performance and penalties for delays.

Mr. Chairman, I am now persuaded that the program's benefits are enormous. Station's unique zero-gravity research environment will allow new insights into human health and disease prevention and treatment. Station's international nature, especially its Russian involvement, will demonstrate that former adversaries can move beyond the cold war and into new era of peaceful cooperation.

Station is an investment in our future. Twenty-six years ago, Neil Armstrong took his first step on the Moon—thereby inspiring a whole generation of Americans. Now, the space station will finally give us a permanent presence in space, and will give the next generation a springboard to future human exploration of our universe.

Mr. Chairman, our country needs a strong and balanced space program. The international space station must continue.

□ 1500

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I stand in opposition to this amendment and rise to speak out in support of our international space station.

NASA has cut its budget 35 percent since fiscal year 1993, saving the taxpayers $40 billion. NASA's fiscal 1996 budget is below their fiscal year 1992 budget in real dollars.

Aerospace is the single strongest export sector in the U.S. economy; 1993 exports topped $40 billion. Station is less than 15 percent of the NASA budget, one-seventh of 1 percent of the Federal budget, and costs each American taxpayer $9 a year.

In essence, Mr. Chairman, we have a great program here. It is on budget, it is on time, and we have an agency that has been leading the charge in doing it smarter, faster, quicker, with less money, and what we are trying to do here is congratulate and encourage that Agency by kicking them when they are doing a good job.

This space station, I am convinced, is vital and important for our Nation to remain the world's leader in science, technology, as well as education, and I speak out very, very strongly in opposition to this amendment. I believe our space station is part of our future, it is important for our children, and I encourage all our colleagues to vote against this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Houston, TX, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the future of our manned space program. This space station is not, as some people call it, a pork-barrel program. It is the excitement of our era, the international space station.

Mr. Chairman, I serve on the Committee on Economic and Educational Opportunities, and every school I go into and I talk about space and space exploration, the children light up whether they are in the poorest neighborhoods or the richest neighborhoods. That is the future of our country. The opponents of the space station have argued that this program costs too much. The truth is that every dollar spent on space programs returns at least $2 in direct and indirect benefits. Our commitment to America's future today will accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth. It will inspire our children, foster the next generation of scientists, engineers, and satisfy humanity's ancient need to explore and achieve.

A robust space station program assures our students that they are critical to the Nation—that they are the next generation—and that the thrill of just beginning starts with them whether they are in kindergarten or in the 12th grade. By voting in favor of this space station, again the Obey amendment, my colleagues can confirm their equipment to the science of learning. I ask my colleagues that they base their decision on the art of science and not the art of politics of the moment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

(Mr. KENNEDY of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, in just a few minutes we are going to see a lot of Members leave this floor and go down the street to the war memorial for the Korean war veterans, and, while that is a commendable program that is far overdue for our Nation's veterans, I think it would do us some good to concentrate a little bit on what is going on in our Committee on Veterans' Affairs. The veterans of this country for the large measure are getting older. When they get older, they need more health care, and yet we no longer approach veterans' issues as to whether or not they served this

country when the country put the call out, but we say whether or not their budget is going to fit into the needs of our country right at the moment for the people paying the taxes.

Well, I think it is important that we have a balance in terms of taxes in this country, but I do not think we ought to be taking it out of the hide of those veterans that served this country and defended this Nation when the call went out, and that is exactly what this bill does. We say all the Nation's veterans are held harmless because they get the same amount of money this year as they did last year.

First of all, that is not true; and second, they need more money. Anybody that would choose to go into a veteran's hospital versus a private hospital in this country today has not visited a veterans' hospital.

Mr. Chairman, we need to recognize that it is only the republicans that could come up with this bizarre concept that we need to take money out of the space program in order to cut our Nation's veterans' programs so that we can turn around and cut our housing programs by $6 billion.

As my colleagues know, at some point there has got to be some rationale of what it is we are trying to accomplish around here. Certainly I would very much like to see out country invest in the Advanced Technology Program. The Republicans killed that last night on the House floor. To suggest that what we want to do is have a space program to increase technologies is a bizarre twist on what the purpose of the space program was to begin with.

For those of my colleagues who may have forgotten we built the space program not to create new technologies, we built the space program because we were threatened by the Russians that could control space and perhaps gain control over this country's security. If we are interested in fighting back on the technology front, let us invest in technology. Let us not rob the homeless the way this bill does.

I support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I rise today in support of the Obey amendment.

Mr. Chairman, I serve on the Committee on Science. I serve on the Subcommittee on Space and Aeronautics. I have heard the arguments. I have visited a NASA center in Huntsville, AL, and was treated very nicely and generously and kindly. But even after that, even after that, I feel that we cannot afford to fund the space station. I do not feel there will be the payoffs; I do not feel that it is the correct decision at this time to make.

I fully support the shuttle program, and I am afraid when I hear the argument that the shuttle program will have to be cut down or eliminated if there is no space station. I think there is plenty of value in the shuttle program and in the entire space program without the space station. It does not require a space station to be a productive contributor.

Mr. Chairman, I support the obey amendment.

Mr. LEWIS of California. Mr Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAIRMAN. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS for yielding this time to me, and I want to speak for my allotted time on an issue I think that is important.

In my decade now, in the House of Representatives, I think the total votes on station in this House of Representatives now number 19. We have voted over and over and over again about this issue, and during the process of the years of those votes we now have invested over $12 billion in this project, done so in a way with international cooperative agreements from 13 nations who themselves have invested over $4 billion so far in this project.

We are halfway home. We have this project under construction. Station is bending metal. We will be launching its first components in just a couple of years. The program of space station is the program that NASA has given us for decades, and that is a program of a future, of less pain and suffering, of greater science, of advancements of technology, of a stronger economy, and leadership in a global environment. We ought not back off our agreements, our investment, our future.

Mr. Chairman, what we can do today is once more say, and hopefully finally, that we are going to keep our agreements, we are going to build space station, and we are going to know the process of doing so, that like all other investments historically in NASA, this one is going to return to the people of our country vastly more than we will spend in this appropriations bill.

Defeat the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I rise in opposition to this shortsighted amendment. All of us have seen in recent months what has happened in the space program, the recent docking between America's space shuttle and the Russian space station. It brings new hope for greater cooperation in our efforts to understand our planet, our solar system, and even our galaxy, but, as nations from around the world are working together to establish a space station where we can work together toward a better future for our children, this amendment would end, end our manned space station program.

All of us remember what President Ronald Reagan said about the space program: ''The future doesn't belong to the fainthearted, it belongs to the brave.''

He was also talking about our space program when he said: ''We'll continue our quest in space. There will be more shuttle flights and more shuttle crews and, yes, more volunteers, more civilians, more teachers in space. Nothing ends here. Our hopes and our journeys continue.''

And I remember President Kennedy talking about the space program when he said, ''. . . not because it is easy, because it is hard.''

Mr. Chairman, if this amendment passes, mankind's dreams of reaching out from our world will end. A hope for greater understanding of our world and even for new developments in areas such as medicine and metallurgy, will end also all because we were unwilling to look ahead, invest in the future.

Let me quote a poem as I close from Alfred Tennyson:

> For I dipt into the future, far as human eye could see. Saw the vision of the world, and all the wonder that would be. Saw the heavens fill with commerce, argosies of magic sails. Pilots of the purple twilight, dropping down with costly bales.

My colleagues, today we have the opportunity to make this dream a reality. Vote no on the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 4½ minutes.

Mr. OBEY. Mr. Chairman, one of the previous speakers in opposition to this amendment said that my priorities were wrong. Well, I think I have the same priorities as the people who I run into when I visit with them in Wausau, or Stevens Point, or Chippewa Falls, or Wisconsin Rapids, or Superior, or any other place in my district. My priorities are the 80,000 displaced American workers who will be cut out of worker training programs in the next appropriation bill to come before this House. My priorities are the 50,000 kids who are going to get tossed out of Head Start programs they would otherwise be able to be taken into in the next appropriation bill that is going to come before this House. My priority would be the young people who are going to lose their college loans in the next appropriation bill to come before this House. My priority would be the 600,000 Americans who will lose any help whatsoever from their Government to help heat their houses in winter and cool them in the summer so you don't have 800 more deaths like we had 2 weeks ago. The Clinton administration just released emergency fuel assistance money. There will be no emergency fuel assistance money next year if the Republican majority has their way on the appropriation bill coming before this House next. My priorities would be the disabled veterans who are being chiseled on their disability benefits, 12,000 of whom will wind up being squeezed so that we can make more room in this budget for other priorities. I make no apology for putting those folks first.

My priorities would also be science right here on Earth, at NIH, NSF, just

name it: Cancer research, Alzheimer's, heart disease; we have plenty of science that we need to support right here on Earth.

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I would also just close by reading one paragraph from the letter I received from the Disabled American Veterans. It simply says this: America's service-connected disabled veterans and their families are deeply disturbed by recent actions taken by the House Committee on Appropriations which would terminate compensation payments to certain service-connected mentally disabled veterans in order to provide additional funding for Department of Veterans Affairs [VA] health care. DAV certainly understands the need to put our Nation's financial house in order; however, this proposal is ill-advised and strikes at the very heart of our Nation's sacred obligation to provide compensation to all citizen-soldiers disabled in defense of the freedoms all of us enjoy.''

I agree with that statement. So I would simply urge you to support the Obey amendment. It saves almost half a million dollars on the deficit. It helps meet our commitment to veterans, a commitment which this bill welches on. This amendment corrects that. It also helps us to provide some decent housing for additional Americans who are elderly and disabled.

Mr. Chairman, I make absolutely no apology for those priorities at all. Those ought to be the priorities of this entire Congress. I urge Members support the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, as we close this debate on the Obey amendment, I think it is very important for all of those who are interested and are listening to know that the amount of money that is available for NASA is a very small fraction of the total dollars available in this bill. We do not begin to put into station, let alone NASA, nearly the money we put into veterans programs or housing. NASA's programs should probably be in another bill so you would not have these kinds of comparisons that really make no sense at all.

America's greatness has been largely achieved by way of America's dreams. It was our willingness to think about a new world, a new future for mankind, that led to America in the first place. It was Americans seeking out their dreams that allowed us to build the West, the pioneer spirit that made the difference not only then, but makes the difference today, not just in our minds, but in our hearts as well.

One great dream for the future lies in space. There is absolutely no question there is broadly based support from the public for man's exploration in space. What remains is a partnership with friends around the world. We are, together, attempting to make breakthrough in space that will impact technology and that will create a new opportunity, not only for ourselves, but for mankind.

Mr. Chairman, I urge a ''no'' vote on this amendment, which would destroy space station, and I believe destroy all of NASA's programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. 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 order of the House of today, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

Are there other amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437), not otherwise provided for, $10,041,589,000, to remain available until expended: *Provided,* That none of the funds made available under the head ''Annual contributions for assisted housing'' in this Act or any prior Act shall be expended if such expenditure would cause total fiscal year 1996 expenditures to exceed $19,939,311,000: *Provided further,* That the Secretary shall report to the Committees on Appropriations every 90 days on the implementation of the spending limitation in the preceding proviso: *Provided further,* That of the total amount provided under this head, $100,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): *Provided further,* That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l): *Provided further,* That of the amounts earmarked under this head for modernization of existing public housing projects, $15,000,000 shall be used for the Tenant Opportunity Program: *Provided further,* That during fiscal year 1996, the Secretary may direct any public housing agency that receives any part of the foregoing amount, to use such amount, or any other amount that has been made available in this or any other prior Act for public housing under this head or for the HOPE VI/Urban Revitalization Demonstration Program, and that has not been obligated by the agency, to demolish, reconfigure, or reduce the density of any public housing project owned by the agency: *Provided further,* That of the total amount provided under this head, $862,125,000 shall be available for non-incremental rental assistance under the section 8 housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further,* That notwithstanding any other provision of law, voucher assistance provided under the preceding proviso may be used in connection with legislation enacted after the effective date of this Act that authorizes assistance for such purpose, as determined by the Secretary: *Provided further,* That of the total amount provided under this head, $1,000,000,000 shall be for special needs housing: *Provided further,* That the amount earmarked under the preceding proviso shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended; capital advances, including amendments to capital advance contracts, and project rental assistance, including amendments to contracts for project rental assistance, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act: *Provided further,* That the Secretary may use up to $200,000,000 from 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 or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized under preservation legislation enacted subsequent to this Act: *Provided further,* That of the total amount provided under this head, $10,000,000 shall be for the lead-based paint hazard reduction program as authorized under section 1053 of the Residential Lead-Based Paint Hazard Reduction Act of 1992: *Provided further,* That of the total amount provided under this head, $17,300,000 shall be available for fees for coordinators under section 23(h)(1) for the Family Self-sufficiency Program (42 U.S.C. 1437u): *Provided further,* That of the total amount provided under this head, $4,941,589,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further,* That such amounts shall be merged with funds referenced in section 204 of this title: *Provided further,* That the Secretary of Housing and Urban Development may reserve amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937 and may use such amounts, upon the termination or expiration of a contract for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide voucher assistance under section 8(o) of such Act in the market area for a number of eligible families equal to the number of units covered by the terminated or expired contract, which assistance shall be in accordance with terms and conditions prescribed by the Secretary: *Provided further,* That notwithstanding any other provision of law, assistance reserved under the preceding proviso may be used in connection with any provision of Federal law enacted after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: *Provided further,* That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under Section 201 (j) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided,* That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1996.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,500,000,000.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $12,000,000, notwithstanding section 106(c)(9) and section 106(d)(13), of such Act.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): *Provided,* That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; the shelter plus care program (as authorized under subtitle F of title IV of such Act); and the innovative homeless initiatives demonstration program (as described in sections 2(a)–2(f) of the HUD Demonstration Act of 1993 (Public Law 103–120)), $576,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: *Provided,* That $46,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), and $19,500,000 shall be available for ''special purpose grants'' pursuant to section 107 of such Act: *Provided further,* That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the Department of Housing and Urban Development.

For the cost of guaranteed loans, $10,500,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $225,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, $30,000,000, to remain available until September 30, 1997.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $951,988,000, of which $495,355,000 shall be provided from the various funds of the Federal Housing Administration, and $8,824,000 shall be provided from funds of the Government National Mortgage Association, and $225,000 shall be provided from the Community Development Grants Program account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,388,000, of which $10,961,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided,* That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: *Provided,* That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $308,846,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $302,056,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $6,790,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Total loan principal any part of which is to be guaranteed shall not exceed $15,000,000,000: *Provided,* That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $2,600,000,000, which notes were originally obligations of the funds established under sections 238 and 519 of the National Housing Act: *Provided further,* That of the amount appropriated herein, an amount equal to the lesser of $52,000,000 or the excess of net proceeds above the value of holding the loans to maturity, such value established using assumptions specified in the President's fiscal year 1996 Budget adjusted for interest rates at the time of the sale, shall become available only after such sale has been completed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the

Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $197,470,000, of which $193,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $8,824,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $8,824,000 shall be transferred to the appropriation for departmental salaries and expenses.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. PUBLIC HOUSING. (a) SUSPENSION OF RENT FORMULA.—Notwithstanding section 3(a) of the United States Housing Act of 1937, as amended, each public housing agency that owns or operates public housing shall establish rental charges for dwelling units in public housing in such amounts as the agency considers appropriate and in accordance with the provision of this section, which shall be effective for fiscal year 1996.

(b) MINIMUM RENT.—During fiscal year 1996, public housing agencies shall require that each family occupying a dwelling unit in public housing shall pay an amount for monthly rent that is not less than one of the following amounts:

(1) An amount equal to the sum of $50 and the cost of any utilities for the unit.

(2) An amount equal to 32 percent of—

(A) the basic benefits to an individual for a month under the supplemental security income program under title XVI of the Social Security Act; or

(B) the amount of assistance allocated for a month to a family of the applicable size under the aid to families with dependent children program under a State plan approved under part A of title IV of the Social Security Act or any successor program.

(3) An amount based on monthly earnings of a person working 30-hour workweeks at a wage equal to the Federal minimum wage, except that this paragraph shall not apply to any disabled family or elderly family.

(c) CEILING RENTS.—Notwithstanding section 3(a) of the United States Housing Act of 1937, as amended, public housing agencies shall provide that the amount of rent paid by a family occupying a dwelling unit in public housing during fiscal year 1996 does not exceed the maximum monthly rental amount, which shall be established for the dwelling unit by the public housing agency that owns or administers the unit and may not exceed an amount determined by the agency based upon—

(1) the average, for dwelling units of similar size in public housing developments owned and operated by such agency, of any monthly amount of debt service and operating expenses attributable to such units;

(2) the reasonable rental value of the unit; or

(3) the local market rent for comparable units of similar size.

(d) DEMOLITION AND DISPOSITION.—

(1) INAPPLICABILITY OF REPLACEMENT RULE.—With respect to any application under section 18 of the United States Housing Act of 1937, as amended, for the demolition or disposition of public housing, including an application submitted under paragraph (3), that is approved during fiscal year 1996, the provisions of subsection (b)(3) of such section shall not apply with respect to—

(A) the approval of such application; or

(B) the demolition or disposition of any public housing pursuant to such application.

(2) CONFORMING PROVISION.—The requirement under section 18(d) of such Act that a public housing agency satisfy the conditions specified in section 18(b)(3) of such Act as a condition of taking action to demolish or dispose of public housing shall not apply with respect to any application under such section 18 approved during such fiscal year.

(3) AUTHORITY TO RESUBMIT APPLICATIONS.—Any public housing agency that, before fiscal year 1996, submitted to the Secretary an application under section 18 of such Act for demolition or disposition of public housing may (regardless of whether such application has been approved) at any time during fiscal year 1996 submit an application subject to the provisions of this subsection that covers some or all of the property covered by such previous application and, to the extent the same property is covered by both applications, the Secretary shall treat the latter application as replacing the previous application.

(e) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, as amended, the provisions of this section shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

SEC. 202. RENTAL ASSISTANCE UNDER SECTION 8 OF UNITED STATES HOUSING ACT OF 1937. (a) INCREASE OF FAMILY RENTAL PAYMENT.—Notwithstanding sections 3(a) and 8(o)(2) of the United States Housing Act of 1937, as amended, effective for fiscal year 1996—

(1) public housing agencies shall increase to 32 percent the percentage of the family's monthly adjusted income used in determining—

(A) the amount of monthly rent required to be paid by each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act; and

(B) the amount of the monthly assistance payment for each family who is assisted under the voucher program under section 8 of such Act; and

(2) owners of housing assisted under other programs for rental assistance under section 8 of such Act shall increase to 32 percent the percentage of a family's adjusted monthly income used in determining the rent required to be paid by each family assisted under any such program.

(b) MINIMUM RENTS.—Notwithstanding subsection (a) of this section or sections 3(a) and 8(o)(2) of the United States Housing Act of 1937, as amended, effective for fiscal year 1996 and no later than October 30, 1995—

(1) public housing agencies shall require each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act to pay for monthly rent an amount that is not less than the sum of $50 and the cost of any utilities for the unit;

(2) public housing agencies shall reduce the monthly assistance payment on behalf of each family who is assisted under the voucher program under section 8 of such Act so that the family pays for monthly rent an amount that is not less than the sum of $50 and the cost of any utilities for the unit; and

(3) owners of housing assisted under other programs for rental assistance under section 8 of such Act shall require each family who is assisted under such program to pay for monthly rent an amount that is not less than the sum of $50 and the cost of any utilities for the unit.

(c) FAIR MARKET RENTALS.—The Secretary shall establish fair market rentals for purposes of section 8(c)(1) of the United States Housing Act of 1937, as amended, that shall be effective for fiscal year 1996 and shall be based on the 40th percentile rent of rental distributions of standard quality rental housing units. In establishing such fair market rentals, the Secretary shall consider only the rents for dwelling units occupied by recent movers and may not consider the rents for public housing dwelling units or newly constructed rental dwelling units.

(d) ANNUAL ADJUSTMENTS.—Section 8(c)(2)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(c)(2)(A)) is further amended—

(1) in the third sentence by inserting ''and fiscal year 1996'' after ''1995''; and

(2) in the last sentence by inserting ''and fiscal year 1996'' after ''1995''.

(e) ADMINISTRATIVE FEES.—Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, as amended, for fiscal year 1996, the portions of the fees for costs incurred by public housing agencies in administering the certificate, voucher, and moderate rehabilitation programs under section 8 shall not exceed 7.0 percent of the fair market rental established for a 2-bedroom existing rental dwelling unit in the market area of the public housing agency.

(f) DELAY OF ISSUANCE AND REISSUANCE OF VOUCHERS AND CERTIFICATES.—Notwithstanding any other provision of law, a public housing agency administering certificate or voucher assistance provided under subsection (b) or (o) of section 8 of the United States Housing Act of 1937, as amended, shall delay—

(1) until October 1, 1996, the initial issuance of any such tenant-based assistance representing incremental assistance allocated in fiscal year 1996; and

(2) for 6 months, the use of any amounts of such assistance (or the certificate or voucher representing assistance amounts) made available by the termination during fiscal year 1996 of such assistance on behalf of any family for any reason, but not later than October 1, 1996.

SEC. 203. PREFERENCES FOR HOUSING ASSISTANCE. (a) PUBLIC HOUSING.—

(1) IN GENERAL.—During fiscal year 1996, dwelling units in public housing that are available for occupancy shall be made available—

(A) without regard to the requirements regarding preferences set forth in section 6(c)(4)(A) of the United States Housing Act of 1937, as amended; and

(B) subject to a system of preferences that the public housing agency for the public housing may establish, which shall be based upon local housing needs and priorities, as determined by the agency.

(2) APPLICABILITY.—Paragraph (1)(B) shall not apply to projects or portions of projects designated for occupancy pursuant to section 7(a) of the United States Housing Act of 1937, as amended, for which the Secretary has determined that application of such paragraph would result in excessive delays in meeting the housing need of such families. In accordance with section 201(b)(2) of the United States Housing Act of 1937, as amended, the provisions of this subsection shall apply to

public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) SECTION 8 ASSISTANCE.—During fiscal year 1996, the selection of families for assistance under section 8 of the United States Housing Act of 1937, as amended—

(1) shall not be subject to the requirements regarding preferences set forth in sections 8(d)(1)(A) and 8(o)(3)(B) of the United States Housing Act of 1937, as amended; and

(2) shall be subject to a system of preferences that may be established by the public housing agency administering such assistance, which shall be based upon local housing needs and priorities, as determined by the agency.

(c) CONFORMING PROVISIONS.—Each reference in sections 6(o), 7(a)(2), 7(a)(3), 8(d)(2)(A), 8(d)(2)(H), 16(c), and 24(e)(2) of the United States Housing Act of 1937, as amended, sections 212(a)(3), 217(c)(2)(B), 225(d)(3), 455(a)(2)(D)(iii), 522(f)(6)(B), and 522(j)(2)(A) of the Cranston-Gonzalez National Affordable Housing Act, section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990, section 203(g)(2) of the Housing and Community Development Amendments of 1978, and section 655 of the Housing and Community Development Act of 1992, to the preferences under section 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B) of the United States Housing Act of 1937, as amended, shall be considered, during fiscal year 1996, to refer to the applicable preferences established (if any) under the subsections (a)(1)(B) and (b)(2).

(d) NEW CONSTRUCTION/SUBSTANTIAL REHABILITATION HOUSING.—During fiscal year 1996, dwelling units in housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as amended (as such section existed before October 1, 1983) and projects financed under section 202 of the Housing Act of 1959 (as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act) shall be made available for occupancy without regard to section 545(c) of the Cranston-Gonzalez National Affordable Housing Act and no other provision of law relating to Federal tenant selection preferences shall apply to such housing.

(e) RENT SUPPLEMENTS.—During fiscal year 1996, section 101(k) of the Housing and Urban Development Act of 1965 shall not be effective.

SEC. 204. MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 OF SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING.—All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

SEC. 205. EXTENSION OF HOME EQUITY CONVERSION MORTGAGE PROGRAM.—Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended—

(1) in the first sentence, by striking ''September 30, 1995'' and inserting ''September 30, 1996''; and

(2) in the second sentence, by striking ''25,000'' and inserting ''30,000''.

SEC. 206. DEBT FORGIVENESS.—(a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL–TEX–215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX–41–PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

SEC. 207. DELAYING OUTLAYS FOR PUBLIC HOUSING DEVELOPMENT.—During fiscal year 1996, a public housing agency or Indian housing authority may slow the rate at which it develops a project that the Secretary has approved under 24 C.F.R. Part 941 in order to slow the rate at which such agency or authority takes actions resulting in outlays of amounts appropriated under the head ''Annual contributions for assisted housing'' in this title or any prior appropriation Act, and the Secretary may allow such agency or authority to develop a project at such a slow rate, notwithstanding 24 C.F.R. Sec. 941.405(d).

SEC. 208. ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT.—Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1st and April 1st.''.

SEC. 209. SPENDING LIMITATIONS.—(a) None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act (42 U.S.C. 3601, et seq.) to the business of property insurance, or for any activity pertaining to property insurance.

(b) None of the funds appropriated by this Act may be expended by the Department for the purpose of finalizing the Department's proposed rule dated July 21, 1994 regarding amendments to Regulation X, the Real Estate Settlement Procedures Regulation, or for the purpose of developing or issuing any interpretive rule with respect to any of the four issues denominated in the preamble to the proposed rule.

(c) None of the funds provided in this Act may be used in fiscal year 1996 for the remuneration of more than seven Assistant Secretaries at the Department of Housing and Urban Development, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(d) None of the funds provided in this Act may be used in fiscal year 1996 for the remuneration of more than 94 schedule C and noncareer senior executive service employees at the Department of Housing and Urban Development.

(e) None of the funds made available in this Act may be used by the Secretary to take, impose, or enforce, or to investigate taking, imposing, or enforcing any action, sanction, or penalty against any State or unit of general local government (or any entity or agency thereof) because of the enactment, enforcement, or effectiveness of any State or local law or regulation requiring the spoken or written use of the English language or declaring English as the official language.

(f) No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 210. CLARIFICATIONS.—For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the ''continuum of care'' requirements of the Department of Housing and Urban Development, and shall be treated as:

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302)) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on August 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment, numbered 63.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STOKES: Page 22, after ''Secretary:'' on line 14, insert ''*Provided further,* That if authorizing legislation is not enacted into law by December 31, 1995, the amount provided for voucher assistance may be reallocated by the Secretary to public housing modernization, drug elimination grants, and section 8 incremental rental assistance:''

Mr. STOKES. Mr. Chairman, the bill provides $862 million for new and unauthorized vouchering out activities under the section 8 program. The funds provided are contingent upon authorizing language being enacted.

I have a perfecting amendment that is quite simple. It would insert language stating that:

If authorizing legislation is not enacted into law by December 31, 1995, the amount provided for voucher assistance may be reallocated by the Secretary to public housing, modernization, drug elimination grants, and section 8 incremental rental assistance.

You have to remember that this is a new program totaling $862 million being created through an appropriations bill. At the rate we are going with our legislative calendar this year, I think my colleagues would agree that giving further direction as to how this money should be spent in the event that no authorizing legislation is enacted is certainly reasonable.

The sum $862 million is a lot of money to be unobligated by an agency that is being reduced by $5 billion. There are millions of persons, primarily our elderly, the children, and the poor, who could benefit from HUD utilizing this money. Modernization funds are reduced by over $1 billion in this bill, and new incremental rental assistance is eliminated. Certainly restoring funds to these critical areas is warranted.

Furthermore, our communities and law enforcement officials desperately

need all the assistance they can get to help eradicating the drug problem in our communities.

Mr. Chairman, this is a good and sensible amendment. I think Members on both sides of the aisle would like the committee to address these issues on behalf of millions of Americans. I would ask that this amendment be considered at this time as perfecting the $862 million provision for vouchering out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and on a division, demanded by Mr. STOKES, there were—ayes 5, noes 5.

Mr. STOKES. 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 order of the House today, further proceedings on the amendment offered by the gentleman from Ohio [Mr. STOKES] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment, No. 47.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 20, line 25, strike ''$10,041,599,000'' and insert ''$10,361,589,000''.

Page ?4, 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 action.

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment protects our Nation's senior citizens from rent increases that are ordered under the bill. This bill would raise the rents on 2.7 million assisted housing tenants. The Kennedy-Frank-Stokes amendment simply asks that our senior citizens who live in assisted housing today are protected against these rent increases.

About 1 million elderly households will have to pay between $150 and $400 more a year in rent, and they simply cannot afford it. These new rent increases will affect only the poorest seniors and seniors that have no place else to go. The only seniors that are affected by this rent increase are by definition seniors on fixed income. The fact is that they have no corresponding increase in their fixed income to keep up with the rent increases that have been ordered by the bill as it has been filed.

Therefore, the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. FRANK], and I have drafted this amendment to provide some small relief to this group of vulnerable Americans, whose rent increases will mean them having to choose between food and medicine or heat and shelter.

The cost is small, it is only $77 million. It will provide a little bit more security to our seniors, and I hope that the Members on both sides of the aisle would vote for its passage.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment really goes to the heart of the kind of policy differences that the Nation is being presented with at this time. This amendment deals with the rents that are charged to some of the poorest people in this country. We have programs, subsidized housing programs, for older people. We are being asked in this bill to raise the percentage of their income from 30 percent to 32 percent of their income. Understand that that is not a 2 percent rent increase, that is a 6⅔ percent increase. Two percent of 30 percent is 6⅔ percent.

Under current law, if Social Security pays people a 3-percent cost of living increase in December, elderly people's rents would go up by 3 percent. Some of them are angry at this. They say you are giving with one hand and taking with another. Many of us have talked to older people, who felt that this policy of their rent going up by the same percentage of the cost of living was a serious problem.

Well, the Republican Party is going to change that. No longer, under this bill, if you are an elderly person living in subsidized housing, will your rent go up by the same amount as your Social Security. If this bill passes, your rent will go up by three times as much in percentage as Social Security, because if we get a 3 percent cost of living increase, under this bill the rent will then go up in that 1 year 9⅔ percent.

Now, this is a habit that the Republicans have. The last time they were able to control the budget of this House, in 1981, in the Gramm-Latta bill, the rents that people in subsidized housing, and we are talking about elderly people, older people, including some who only live on Social Security or Social Security and a small pension, and they are living in subsidized housing, and they were in 1981 paying 25 percent of their rent. Under an amendment named for a Republican Senator, Ed Brooke, it was the Brooke amendment, the Republican Party, when they had control in 1981, changed that and went from 25 percent to 30 percent. Now they want to do it again.

So it is very clear. We now have a pattern. Every time the Republican Party is in a position to control the budget of this House, poor, elderly people see their rent go up by a significant amount more than their income goes up. It will make them two for two. Of course, the House budget resolution called for an increase to 35 percent. So one assumes that is not their last effort to increase it.

As I have said before, older people who are familiar with the literary history of this country will recognize this, because they are familiar with Dick Tracy. There was a character in Dick Tracy known as Evil-Eye Fleegle who specialized in whammies. His worse effect on you was the triple whammy.

Now, under the Republican budget, the cost of living increase to be paid for Social Security recipients is going to go down. The Republican Party's budget says old people get too much money when inflation occurs, and their budget resolution, enacted by them, adopted by them, calls for a reduction in the cost of living increase later in this century.

□ 1530

So the cost-of-living increase for an order older person living on $10,000 a year will go down. That is whammy one.

Whammy two will be what they do to you on Medicare, when your copayments go up and your part B payments go up.

If you are so poor and you are in such circumstances that you live in public housing, you get the triple whammy, because your rent will go up. And what the gentleman from Massachusetts is saying is that should not happen, that the 30-percent income should stay the same. It does not mean the rent, their rents will never go up. The current law says their rents will go up with their income. The Republican bill says rents will go up more than income.

Originally it was going to do that to people in public housing, too. The managers' amendment fixed that so people who live in public housing will now stay at 30 percent, and I am glad. But their friends, relatives, their peers who live in a section 8 unit, who live in an assisted housing unit, subsidized housing go, who live in 202, their rents will go up by three times as much as Social Security. Their rent will go up from 30 percent to 32 percent of their income.

We are not talking about people with substantial amounts of discretionary income. We are talking about the elderly poor. Raising the rents, raising the percentage of the meager incomes that the elderly poor have to pay to finance a tax cut, to finance a B–2 bomber, to finance a manned space station, to finance all these other things, is, in my judgment, quite wrong. I do not think anything more starkly illustrates the different approaches of the two parties.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

I rise very briefly to oppose this amendment. Within this account, we

were very, very sensitive about the question of considering raising rents? Should you? When should you? Indeed, this program has been in effect for a number of years now.

There has been one adjustment to that, almost a decade ago. This raises the percentage for rental expenses from 30 to 32 percent. The recommendation of the House-passed Committee on the Budget was 35 percent. The committee chose to back off because of some of the questions that were raised by other Members who are opposing the amendment.

The real effect is somewhere in the neighborhood of perhaps $12 a month. This account is growing so rapidly that if it continues on its present pattern, it will push out any number of other very important housing programs that affect the very same people that we are talking about. It is very important to recognize that there is no free lunch in this process. Everybody has to participate.

The offset that the gentleman from Massachusetts [Mr. KENNEDY] provides in his amendment would essentially zero emergency assistance accounts. We do not have as much money in FEMA in this bill as he suggests he uses as an offset. That alone would have easily allowed me to ask you to call this amendment out of order, but frankly I thought we ought to have the discussion. In fact, the Kennedy amendment would eliminate a compromise between what the Committee on the Budget recommended and what is necessary to see that this program remains whole and viable. He cannot effectively offset it against emergency accounts. Indeed, if he did, he would dramatically affect many of the same people that he is trying to help by way of his amendment.

I urge a ''no'' vote on this unworkable amendment.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I would have to respond to my distinguished chairman's comment with reference to the offset that the gentleman from Massachusetts [Mr. KENNEDY] uses. In the chairman's earlier amendment this afternoon, he used the same source of funds. He used about $85 million out of the same funding. So I think what the gentleman from Massachusetts [Mr. KENNEDY] is doing here is proper in the sense that he is utilizing the same funding.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, we did use an offset of $50 million to help housing accounts. That leaves $20 million approximately. We are talking about some $300 million under the recommendation of the gentleman from Massachusetts [Mr. KENNEDY]. We were attempting to help some of these same people by that former offset but also trying to deal with the real world in terms of what is actually available in the account.

Mr. STOKES. Let me just say, Mr. Chairman, over 700,000 households could experience rent increases that would average over $1,000 annually. You must remember that millions of elderly who are often single disabled women depend on section 8 in order to find decent and affordable housing.

Rent increases would cause great hardship for our elderly who are often the least able to bear such expenses. These increases also come at a time when our Republican colleagues want to force the elderly to pay more for their health care through massive cuts to Medicare.

Our seniors are being assailed on all fronts. Elderly Americans could be forced to move into lower cost housing, much of which is likely to be substandard. For those who may fall behind in their rent payments, they may find themselves evicted. Many could also become homeless.

Moreover, Mr. Chairman, these increases come at a time when a new study finds that there is a disturbing and growing affordable housing shortage in the United States. This shortage has resulted in most poor renters having to pay rents that consume a very high percentage of their incomes, over 30 percent. In fact, three out of very five poor renters, 4.1 million people, paid at least half their incomes for housing in 1993.

How do we expect our seniors, who are on limited and fixed incomes, to not only pay more rent but also find decent, affordable housing when the supply is diminishing?

Mr. Chairman, I would urge our colleagues to support the Kennedy-Frank-Stokes amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support today for the Kennedy-Frank-Stokes amendment which restores vital funding for HUD low-income housing assistance programs for the elderly and disabled. The amendment will protect seniors from an unfair and unaffordable rent increase.

The rent hikes included in this extreme bill could cost seniors in my district hundreds of more dollars per year. I don't know about everybody's districts, but I know that's a lot of money for seniors in my district.

In my district, the residents of Bella Vista Apartments in New Haven, CT, know all too well about rent increases. Last year, Bella Vista tenants were asked to pay an additional $35 per month in rent, and now, just last week, they were slapped with another rent increase of $45 per month. Mr. Chairman, they simply cannot afford another rent increase.

The tenants of Bella Vista are like seniors all over this country. They live on fixed incomes and struggle to make ends meet. They are often faced with difficult financial choices—they must choose between paying for vital medical services, like prescription drugs, or paying for the heating bill in the winter. They do their best, but sometimes they need our help. Rent assistance is one way to help.

This country has a proud tradition of assisting our seniors in their retirement. This Government has made a deal with our seniors. We say to them: If you work hard all your life and contribute, then we will help you when you can work no longer.

Seniors have kept up their end of the bargain. They worked, they saved, and even fought wars to preserve our freedom. But, now Republicans in this Congress want to walk away from the deal. They want to walk away from Medicare; walk away from Social Security; walk away from rent assistance. It's a disgrace.

I urge my colleagues to vote in favor of the Kennedy-Frank-Stokes amendment, and restore decent, and affordable housing to our seniors.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this will literally result in nearly a 7 percent rent increase for those living in assisted housing. And for someone living, earning maybe $1,000 a month, $12,000 a year income, which is so often what might be the case in terms of these low income, fixed income elderly, that literally results in a $20 increase a month in terms of their rent, $20 a month over the course of the year. As you can begin to understand, we are talking about $240 a year in terms of the rent increase.

Plus, if they get an increase in their Social Security or their pensions or the interest income goes up, that also will be subject not to 30 percent but to 32 percent. Yet we are saying, if you are in public housing, you end up facing about a 30-percent increase.

This is just the camel's nose under the tent. This is the direction that we are going to in fact increase these amounts from these fixed incomes. These are the working poor very often, Mr. Chairman, those that do have a little income. They need assistance in terms of public housing, and what we are doing is pushing them into a level where they no longer will be able to meet their own needs with this assistance and this public housing.

This is after not being subjected to any hearings, no review of this in any of the committees, no discussion by the public, just come out here, put it on the floor. This meets the bottom line in terms of budget. But my question is, What happens to the real people in the district that I represent, the elderly on fixed incomes that need that $5 a week to meet their basic needs?

They are going to be hurt, and they are going to be hurt badly by this kind of amendment and by this process. They deserve better, and we can do better in terms of this process and in

terms of what is going on here. These individuals deserve our support. This amendment deserves our support.

Mr. LUCAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members, I rise in strong opposition to the gentleman's amendment to eliminate funding for disaster relief programs administered by the Federal Emergency Management Agency. As the Member of this body who represents the congressional district that has been rocked by the most horrendous of disasters this country has faced, I could not sit in my office and watch this assault on the Agency that stood as the foundation for the relief efforts following the bombing of the Alfred P. Murrah Building on April 19 of this year.

The response of FEMA to the Oklahoma City bombing is best described in this excerpt from the committee report accompanying the underlying legislation. I quote:

On April 19, 1995, at 9:04 a.m., an explosive device contained within a rented truck was detonated outside the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, thereby killing 168 individuals and injuring another 467. Within minutes of this disaster, FEMA personnel were actively engaged in structuring the Federal response which, coupled with the response of the State and local governmental entities, business and charity groups throughout the area and the country, and thousands of Oklahomans and others from throughout the United States, represents perhaps the finest example of public and private cooperation, during a time of crisis as has been observed in many decades. Despite having no specific experience with this type of disaster, well trained personnel dealing with virtually every aspect of disaster response were quickly and efficiently in place and beginning the difficult job of responding to this devastating event. Starting with FEMA's Director and on down the chain of command in FEMA and numerous other departments and agencies, every individual involved with the response to this disaster deserves the sincere appreciation and gratitude of this Committee for a job well done.

From personal experience, I can say without a doubt that the FEMA response to this disaster was virtually flawless. Their treatment of the good people of Oklahoma City must be commended by all in this body.

I ask my colleagues: Can we be assured that without the funds targeted by this amendment, would FEMA have the ability to react in the manner described in the committee report or that the Nation witnessed in regards to Oklahoma City. I would think not.

Please oppose this ill-advised amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I would like to commend the gentleman for his work. Immediately after, and during the process since, we have been trying to find the funds to respond to Oklahoma City and that disaster. To say the least, one had to actually see what occurred there to begin to appreciate the devastating effect it had upon your community.

Above and beyond that, there are similar problems across the country that involve disaster relief. To have an amendment that looks good on paper but in reality is suggesting that none of the other accounts are helping people who are in dire straits is a disservice to the process. So the gentleman's support is very much appreciated. I appreciate the work the gentleman has been doing for Oklahoma City as well.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, under the original filing of this amendment, we took the funds out of FEMA which would have affected the accounts that the gentleman is suggesting. After the Lazio amendment passed, there were no funds left in FEMA for us to grab, so we shifted into the Manned Spaced Flight Program and shifted a small amount of money out of that into this program. So the gentlemen are talking a lot, but that is not the account that the money comes from. I just wanted to straighten it out.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

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

Mr. VENTO. Mr. Chairman, I would just point out that under the FEMA programs that it seemed to me that there was a special appropriation that was necessary this year that was passed. So often that happens with disaster relief assistance, that notwithstanding the fact that there are intentions here to meet other needs, that the Oklahoma issue was dealt with through the special rescission bill. Of course it is being signed today.

I would point out that in that instance, over $6 billion was taken out of housing programs last year to in fact fulfill the goals that were that particular bill, not goals I shared, I might say. But I want to be understood that it certainly is not and should not be considered as a slight to Oklahoma and other types of disaster assistance programs.

Mr. LUCAS. Mr. Chairman, the gentleman's point is very appreciated. That is a very valid point. But we must, as I observe the process in Oklahoma City, the effective quick way in which the FEMA people responded, it is necessary that they be funded so that they have the contingency capacity to do in the other parts of the country—heaven forbid that something should occur that requires that kind of response—the incredible job that they did in Oklahoma City.

It was amazing to watch the efficiency of FEMA and the State and local government. It made me proud to be an Oklahoman and an American.

□ 1545

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague. The adoption of this amendment means that the elderly residents with section 8 assistance will not face rent increases that may mean the difference between staying in their homes or searching for something less expensive. It may also mean the difference between buying nutritious meals for a week or paying for medication prescribed by their doctor.

To those of us that are accustomed to having an assured three meals a day, warm clothes in time of cold, comfortable clothes in time of heat, safe roofs over our heads, we cannot visualize, sometimes, that in America we still have not just individuals, children or adults, but families that do not have that kind of a comfort. We still have them among us.

In this case here, Mr. Chairman, it may, as I said and repeat, mean the difference between a meal, and a choice between having a meal or paying for medicines or medications that have been prescribed. The dollar amount may not sound like a lot to us. Our range is in the upper 7- to 11-percent per person field in our society, so that a rental increase in terms of medical costs and Medicare premiums does have an impact.

It could be a lot of cash, and it is, indeed, a lot of cash to senior citizens. I have visited with them, some are those that grew up in the old neighborhood in what we called in San Antonio the West Side, and with whom I shared neighborhoods and living conditions. Many of the elderly with section 8 assistance waited for years for assisted housing. We just do not have that volume of housing. They believed that this move was their last.

Now what our colleagues, the Republicans, are requiring of them is to pay more for shelter, unless this amendment pending is adopted. This amendment means that we will not be overturning longstanding Federal policy of 25 years, which limited a tenant's rent to 25 percent and then 30 percent, and I fought bitterly when that increase of 5 percent went in, of income for people of limited income. Let me assure my colleagues who really do not know what it is to have a very limited income, limited income is a very serious and an awesome terror, day in and day out, for many of our fellow Americans.

Mr. Chairman, I must ask my colleagues if this is this year's rent or increase to 32 percent for section 8, what is going to happen next year? When are they looking for more dollars for tax cuts? Will it once again come out of the elderly's pockets?

The manager's amendment deleted the rent increase for public housing residents, but not section 8 tenants, who are not wealthier. In fairness, Mr. Chairman, I urge the adoption of this amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

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

Mr. VENTO. Mr. Chairman, I would like to commend the gentleman for his advocacy of this amendment. I would point out for those who think it is not a lot of money, this is $184 million being taken from these low-income elderly, as best we can calculate. It is $184 million being taken from them and added to their costs.

Mr. Chairman, these are low-income people, many who qualified as being below the 50 percent of the median income that we are taking this from. They are taking this from very low-income, hardworking seniors on fixed incomes who have no ability to make an adjustment to deal with this, and it is a percentage of their income, so it is absolutely against any other increase they might get, whatever it might be.

I thank the gentleman for yielding to me.

Mr. GONZALEZ. I thank my colleague, who is very active and has distinguished himself in his field, since his arrival to this Congress. I want to thank him for adding to this.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this opportunity to yield to the gentleman from California [Mr. LEWIS], the chairman of the subcommittee.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding. I rise only to try to clarify a portion of the earlier discussion on the part of the author of this amendment. He referred to an earlier Lazio amendment, and at least implied in that discussion that he really intended that the offset here be from NASA accounts by one way or another.

The reality is that his amendment that is on file, would take it from FEMA accounts. It is a budget-buster in that connection. Literally, those FEMA accounts cannot function when they are reduced to zero. I wanted to make sure that the membership understood that. I presume that the author understood it, but the membership might very well have been confused.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

Mr. Chairman, one of the things that I think we need to put out here is this goes directly at the elderly. When we look at the elderly, very many of them are women. When we look at women over 65 that have a pension, there is less than 13 percent of women over 65 who have a pension. That is because women who worked in those days worked in jobs that were very low income, did not have those kinds of benefits, and really are the poorest of the poor.

Mr. Chairman, we see us coming after them on Medicare, we see us coming after them on this. I almost feel like we ought to blow the whistle here. We need a piling-on offense. We need black-and-white-striped referees here, or something. I feel like we are piling on the poor, and we are piling on those that can fight back the least. There is nothing like taking on little old ladies. This is really taking on little old ladies, if Members are going to vote for this amendment.

Mr. Chairman, I think I understood from the gentleman from Massachusetts [Mr. KENNEDY] that the way this would work if we do not pass this amendment, if an elderly person is in section 8 and they get a 3-percent increase, just to take a thing out of the air, for their Social Security, it is possible for their rent to go up 9 percent. I would ask the gentleman, is that correct?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, Mr. Chairman, understand that under the Republican budget they would only get a 3-percent increase in Social Security if the cost of living increase by current standards was 3.8 percent, because they want to reduce that. However, yes, the gentlewoman is correct. The first year this is implemented the increase in rent that an elderly resident of subsidized housing will pay will be the percentage of Social Security increase plus 6⅔ percent of their income; so on a 3 percent figure, that would be a 9⅔-percent rent increase when they only got a 3-percent increase in income.

Mrs. SCHROEDER. I thank the gentleman for making that point again, because I think that is a very, very essential point. As I say, we are talking about a very high percentage of these people being elderly women who were discriminated against when they were in the work force, who do not have pensions. Maybe they should have had pensions, but they worked in jobs that did not give them pensions, or they had spouses that did not have pensions that they could inherit. They do not want to go home and live with their kids. They are very, very proud people.

All we have to do is look right now at grocery stores where there are concentrations of elderly, and seeing already the very, very high sales of pet food among people who do not have pets. There is something going on there.

If we decide to do this so that their rent could be increased, I think this is just really piling on, so I salute the gentleman from Massachusetts for his amendment. I think all of us ought to think very seriously about, yes, we have to do something about the budget; but is it fair, at a time when this House hires for the first time a ''Miss Manners'' who is going to tell us how to write toasts, that we turn around and say to elderly women and elderly citizens that they can have their rent increased as much as 9 percent?

I do not think that people outside the Beltway will appreciate that, that we are getting a protocol official for all of us. Maybe they are going to tell us in protocol how we tell these elderly people that we just had them bear the brunt of the budget, that it was not B–2 bombers or other things, it was them who caused it, so ''Have a nice day, we are going to raise your rent.'' I hope others will vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 20, line 25, insert after the figure ''$10,182,359,000,'' (increase by an additional $331,160,000)''.

Page 37, strike ''(a)'' in line 23 and all that follows through page 38, line 19.

Page 71, line 5, strike ''$5,588,000,000'' and insert ''$5,100,000,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert ''$2,533,200,000''.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, although this was not in the RECORD, I did share a copy with the majority.

Mr. Chairman, this is the companion to the amendment offered by my colleague, the gentleman from Massachusetts [Mr. KENNEDY]. What he did addresses this 30- to 32-percent increase for the elderly. This one addresses it for other residents of this kind of housing: families and disabled individuals. It is a similar argument.

The argument is that when we have decided that people are on limited income, and certainly the disabled would be, some of the families would be, when we are talking about people at the lower end of the spectrum, and I want to agree, the majority, and I congratulate the gentleman from California, because I think this reflected what he would like to do in the manager's amendment, he did relieve this for the poorest of the poor, and I acknowledge that. The amendment of the gentleman from California, working with the gentleman from New York, the chairman of the Subcommittee on Housing of the Committee on Banking and Financial Services, did undo this for the poorest of the poor, the people who live in public housing. We now have a situation where people who live in public housing

will pay only 30 percent, which is fair, but people who are in certificated housing, people who may be a notch or two above, will have to go to 32 percent. This will include families, this will include the working poor.

These are the families who are here, working poor people. To tell them once again that they will get an increase in their rents of 6⅔ percent, if they are making $20,000 a year, then the 2-percent increase is a $400-a-year increase. I have had my colleagues on the other side say that some of us were not appreciative of how important a $500 tax cut would be to a middle-income family. If you are making $40,000 or $50,000 a year it is very serious. If $500 is a very serious amount of money to a family making $50,000, is $400 a year then for a family making less than half that not even more serious?

That is what we are saying to people. We are saying to precisely those people on whom we were trying to focus public policy attention, people who are above the welfare roles, people we are telling, ''Get off the welfare roles and get into a work situation,'' because very few will go off of welfare into a $100,000 a year job. Many will be in the low-wage jobs. Some will be eligible for this sort of housing.

What we are telling them is getting $18,000, $20,000 a year and trying to support a family, we will now, if you are making $20,000 a year, raise your rent by $400 a year. Think what the disposable income is for a family in that category.

We are not talking, now, as I said, about welfare cases on the whole. The people who are on welfare have probably been protected by the manager's amendment, the manager's amendment which protected the people on public housing, where we were likely to have a higher welfare percentage. We are likelier here to be talking about the working poor, because the average incomes of the people in the assisted housing projects will be higher on the whole than the public housing. We are talking about people who get section 8's.

What we are saying is, ''You have done nothing wrong, you have worked very hard, we know times are tough, and by the way, your rent just went up $400, without any increase in income.'' If their income goes up, then the rent goes up $400 plus the increase in their income. Why? So we can make sure the tax cut extends to people who make $200,000 a year.

My guess is, I have not done the arithmetic, but my guess is if we limited the tax cut to the people who are making only $50,000 a year, we could afford this amendment. This amendment cannot reach the taxes, so I do reduce funds for NASA.

□ 1600

I would have preferred to take a piece of the B–2 bomber, to take a piece of some of the other unnecessary military spending projects to deal with the tax cut.

If and when we get this to conference if people then want to make these kind of adjustments, I would be supportive. But we again come to a fundamental difference, I think, in approach: Tell working people who are making $20,000 a year that as we increase military spending beyond what the President has asked, beyond what anybody needs, as we subsidize the defense of others.

I have to say, because these things are relevant, you may have noticed that the French were very frustrated. They wanted to send some reinforcements into Bosnia but they could not do it without American helicopters. How come France does not have enough helicopters to transport its own troops? Because the American defense budget has been subsidizing it.

Members who want to continue the American defense budget subsidy of the French economy, a very generous act of international cooperation—''Merci,'' I say, on behalf of the people of France—are going to make up for that by telling Americans who make $20,000 a year and live in subsidized housing and who work very hard—we are talking now about hard-working people—who make $20,000 a year with a couple of kids and that are in this kind of housing, they have got a section 8 certificate, and their rent goes up by 2 percent. There is no reason to do that other than, I think, a distorted set of priorities, and I hope the amendment is adopted.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman from Massachusetts is presenting a very important amendment.

Just this week, the Center on Budget and Policy Priorities came out with a very serious report on ''Unraveling a Consensus.'' That is what we are doing here as we proceed through these bills, unraveling a consensus that we have had across the aisle, a bipartisan consensus that full-time workers should not live in poverty, that that is how we wanted people to get off welfare, that we really wanted to encourage people to work, that we did not want people on welfare, and that full-time workers should not be pushed down into poverty.

So this body proceeded to do certain things, like put in the earned income tax credit, which this points out is greatly under attack, that helped families working at that level. It also linked Medicare to low-income families. You did not have to be on welfare to get Medicare. Now we are going to block-grant it so they are all going to be at the whim of whatever State they are in if there is any at all. We are pulling away that chance of getting some medical care.

There was the issue of child care, trying to help people get out there for child care. Well, we are pulling away that pillar from under them. Now if we do not pass the gentleman's amendment, we will be raising their rent at this level.

These are working families. Of course one of the other things that we piled on these families if you voted for the Republican budget, which I did not do, is we are now going to charge single moms 15 percent to collect their child support—child support that they are owed. So the Government will withhold 15 percent to help pay off the debt.

When you add each of these pieces together and you look at the level of these families that we are talking about here, it all comes crumbling down. At a time I thought we had some kind of a consensus where we really wanted to reform welfare and say work is not a 4-letter word, you are what you do in this country and if you say nothing you are nothing, so we want to help everybody be empowered, we want to help them go to work, we are now pulling all the stops out from programs that were started by President Nixon, carried on by Presidents Reagan and Bush and by the Democratic Congress as kind of a consensus as to how we get there. We were just getting real close to starting to being on that path.

If you go back and look at the history, it was in 1986, 1990, 1993, each of those times, we raised the earned income tax credit. Each of those times we talked about how we should increase the subsidy for people who were in housing but above the welfare level trying to work their way out so there would not be that tremendous line.

This was really the hand up that, yes, you have a chance. Well, we are really cutting the lifeline. You may say, ''Well, this is just one little lifeline,'' but if you voted for the Republican budget, you cut off that other little lifeline, you are going to take a 15-percent chunk out of every single child support payment, that is a lot of money. You are going to cut back their EITC and you are going to cut probably their child care subsidies they were getting in title XX that helped them be able to work. I put this all on top of the fact that we all know the purchasing power for the minimum wage is at the lowest it has been since World War II.

If a person has a minimum wage job and they are trying very hard, here is what kind of support they are getting from us. These are not the people that caused the budget deficit. Why are we unloading on them? Why are we causing them to pay for the budget deficit? I think those are questions we have to ask ourselves. When people get angry on that side of the aisle and yell we are talking about this class warfare and everything, you have got to really wonder. It looks like class warfare. It begins to look like socialism for the rich as we punish everybody who is not rich.

I just think this is one more area where we are pulling the pins out from people who are struggling desperately to get out from poverty, to get out from the stigma of being called a welfare recipient. They want out. There are people out there working two and three jobs. They feel like a squirrel in

the wheel. They run faster and faster and faster, they are exhausted, their tongue is hanging out and they do not get out of the bottom of the wheel, unless they can have a little help, with some medical care for their kids, or maybe some help collecting their child support without the Federal Government pulling a chunk out of it, blaming them for the deficit or increasing their rents or going after any number of other things, the EITC program and other things that were out there.

I think American people want to help people move in this direction. I think they are tired of abuse, but they really want to help people that try. If you try, we should help them. That is what this amendment is about. I support the gentleman's amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, sometimes I wonder what has happened in this country. You look back over the last few years and you see these endless attacks on the poor of America, a suggestion that somehow the poor are responsible for the problems that we face. At one point in our country's history we had a war on poverty. Today we have somehow evolved to a point where we have a war on the poor. That is what this bill attempts to do. It attempts to raise the rents on the most vulnerable families in this country.

I offered an amendment different than the one from the gentleman from Massachusetts [Mr. FRANK] to try to isolate the senior citizens out of the generalized cuts that are affecting all poor people. I offered that not because I think senior citizens are in some elite crowd that ought to be protected versus other poor people, but I just think that they have a better chance of gaining some support from the Republicans.

The truth of the matter is that the amendment offered by the gentleman from Massachusetts [Mr. FRANK] is a more appropriate amendment, because it does not single out senior citizens that happen to vote. One of the first lessons you learn in politics is that people over the age of 90 vote 90 percent of the time and people under the age of 25 vote 25 percent of the time.

The fact of the matter is that what we have is a situation where people, rather than pursuing policies that will end up providing this country with an educated work force into the future, rather than providing an investment in the real technologies that people are so concerned about, the technological breakthroughs of biotechnology, vote for that, but do not pretend you are voting for a space station for those purposes.

What we are doing in this bill is voting for a space station at the expense and on the backs of the poorest people in this country. At the same time we are providing an enormous tax break to the wealthiest people in the country.

We sit and cut education programs, we cut back on health care programs for our seniors, we cut back on the job training programs that will allow us to have the ability to compete with the Germans and the Japanese for the high-wage and the high-paying jobs that are going to be available to somebody in the future.

There are going to be millions of jobs created in this world in the next 10 years, in biotechnology, in telecommunications, in all sorts of fields that are going to require an education and an educated work force. Certainly there are going to be a few Americans that can go out and pay for it. But since when do we come from a country that only the elite are allowed to do well?

That is why America was started, because people were sick and tired of that kind of system, so they came to America. They established a new kind of nation, where people were allowed to grow to their full human potential, not because of what they were born with but because of what they made of their own lives.

That is what this bill undercuts. It sends a message to the poor and the vulnerable of America, that they are the problem and we are going to cut their benefits, we are going to cut their housing, we are going to go in and strip them of the capability of getting protections from the problems that exist in industry in this country, and we are going to hang them out to dry so the rest of us can walk down the street and feel good about where America is headed.

It is not the kind of compassionate Nation that looks out for the poor, looks out for our seniors, recognizes that a group of senior citizens provided this country with the capability of being called the richest and most powerful Nation on Earth, because they went through World War II, the Great Depression, World War I, the Korean conflict, and at the same time created an enormous amount of wealth.

Many of them did not get rich in the process. They gave their blood and their sweat and their tears for America. They gave their lives for this country. Now they have a little bit of income. They are living on fixed incomes. They are not in public housing, they are in some kind of assisted housing.

The way that hundreds of us go around and visit elderly housing when we need a vote at election time, those are the people whose increased rents are going to be used to balance the budget of this country. It is a shame that we should be taking what the gentleman from New York [Mr. SOLOMON] earlier today claimed was a $500 tax cut. This is a $500 tax increase to the poorest of the poor.

I ask you to please recognize that we need to invest in those people. We need to thank those people, and not condemn them the way that this bill does.

Vote for the Frank amendment. Have some compassion and some caring for the vulnerable people of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

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

Mr. LEWIS of California. 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 order of the House of today, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

The point of no quorum is considered withdrawn.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from California [Mrs. SEASTRAND] for purposes of a colloquy.

Mrs. SEASTRAND. Mr. Chairman, earlier this week, the Committee on Science voted out a NASA authorization bill which included a $10 million line item for spaceports.

Science, aeronautics, and technology is clearly an area where NASA has consistently performed well and thus included an allocation for spaceports.

Spaceports, of course, are the wave of the future. In America we have a healthy booster and satellite market, plenty of launch bases, but not enough launch facilities. The development of launch facilities represents the missing piece of the commercial space puzzle, and America must go forward in supporting spaceports.

□1615

In America there are many States, including California, Florida, Alaska, New Mexico, Hawaii, Virginia, Colorado, that are involved or seek to be involved in the development of spaceports. It is my understanding that the Committee on Appropriations has replaced the $10 million authorization with a $3 million appropriation going exclusively to Florida.

Mr. Chairman, am I correct to assume replenishing this line item will now be done through the conference committee?

Mr. LEWIS of California. Mr. Chairman, the gentlewoman is generally correct.

There was an authorization of $10 million. That does not automatically lead to an appropriation of that total amount, as you know. The pressure that was involved in this bill with the tradeoffs between veterans and other accounts was that we had to limit some accounts; there was only $3 million made available.

But indeed it is our intention to review these questions, and we look forward to the conference committee, and indeed, I have in mind the fact that the gentlewoman, and a couple of others, have several programs in mind that have locations that would be appropriate.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the gentleman from California [Mr. LEWIS] for the excellent work he has done in this appropriations bill. As indicated in debate this afternoon, it is a very, very difficult task the gentleman was confronted with.

Obviously, there are difficult choices when we have these tight budgetary times. However, I do have serious concerns about funding for native American housing programs.

Mr. Chairman, I think it comes as no surprise that many other Members of this body share those concerns, including two of my colleagues on this side of the aisle, first, the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Nebraska.

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

Mr. BEREUTER. Mr. Chairman, I associate myself with the comments of the gentleman from Arizona about Indian housing and the comments I expect to be made by the gentleman from Oklahoma [Mr. WATTS] expressing concerns over the funding level for Indian housing new construction in this measure.

Mr. Chairman, housing in Indian country is among the worst and most scarce in the Nation. There exists a great need for new construction, as there is a very limited stock of existing housing in Indian country. Still, this Member recognizes that we are facing severe fiscal constraints and that there is a need to scale back even on needed programs like this one. I am concerned about the degree of the cutback or the scale-back.

Funding for the program the last several years has been at $280 million. The measure before us today provides for only $100 million. That is a nearly two-thirds reduction, and I believe it is too severe a cut.

Mr. Chairman, I would encourage the gentleman from California [Mr. LEWIS], the distinguished chairman of the subcommittee, and the gentleman from Ohio [Mr. STOKES], the ranking member, to seek to increase this funding level at conference.

Having said that, I also want to say to the chairman and ranking member, as well as the members of the subcommittee, that I am appreciative of the $3 million in funding for the Indian Housing Loan Guarantee Program at HUD. I think this modest sum will leverage up substantially and guarantee the private financing of nearly $37 million in housing loans for Indian families.

One of the problems on Indian reservations has been, I think, potentially resolved by a change approved by this House in recent times; and this money will give us a chance to see if, in fact, we can solve this deficiency of loan funds being available to Indian families who live on Indian reservations.

I believe this very limited amount of Federal funding is well spent, and it will be seen as well spent. I commend the appropriators for including it in this measure.

Mr. WATTS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Chairman, while it is true that everyone must tighten their belts in order to balance the budget, Native Americans, the people who had the first Contract With America, have taken a hit which is more than we believe is their fair share.

We are focused on special needs housing, which is important, but no more important than living up to our treaty obligations and honoring our special trust relationship with the sovereign Indian Nations of this country.

The need for additional and improved Indian housing is well documented. Considerable difficulties impede private financing of Indian housing. Indian capital is scarce and frequently there is no security for financing.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. HAYWORTH] has expired.

(On request of Mr. LEWIS of California, and by unanimous consent, Mr. HAYWORTH was allowed to proceed for 2 additional minutes.)

Mr. HAYWORTH. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Chairman, Indian capital is scarce, because frequently there is no security for mortgage loans or similar financing because titles to most Indian land are held in trust by the United States.

As a member of the Committee on Banking and Financial Services, I can tell you that there are few commercial lenders in Indian country, and most lenders are reluctant to extend credit for housing on Indian lands. For these reasons, Indians have turned to various Federal housing programs for assistance, including those administered by the Bureau of Indian Affairs, HUD, and the Farmers Home Administration.

Mr. Chairman, as we proceed in these fiscally lean times, we need to do so with careful contemplation and without acting too hastily to cut the means which will help the sovereign nations of this country to become truly self-sufficient and self-governing.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, I would ask the gentleman from California [Mr. LEWIS] if the funding level for Native American assisted housing in this bill represents the final number?

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's question. I appreciate the gentleman from Arizona [Mr. HAYWORTH] even more for his leadership on this issue and for expressing his concerns about this important matter.

Mr. Chairman, I expect to work with the gentleman from Arizona as we go to conference. Where we can find money between accounts, we would certainly hope to improve upon this one and I appreciate the gentleman's assistance.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to engage the gentleman from California [Mr. LEWIS] in a colloquy. I would like to address the EPA's Gulf of Mexico Program and the concern expressed about it in the committee report.

Mr. Chairman, the committee report recommends that no funding be provided for this program. As you know, I am a strong supporter, in fact, the father of the resolution that created the Gulf of Mexico Program, along with the gentleman from Texas [Mr. LAUGHLIN].

I recognize and share the gentleman's concerns and the committee's concern that the EPA may overstep its bounds in implementing the program and that the individual States should maintain a stronger primary role in it. Since the bill itself does not address the Gulf Program, however, it is my understanding that it can receive appropriations under this bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, the gentleman's understanding is correct. The committee is deeply concerned by the EPA's increasing role in management of the Gulf of Mexico Program and the potential encroachment of its management to the entire gulf watershed.

It is the committee's intention to put the EPA on notice that it should conduct a less intrusive program or face stronger budgetary scrutiny in the future. The committee recognizes the values of the Gulf of Mexico and believes the program can be meaningful with proper management controls.

Mr. Chairman, I assure the gentleman that we expect the Gulf of Mexico Program to be fully funded and I can personally attest that we will address this subject in the conference to ensure that our intent is clear.

Mr. BARCIA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a concern with the subcommittee's actions within NASA on an ongoing project, the Consortium for International Earth Science Information Network or CIESIN.

Mr. LEWIS of California. Mr. Chairman, I am very familiar with the gentleman's concerns about NASA's continuing role in the project known as CIESIN. The VA–HUD & Independent Agencies Appropriations Subcommittee has been very supportive of CIESIN in years past. The committee has recognized the project's potential for the

first-rate science of a type that had not previously been adequately explored.

As the gentleman knows, we are having difficulty with this bill in terms of enough money to go around and so that is why we face the problem that we do at this moment.

Mr. BARCIA. Mr. Chairman, my concern is that the action taken in this bill may unduly restrict NASA's ability to provide continuing support for CIESIN.

Mr. LEWIS of California. Mr. Chairman, this bill does not provide $6 million directly for CIESIN as a part of Mission to Plant Earth. The project, in its current form, lacks current authorization.

Mr. BARCIA. Mr. Chairman, am I correct then that the gentleman's bill does not interfere with CIESIN's existing contract which would expire in 1998? I known that the Committee on Science has just completed committee action that includes a provision allowing CIESIN to compete for NASA funds in fiscal year 1996 and would the appropriations bill preclude that possibility?

Mr. LEWIS of California. Mr. Chairman, if the NASA authorization bill were to be enacted into law later this year, there is nothing in the appropriations bill that prejudices competitive success by CIESIN for NASA funding in future requests or for bids of proposal.

It is not our intention to close the door, but indeed it is an authorization matter that is ahead of us.

Mr. BARCIA. Mr. Chairman, I would like to thank the gentleman for the committee's explanation. Also, I thank him for his gracious handling of our concerns and his kindness in the past.

AMENDMENT NO. 1 OFFERED BY MR. KLUG

Mr. KLUG. 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. KLUG: Page 48, after line 25, insert the following new section:

SEC. 211. DEMONSTRATION PROJECT FOR ELIMINATION OF TAKE-ONE-TAKE-ALL REQUIREMENT.

In order to demonstrate the effects of eliminating the requirement under section 8(t) of the United States Housing Act of 1937, notwithstanding any assistance provided under any program under section 8 of such Act for the multifamily housing project consisting of the dwelling units located at 2401–2479 Sommerset Circle, in Madison, Wisconsin, or on behalf of residents in such project, section 8(t) of such Act shall not apply with respect to such project.

Mr. KLUG. Mr. Chairman, this amendment attempts to solve a problem involving a section 8 housing project in my home community of Madison, WI. Let me say to my colleagues in the room, this does not involve any money. And for those who you were not paying attention, let me say one more time, this does not involve any money.

Mr. Chairman, this is a demonstration project for elimination and exception for what is essentially known as a current HUD regulation called take one, take all. This involves a housing project, a section 8/Mod Rehab project which in recent years has experienced financial problems, a high crime rate and corresponding drug problems.

The project is going to be foreclosed on in the next several weeks and without this waiver, my hometown faces the severe and difficult choice of deciding either to make it entirely a for-profit housing project, cutting out low-income residents, or to essentially stay with the current policy of only allowing section 8 participants, in which case we may find ourselves back in the exact same cycle that we are trying to get out of.

Under this policy, take one, take all requires a landlord who takes one, who accepts one section 8 tenant to accept all the section 8 renters.

This amendment enjoys bipartisan support back in my home State of Wisconsin, including Governor Tommy Thompson, Senators HERB KOHL and RUSS FEINGOLD, who are Democrats, Democrat Dane County Executive Rick Phelps, town of Madison Chairman Mike Theisen.

H.R. 3838, last year's housing bill, contained the repeal of take one, take all, but unfortunately though it passed in this body in July of last year, almost to the date, it never made it through the Senate.

Mr. Chairman, I want to thank my colleagues the gentleman from New York [Mr. LAZIO] and the gentleman from Iowa [Mr. LEACH], and also the gentleman from California [Mr. LEWIS], for their understanding of the situation back in Wisconsin and for being supportive of this effort. And also for the gentlewoman from Ohio Ms. PRYCE], who in the past has tried to fix similar problems in legislation.

Mr. Chairman, in order, again, for this project to go forward and to avoid a situation where we may see many poor families thrown out in the street, my home State of Wisconsin will need this waiver. It is my understanding that the gentleman from New York [Mr. LAZIO] will fix this problem later in the fall, but unfortunately the financial and judicial timelines facing this project will not allow us to take advantage of those opportunities under the leadership of the gentleman from New York [Mr. LAZIO] unless we are able to accept this amendment today in the House.

Mr. Chairman, one more time for all of my colleagues who may not have been paying attention when we started this discussion, this does not involve any money.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with care to the presentation of the gentleman from Wisconsin [Mr. KLUG] and the special manner in which his request has been treated in this appropriations bill.

□ 1630

Now, what I find very unusual about it is that this really is not a matter for the Committee on Appropriations. In fact, as I listened to the gentleman concerning how you wished to handle the section 8 certificates, and I believe you are from Madison, WI, this is really a matter for the authorizers. In fact, you could bring a separate bill to the floor, and what I find really amazing is that the Committee on Rules allowed you to do this and you have been given a special waiver to be included in the appropriations bill for a given project when, in fact, we cannot even get included in the rule governing the debate on this bill major programs, not just a project here or there, but major programs that we are being denied the ability to debate, such as the drug elimination program which I brought up this morning during the debate on the rule.

So I would like to ask the gentleman how is it that you were given this really quite unique opportunity? I think you were one of only two such special inclusions in the appropriations bill.

What presentation did you make to the Committee on Rules and how were you able to get this included? I am very curious.

Mr. KLUG. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Wisconsin.

Mr. KLUG. You would have to ask the Committee on Rules why they decided to allow the merits of this program to prevail in their deliberations. But I testified in front of the Committee on Rules yesterday, and they though it was an appropriate discussion to have on the floor, because what we are really interested in, if the gentlewoman will continue to yield for a few more seconds, what I think the committee is interested in, as is the Committee on Appropriations ultimately, the gentleman from New York [Mr. LAZIO], is to make sure we have an opportunity to change the way we have handled section 8 projects across the country, and I think, given what the gentleman from New York [Mr. LAZIO] is attempting to do later this fall, it is absolutely appropriate to try one demonstration project to see if it works to build more momentum to change the authorizing legislation.

Ms. KAPTUR. Reclaiming my time, I find it interesting your project is defined as a demonstration program. We made a special policy in the Committee on Appropriations we were not going to allow any demonstration programs in the bill. You must feel you really have a lot of pull over there at the Committee on Rules because, in fact, your proposal here is totally out of step with every other Member of this institution but for one other.

I find it quite interesting. Let me ask you, in the demonstration program that you are proposing be included in this appropriation bill, is your program

authorized? You mentioned the gentleman from New York [Mr. LAZIO] wants to do it later in the year. Is your program authorized that you are asking for?

Mr. KLUG. No. It is not authorized.

Ms. KAPTUR. Let me further ask the gentleman then, what gives you special privilege on this floor over any other Member?

Mr. KLUG. I went to the Committee on Rules, if the gentlewoman will yield further, and the Committee on Rules voted to allow my amendment to get to the floor. It is no special privilege. It is only the vote of the Committee on Rules which, as you know, determines any amendments which may be brought to the floor, and earlier today, this House supported the rule that came out of the Committee on Rules. So the House essentially has already signed off on the opportunity to bring this to the floor to be debated.

Ms. KAPTUR. I think the gentleman should think long and hard about what he is doing because you are taking a personal privilege, in a sense, going to the Committee on Rules, and obviously your party controls that committee, but for a special project in one place in this country that is unauthorized. You are being given a special privilege when Members here on this floor are being denied the opportunity to debate major portions of this bill which apply to everyone.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The next time you want to fight drugs, you are going to have to ask a Republican to do it for you. Then maybe you will get permission to get your amendment up here.

Ms. KAPTUR. I thank the gentleman for that advice.

The amazing thing is I am not fighting for my district. I am fighting for 435 congressional districts. I asked for the opportunity to be heard.

Mr. FRANK of Massachusetts. If the gentlewoman will yield further, you may need three or four Republicans.

Ms. KAPTUR. Maybe I need a few more. I thank the gentleman for that good advice.

I would just say to the gentleman this is the type of insertion in a bill that breaks down camaraderie, and the proposal that I want to debate on this floor had bipartisan support in the committee. It is a program that has been operating since 1988.

We are being denied that opportunity, and you are being given special privilege. I really think it is wrong of the Committee on Rules.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by my friend, the gentleman from Wisconsin. I do this without venom or vitriol. This is simply not the right place or the right time to be dealing with this issue.

As the gentleman himself pointed out, this subcommittee, ultimately in full committee and in other legislation in that jurisdiction, is the place to deal with this. Certainly, the gentlewoman from Ohio [Ms. PRYCE] made that clear in the previous Congress.

I listened with interest to my friend, the gentleman from Wisconsin, chronicle the difficulties in the other body, but I believe a full and open debate as to the merits or demerits of this policy is required under the jurisdiction rather than in this appropriations process.

So I simply rise in reluctant opposition.

PARLIAMENTARY INQUIRY

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FIELDS of Louisiana. Mr. Chairman, I listened to the gentleman's dissertation of the amendment that he has on the floor, and it is my appreciation this amendment is all legislation and no appropriation.

Can the gentleman legislate on an appropriation bill?

The CHAIRMAN. All points of order are waived against this amendment.

Mr. FIELDS of Louisiana. Who waived? Because the gentlewoman from Ohio has a great amendment, and her amendment is certainly an appropriation and not a legislation and not dealing with legislation but appropriation.

The CHAIRMAN. The House waived all points of order against this amendment by adopting the resolution governing consideration of this bill.

Mr. FIELDS of Louisiana. Are there any other amendments that the House waived all points of order other than the gentleman's amendment?

The CHAIRMAN. Under the rule, there were two amendments protected.

Mr. FIELDS of Louisiana. Can the gentleman inquire in terms of which amendments they are? I mean, because the gentlewoman and I am having some confusion.

The CHAIRMAN. If the gentleman will let the Chair answer the question, the gentleman can look in the report of the Committee on Rules accompanying House Resolution 201.

Mr. FIELDS of Louisiana. I am trying to understand the rules. I am new here. I do not recall the House, is that rule from the Committee on Rules because you said the House waived the rules? I do not recall voting on waiving these rules other than through the rules that we adopted that I voted against. So you are talking about this rule came from the Committee on Rules?

The CHAIRMAN. The gentleman will suspend.

When the House adopted the resolution reported by the Committee on Rules, the House waived the points of order against the gentleman's amendment.

Mr. FIELDS of Louisiana. Which other amendments did we waive?

The CHAIRMAN. As the Chair has indicated to the gentleman, he can find that information in the report.

Mr. FIELDS of Louisiana. You are not privy to that information?

The CHAIRMAN. Yes, and so is the gentleman from Louisiana.

Is there further discussion on the amendment?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I wonder if, given the situation which has been acknowledged, and I appreciate the forthrightness of the gentleman from Arizona [Mr. HAYWORTH] with regard to this amendment, I do not disagree with the purposes that the gentleman from Wisconsin [Mr. KLUG] has filed this amendment; in fact, I would support the underlying purposes for which the gentleman from Wisconsin [Mr. KLUG] has attempted to change some of the housing authorization language that is necessary to get his amendment in proper order. The fact of the matter is the gentlewoman from Ohio [Ms. KAPTUR] was trying to get an amendment, which I also support, to continue a program that has been funded by the Department of Housing and Urban Development for 5 years.

Because the authorizing committee never held a hearing and never wrote a bill, that program is no longer authorized. As a result, when we tried to just continue funding for a program that already has funding, it was denied because a point of order could be raised against the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

So I wonder whether or not we might, if I sought or if the gentlewoman from Ohio [Ms. KAPTUR], I say to the gentleman from Wisconsin [Mr. KLUG], if I could just get your attention for a moment and perhaps that of the gentleman from New York [Mr. LAZIO] as well, and it is hard to get the attention of the gentleman from New York [Mr. LAZIO] on some of these housing issues. But in any event, I wonder if the gentlewoman from Ohio [Ms. KAPTUR] were to ask unanimous consent to be able to bring her amendment forward, given the kind of situation we are in at the moment, whether or not we might be able to get her amendment brought up under UC and have an opportunity to debate the drug elimination program as well.

I would hope that maybe we could find some support by the gentleman from Wisconsin [Mr. KLUG] for those who perhaps would oppose his amendment because of the way it was brought forward who might be inclined to support his amendment if the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] could be debated as well. I wonder if the gentleman from Wisconsin [Mr. KLUG] might have a comment on that.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. KLUG. I thank my colleague from Massachusetts, with whom I have worked closely over the last several weeks.

Mr. KENNEDY of Massachusetts. I appreciate it very much. I support his underlying amendment. I understand that.

Mr. KLUG. That is a discussion I had with the Committee on Rules. I have absolutely no control over what the Committee on Rules did except to make my case like other Members. Imagine that, when a member of the majority party asks the Committee on Rules for an amendment, it is actually approved. Obviously, it never happened any time in the last 4 years.

Mr. KENNEDY of Massachusetts. I appreciate what the gentleman is suggesting. I am not going back to the Committee on Rules. I am suggesting if the gentleman from Wisconsin [Mr. KLUG] were to use the influence that he demonstrated so capably to be able to get this amendment included in the bill to begin with, if he could use that same kind of influence to allow for a unanimous consent to be made in order so that the gentlewoman from Ohio [Ms. KAPTUR] could bring her bill forward, her amendment forward, there might be a great deal of inclination for people on our side of the asile to support the amendment if the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] could be made in order and he could use his influence to convince people on the other side to not oppose her amendment for the purposes of this debate.

Mr. KLUG. I will be happy to have the discussion with a member of the Committee on Rules, but I do not see any on the floor right now.

Mr. KENNEDY of Massachusetts. I do not think we need the Committee on Rules to bring it up under unanimous consent. We can ask for unanimous consent. I am just asking you to go to work. If somebody opposes it, that will answer the question as to whether or not we are going to oppose you.

Mr. KLUG. I have no objections. That is not my not decision.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent that we be allowed to bring up the Kaptur amendment with regard to the drug elimination program.

Mr. LEWIS of California. Mr. Chairman, I am not even sure that is appropriate. It certainly does not fit the discussion. For now, I have to object.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. If the gentleman will yield, I just wanted to make the point there was some question as to when the authorization lapsed. Someone had suggested that authorization for the drug elimination program had lapsed a long time earlier. The information I received from the very able staff of the minority on the housing subcommittee is that, in fact, this was authorized through 1994.

The question was whether this had been some previous problem. It is the failure of the Congress this year to authorize the drug elimination grants that caused the dilemma the gentlewoman from Ohio [Ms. KAPTUR] has been caught in. That is, through the end of last year it was authorized. So we were not previously appropriating for an unauthorized program, and it was the failure of the housing subcommittee to do anything this year that resulted in that problem.

Mr. KENNEDY of Massachusetts. That is correct.

I would look forward to working with the gentleman from California [Mr. LEWIS] to see whether we might work out a unanimous consent that would comply with the rules of the House to allow the gentlewoman from Ohio [Ms. KAPTUR] to offer her amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 50 offered by the gentleman from Wisconsin [Mr. OBEY]; amendment No. 63 offered by the gentleman from Ohio [Mr. STOKES]; amendment No. 47 offered by the gentleman from Massachusetts [Mr. KENNEDY]; an unnumbered amendment offered by the gentleman from Massachusetts [Mr. FRANK]; amendment No. 3 offered by the gentleman from Wisconsin [Mr. KLUG].

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

AMENDMENT NO. 50 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 126, noes 299, not voting 9, as follows:

[Roll No. 587]

AYES—126

Ackerman
Barcia
Barrett (WI)
Bereuter
Bishop
Blute
Bonior
Brown (CA)
Brown (OH)
Camp
Christensen
Clay
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Dingell
Doyle
Duncan
Durbin
Ensign
Evans
Fattah
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Furse
Ganske
Gibbons
Goodlatte
Goodling
Gordon
Gutierrez
Hamilton
Hastings (FL)
Hilleary
Holden
Inglis
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
Klug
LaFalce
Leach
Levin
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Markey
Martini
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Molinari
Montgomery
Nadler
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Poshard
Ramstad
Rangel
Reed
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Towns
Upton
Velazquez
Vento
Ward
Waters
Williams
Woolsey
Wyden
Yates
Zimmer

NOES—299

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer

Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Mica
Miller (FL)
Mineta
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Tucker
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Bateman
Collins (MI)
Hall (OH)
Jefferson
Johnston
Meyers
Moakley
Reynolds
Waxman

□ 1702

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Bateman against.

Messrs. BROWNBACK, NETHERCUTT, and ABERCROMBIE changed their vote from ''aye'' to ''no.''

Messrs. FLAKE, GOODLATTE, and GOODLING, and Mrs. MALONEY 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. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 587, I inadvertently voted ''no'' on the Obey amendment and I would like the record to reflect that I intended to vote ''yes.''

AMENDMENT NO. 63 OFFERED BY MR. STOKES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. STOKES] on which further proceedings were postponed and on which the noes prevailed by division vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 10, as follows:

[Roll No. 588]

AYES—187

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
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
Goodling
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—237

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
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
Danner
Deal
DeLay
Dickey
Doolittle
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
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
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
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
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
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
Collins (MI)
Dornan
Gekas
Hall (OH)
Jefferson
Johnston
Meyers
Moakley
Reynolds

□ 1711

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 47 OFFERED BY MR. KENNEDY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No 589]

AYES—177

Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
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
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—248

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
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
Danner
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
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
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bateman
Collins (MI)
Conyers
Hall (OH)
Jefferson
Johnston
Meyers
Moakley
Reynolds

□ 1720

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] 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 158, noes 265, not voting 11, as follows:

[Roll No. 590]

AYES—158

Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Castle
Clay
Clayton
Collins (IL)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gunderson
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Jacobs
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Yates

NOES—265

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder

Lipinski
Livingston
Lofgren
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Bateman
Collins (MI)
Hall (OH)
Hinchey
Jefferson
Johnston
Longley
Meyers
Moakley
Reynolds
Skaggs

□ 1727

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. KLUG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 348, not voting 10, as follows:

[Roll No. 591]

AYES—76

Andrews
Armey
Barcia
Barrett (WI)
Beilenson
Bilirakis
Blute
Boehlert
Boehner
Bunn
Camp
Castle
Chrysler
Collins (GA)
Condit
Danner
Davis
Diaz-Balart
Dingell
Ehlers
Ehrlich
Fawell
Flanagan
Foley
Fox
Ganske
Geren
Greenwood
Gunderson
Heineman
Hobson
Houghton
Hyde
Inglis
Johnson (CT)
Johnson (SD)
King
Kingston
Kleczka
Klug
Lazio
Leach
Lewis (CA)
Lincoln
Linder
Luther
Manton
Manzullo
McCollum
McDade
McHugh
Metcalf
Mica
Minge
Molinari
Morella
Neumann
Obey
Peterson (MN)
Petri
Porter
Portman
Pryce
Quinn
Ramstad
Regula
Richardson
Riggs
Ros-Lehtinen
Sanford
Solomon
Spratt
Talent
Taylor (NC)
Torkildsen
Tucker

NOES—348

Abercrombie
Ackerman
Allard
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Istook
Jackson-Lee
Jacobs
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Poshard
Quillen
Radanovich
Rahall
Rangel
Reed
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
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)
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
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
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Collins (MI)
Hall (OH)
Jefferson
Johnston
Martini
Meyers
Moakley
Reynolds
Yates

□ 1735

Mr. HINCHEY changed his vote ''aye'' to ''no.''

Mr. FOX of Pennsylvania changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I would like to have a colloquy with my colleague, the gentleman from Ohio [Mr. STOKES]. I know that the gentleman and I are very anxious to make a contribution to getting our Members out of here as early as possible, either tonight, or maybe even early tonight, but also early tomorrow, if we need to go over to tomorrow. In connection with that, I understand that there has been some effort made to work out time limitations on a number of the amendments; is that correct? And if it is, I will outline those that I understand.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, it is my understanding that we have made some offer with reference to having some agreement relative to time.

Mr. LEWIS of California. It is my understanding, Mr. Chairman, that there are a series of six amendments where there are tentatively agreed time limitations. They would be amendment No. 64 by the gentleman from Ohio [Mr. STOKES]. The time limit would be 10 minutes, divided equally.

Mr. STOKES. Mr. Chairman, if the gentleman will continue to yield, that is correct.

Mr. LEWIS of California. And amendment No. 65, offered by the gentleman from Ohio [Mr. STOKES] which strikes

delays, a 10-minute limitation divided equally.

Mr. STOKES. That is correct.

Mr. LEWIS of California. Item No. 69 by the gentleman from Minnesota [Mr. VENTO] dealing with the homeless, a limitation of 40 minutes.

Mr. STOKES. The gentleman is correct.

Mr. LEWIS of California. And item No. 12, Mr. Chairman, the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY], 20 minutes, 10 minutes on each side.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

This is the first I have heard of this limitation, just in this last 30 seconds. I will have to check with the gentlewoman from California [Ms. WATERS] who cosponsored the amendment with me. If we could have a minute or two to consult, we will get back to the gentleman.

Mr. LEWIS of California. In the meantime, Mr. Chairman, let me complete my list. Item No. 44, by the gentleman from Colorado [Mr. HEFLEY], a 10-minute limitation, 5 minutes on each side.

Mr. STOKES. Mr. Chairman, if the gentleman will continue to yield, that is my understanding.

Mr. LEWIS of California. And Ms. KAPTUR of Ohio, drug elimination, a limitation of 20 minutes.

Mr. STOKES. Mr. Chairman, that is correct.

Mr. LEWIS of California. I should mention that there has been an indication on item 64, the first item of Mr. STOKES, and item 2, there has been some indication that there could be points of order on those two items. I think that is a part of the understanding as well.

Mr. STOKES. Mr. Chairman, I am sorry, if the gentleman could repeat that.

Mr. LEWIS of California. When the amendments are called up.

Mr. STOKES. Mr. Chairman, if the gentleman will continue to yield, I understand with reference to the Kennedy amendment, the gentleman would agree upon 20 minutes on each side. That would be acceptable to our side.

Mr. LEWIS of California. Mr. Chairman, how about 40 minutes? Twenty minutes on each side?

Mr. STOKES. Twenty on each side, Mr. Chairman.

Mr. LEWIS of California. I will try not to use my time.

Mr. STOKES. Mr. Chairman, with reference to item 64, do I understand that the gentleman is waiving a point of order so we might discuss that matter for 10 minutes; is that it?

Mr. LEWIS of California. Which matter is the gentleman referring to?

Mr. STOKES. Amendment No. 64.

Mr. LEWIS of California. It is my understanding, Mr. Chairman, that there is a request to reserve the right to a point of order on two of the two items, No. 64 and No. 2.

Mr. STOKES. That is correct.

Mr. LEWIS of California. Mr. Chairman, I know the gentleman wants to discuss it, and I will do everything I can to see that that occurs.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the House accept these time limitations as they have just been outlined.

The CHAIRMAN. Would the gentleman please restate his unanimous-consent request?

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that all debate on the following amendments and all amendments thereto be given specific time limitations as outlined in each of these items:

On item No. 64, 10 minutes, 5 minutes on each side; 65, 10 minutes, 5 minutes on each side; 69, 40 minutes, 20 minutes on each side; 12, 40 minutes, 20 minutes on each side; 44, 10 minutes, 5 minutes on each side; and No. 2, 20 minutes, 10 minutes on each side.

I would state with that that Members have requested the reservation of points of order possible on item 64 and item 2.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that, if there are rollcalls on these amendments, as we proceed, that they would all be rolled over and taken at the end of the discussion.

The CHAIRMAN. The Chair has that authority. Unanimous consent would not be needed for that.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment, No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 26, after line 13, insert the following new item:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901–11908), and for drug information clearinghouse services authorized by the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11921–11925), $290,000,000, to remain available until expended.

Page 64, line 16, before the last comma insert ''(reduced by $34,500,000)''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order.

□ 1745

The CHAIRMAN. The gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 10 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me say to the chairman of the subcommittee, no one could be more cordial or helpful than the gentleman has been in committee and in subcommittee as we develop these extremely complex bills, with lots of pressure from many outside interests, as we saw in that last vote.

My problem is not with the committee, Mr. Chairman, my problem is with the Committee on Rules in our attempts to get a freestanding vote on this exceedingly important question of the continuation of the drug elimination program in and around our public housing projects, which affects almost every single metropolitan area and many smaller towns and communities in this country.

Mr. Chairman, today I rise in strong opposition to the rule, because my amendment is one of its victims. We all know that there is no greater scourge affecting our communities than the drug scourge. It has been this way for a while. However, this bill, for the first time since 1988, completely strikes out all of the money for our drug elimination efforts in nearby neighborhoods around public housing.

The Committee on Rules refused to make in order my amendment, which would maintain last year's level of support, which is about $290 million for drug elimination in 1996, and we did so in a budget-neutral way. We transferred money in the amendment from FEMA, the Federal Emergency Management Agency, so it is budget neutral.

Let me say again, this program has existed and has been functioning since 1988. It has an excellent track record. It has helped every community in this country deal with the kind of cancer that is spreading throughout our neighborhoods because of these gang leaders and drug lords associated with drugs.

Mr. Chairman, in a few moments the gentleman from California [Mr. LEWIS], our distinguished chairman, will insist on his point of order against my amendment. I have a hunch that the Chair will rule that I cannot bring up my amendment for a full debate before this body. It is my intention to then appeal the Chair's ruling, and a motion will be made to table my appeal. I ask my colleagues to please vote no on the motion to table the appeal, because in effect, that will be the only vote that we have on saving this very worthy initiative.

I guess my basic question, Mr. Chairman, is why should we pull the rug out from under the citizens of our country by taking away the only program that exists to fight drugs and crime in some of the most fragile neighborhoods in

this Nation? To make matters worse, if my amendment does not prevail, what ultimately happens is as this fiscal year winds down and the next fiscal year begins, the money that is so-called being saved, and I put that word in quotes, the money that would be taken from these very worthy initiatives from coast-to-coast, will be frittered away on tax breaks that will be given to the privileged few.

That will not be done in our committee, that will be done over in the Committee on Ways and Means. Therefore, Mr. Chairman, there is really no savings as a result of what is being done here. We are eliminating an exceedingly effective program.

Mr. Chairman, let me point out that this program, and I said to the majority leader just now, it is amazing what happens in politics, I am defending a program that was pioneered by Jack Kemp when he was HUD Secretary. This has had broad bipartisan support over the years, and has really helped our community stem the drug tide, because, as we all know, it is not restricted to one neighborhood. The drug lords and those that they hire, they move across communities. They move into the suburbs, into the city.

Since 1989 HUD was given a helping hand to hundreds and hundred of our mayors in towns and police forces across this country. In my own town of Toledo, OH, a medium-size city, our Toledo Police Department saw a 20 percent decrease in just 1 year in drug activity in those areas that received help from this program. Yet, the appropriations bill recommended zero funding, zero funding in this program that is doing so much to effectively combat what drug lords and gang violence is doing all over this country.

I literally walked through the streets of Chicago when Congressman Charlie Hayes served in this body at a time when there were snipers on the roofs of some of the public housing projects in Chicago, projects being controlled by drug lords. As a result of this very worthy effort, that does not happen, that does not happen to the extent that it used to.

Mr. Chairman, what is really amazing is how we could be abandoning a program that has been as universally successful as this one, in giving our mayors, our police departments, our citizens the necessary tools to fight crime. It seems to me we cannot afford to continue them.

Let me remind my colleagues, my amendment would pay for itself through an offset of $34 million from FEMA's disaster assistance account, because this particular program only spends out at the rate of 7 percent a year, and it seems we have found money for everything from the space station to disasters everywhere in the Nation. There could be no greater disaster than what is happening in our communities as a result of the drug trade.

One of the reasons I really beg special consideration here, I offered an amendment in the full committee on this very subject. We got bipartisan support, we came within 5 votes of carrying the amendment, there were 16 Members who were not in the committee when we took the vote. Any objection that could have existed to the amendment as originally offered was worked out.

We went to the Committee on Rules, we made our presentation, and I thought we would be granted the opportunity to offer this amendment. The FEMA account has been dipped into for other purposes since we held that vote in committee. Thus, it seems to me that for $34 million in the next cycle, we have a very worthy proposal that deserves the consideration of our colleagues.

Mr. Chairman, I also have a list here that includes communities across the country. Before Members vote on the motion to table the appeal, I want them to come up to me and take a look at this list. Columbus, OH, gets over $1 million a year. Every community of the leadership of this Congress receives help. The community of chairman of the Committee on Rules, Albany, NY, receives help in his program. We can go coast to coast. Every single district in this country benefits from this program.

I would remind my colleagues from the other side of the aisle that this is not a partisan issue. Let me quote what Jack Kemp said in 1991 when he was visiting a project in one of our Nation's major cities. He said, ''Our drug elimination funding represents a substantial commitment'' by the then Bush administration, ''to rid public housing of the scourge of drugs and drug-related crime. Two years ago the bush administration announced a substantial moral and financial commitment to return public housing neighborhoods to the families for whom they were intended. Today this effort is showing significant results.''

I agree with Mr. Kemp, Mr. Chairman. We, as Members of this House, should do everything possible to help our local communities combat the scourge of drugs. I find it the height of lunacy to eliminate an effort that has proven itself in city after city just in order to bankroll through tax breaks largely the Fortune 500 big daddies that will get plenty of good treatment here, come the end of the year.

My colleagues should know that if my amendment is ruled out of order, I will appeal the ruling of the Chair. I strongly urge my colleagues to vote no on any subsequent motions to table my appeal of the ruling of the Chair.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentlewoman for yielding time to me, and for all of her efforts she has put into this amendment.

Mr. Chairman, this is a very important amendment. If we look at the problems we have in our public housing system across the country, we will find there still exists today, though I think there are Members of Congress, based upon the way we are moving in this legislation, who do not believe that; but I can tell the Members, coming from a district that has a sizeable amount of public housing, there are still problems within the public housing system.

For us to sit here or stand here today and not consider this amendment to me would be absolutely unbelievable. We have already cut out drug free schools and communities out of our schools. We have taken drug education funding out of the school system. Now we are coming to the public housing and taking drug prevention programs and elimination programs out of it. I just do not understand how that makes sense.

Mr. Chairman, in Louisiana, for example, this amendment, if it is not passed, will cost Louisiana somewhere in the neighborhood of about $600,000. We have big housing facilities like the one in New Orleans, LA, for example, DESIRE projects. They are working hard every day to try to eliminate the drug problem that they have.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS], insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I reserve my point of order.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 10 minutes on the amendment.

Mr. LEWIS of California. Mr. Chairman, let me say to my colleague, the gentlewoman from Ohio [Ms. KAPTUR], if I though we were eliminating programs that are attempting to control the drug problem in public housing, I would agree with her. But I do not believe that is the case. I know that the gentlewoman will recall that during the rescission process, we put sizeable numbers of dollars in the public housing modernization accounts. There is $2.5 billion in this bill, another $6 billion in the pipeline, and are providing the kind of flexibility that suggests that these drug elimination efforts should take place through public housing modernization.

The President just signed the rescission bill today. Within that bill there is the authorization to carry forward that sort of activity, so I feel very, very strongly that while there may be this understanding between us, there is certainly no disagreement regarding the importance and the priority of drug elimination efforts.

It is my own view that the Department of Housing has not always effectively carried forward efforts that the Congress outlined for them to carry forward. We are giving them some new direction in this process. We hope to put a different kind of pressure on, and see if it works better. These programs work well in some locations and in other locations they do not work very well.

Further, Mr. Chairman, I would say to the gentlewoman, she and I do have a very fine working relationship. As she knows, she made a personal appeal regarding $10 million that involves a health professionals scholarship program, and frankly, I thought the argument was logical, and in my amendment earlier today, put that money back in.

In this case, there is a very specific authorization for an appropriations bill here in the rescission package that allows another approach in terms of drug elimination within housing modernization. I really believe that there is a need to shake this agency, and take those agency subheads over there and rattle them a bit. In no way, shape, or form would the gentlewoman or I take a position that was in opposition to drug elimination grants.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentlewoman desire to be heard on the point of order?

Ms. KAPTUR. Yes, I do, Mr. Chairman. I respectfully ask for the Chair's ruling on that.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KENNEDY of Massachusetts. I would like to be heard on the point of order, Mr. Chairman.

Mr. Chairman, I support the provision of the gentlewoman in this bill, and I think the point of order is not appropriate, given all of the other considerations that have been contained in this rule that is before the House of Representatives.

I would further point out that the gentleman from California suggests that the funds for this program could be contained in the HUD modernization program. I would just point out to the gentleman that that program has been cut fully by 30 percent. To suggest that we are going to be able to take money from the drug elimination program and take it out of the modernization fund is complete folly, so I would object to the point of order based on the fact that this whole thing is complete folly on the part of the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would suggest there is $2.5 billion for public housing modernization in this bill and there is $6 billion in the pipeline of unexpended, unobligated funds.

Mr. KENNEDY of Massachusetts. I would just point out that HUD modernization funds are much like an aircraft carrier. The fact of the matter is there are billions and billions of dollars in the Armed Services budget that go for programs that are going to be requiring these funds over a period of time. You cannot build bricks and mortar overnight. It takes a while. Therefore, the funds end up in the pipeline. That is no excuse for taking a shortsighted approach.

Once again, it demonstrates the fact that the Committee on Appropriations is no place to authorize funds, because the Committee on Appropriations does not understand how HUD modernization works. HUD modernization draws dollars over a long period of time. They see the money in the pipeline, they say ''Let's go cut it,'' but the fact of the matter is those dollars go to specific projects that need to be modernized, and should not be in competition with drug elimination funding.

□ 1800

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The gentlewoman may proceed on the point of order.

Ms. KAPTUR. Yes, Mr. Chairman, that is what I would like to do. I want to say, first of all, that I think that the work that the gentleman from California [Mr. LEWIS] did in helping us to restore the health education scholarships for nurses, for occupational therapists, and so forth, a $10 million program that has existed since the early 1980's, was right for America and it was the proper thing to do with some of the dollars that were given to our committee when other committees worked out their bottom line numbers.

On this particular one, as I mentioned, I am not blaming the gentleman personally for this. I am exceedingly disappointed in the Rules Committee based on what happened.

Mr. MCINNIS. Regular order.

The CHAIRMAN. The gentlewoman must confine her remarks to the point of order. Regular order has been demanded.

Ms. KAPTUR. Mr. Chairman, what does that mean?

The CHAIRMAN. The gentlewoman's remarks should be relative to the point of order rather than the other subject matter being discussed. Regular order has been demanded.

Ms. KAPTUR. Mr. Chairman, I am talking about the point of order; am I not?

The CHAIRMAN. The gentlewoman must speak to whether or not this is an authorized appropriation.

Ms. KAPUTR. Mr. Chairman, let me say that this program has existed since 1988, and when the gentleman from Wisconsin [Mr. KLUG] was on the floor a little earlier, the gentleman was asking for a demonstration project that did not even get in the bill. It was not even in the appropriations bill. To me, I am talking about a program that has been on the books since 1988, with a track record, and all of the other programs in the bill are not authorized either, and yet we are appropriating dollars for them.

Mr. Chairman, I would like to know by what criteria the Rules Committee decided when things were not authorized what would they put in the bill and why I am classified as unauthorized

The CHAIRMAN. The Chair is not in a position to state the motivations of the Rules Committee. The gentlewoman should confine her remarks to the point of order which is before the body.

Does the gentlewoman wish to further comment on the point of order?

Ms. KAPTUR. Mr. Chairman, I am a bit befuddled here in trying to understand by what criteria in this point of order we are ruled out of order, saying we are unauthorized when, in fact, everything else in the bill is not authorized either.

The CHAIRMAN. The Chair has yet to rule.

Ms. KAPTUR. I have a hunch what the Chair is going to do, Mr. Chairman. I have kind of been forewarned, and I am trying to get a definition of why we would be excluded. I hope when the Chair rules he will so state that reason, especially in relation to other programs in the bill that are included but are not authorized.

The CHAIRMAN. Does any other Member wish to be heard on the point of order.

Mr. LEWIS. By way of clarification, Mr. Chairman, I want to make sure the House understands that the rule states in pertinent part that no amendment to a general appropriations bill shall be in order if changing existing law.

The amendment goes to a program whose authorization expired in fiscal year 1994. The program is not authorized and, therefore, the point of order, and that is what I am asking the Chair to rule upon.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mrs. CLAYTON. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear arguments from Members on the point of order. The gentlewoman from North Carolina may proceed.

Mrs. CLAYTON. Mr. Chairman, I would like to ask the Chair again to further explain the point of order here. The distinction for the clause that is written into the language said all of these appropriations are subject to authorization, so all of them technically expired. What date did they expire?

The CHAIRMAN. Does the gentleman wish to be heard further?

Mr. LEWIS. Mr. Chairman, I would be happy to respond to the gentlewoman's question.

Mrs. CLAYTON. Mr. Chairman, let me make the point. He made the point that the reason for the point of order was that bills were expired in 1994. I am raising the question, then, all of these bills in the language, according to the drafting of the legislation are subject to authorization. All bills have expired. The question is raised why not a point of order, if that is the reason on all of the bills that we have here?

The CHAIRMAN. Is the gentlewoman making a parliamentary inquiry?

Mrs. CLAYTON. Mr. Chairman, if I need to, I will have it as a parliamentary inquiry. I though I was asking the gentleman from California.

The CHAIRMAN. The Chair will respond to the gentlewoman's question when the Chair rules on the point of order.

Mrs. CLAYTON. Mr. Chairman, I was asking the chairman of the subcommittee, sir, in all deference.

The CHAIRMAN. Does the gentleman from California wish to be heard further on the point of order?

Mr. LEWIS. Mr. Chairman, those items within this bill that have been protected by the Rules Committee can go appropriately forward. This is an item that has not been protected by the Rules Committee and, therefore, is subject to a point of order.

I might say, Mr. Chairman, that we learned this process during the past several sessions that I have been in the Congress.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I desire to be heard on the point of order.

Some people are sitting here wondering what is going on. Let me tell you what is going on. The gentleman from Wisconsin [Mr. KLUG] came to the floor and attempted to have an amendment passed that would allow apartment owners to have some section 8 but not all section 8. That was not authorized by anybody. He legislated on the appropriation.

Mr. MCINNIS. Mr. Chairman, regular order.

The CHAIRMAN. Regular order is demanded.

Ms. WATERS. Mr. Chairman, this speaks to the point of order. He went to the Committee on Rules.

The CHAIRMAN. Regular order is demanded. The gentlewoman should confine her remarks specifically to the point of order, as to whether this amendment is authorized. Whatever activity on any other amendment is not relevant.

Ms. WATERS. I think it is relevant.

The CHAIRMAN. Not in the eyes of the Chair.

Ms. WATERS. I will try.

The fact of the matter is it is not authorized because we have had no legislation in committee to do any authorizations and so no one else has been authorized. But a cute little trick took place and the Committee on Rules waived for those they wanted to waive for and they are denying an opportunity.

Whether you say I am speaking to the point of order or not, I am, and it is unfair, and I do not expect that from this chairman because he usually is fair. I would ask him to withdraw his point of order and let the gentlewoman take up this most important measure because she has not had an opportunity to have it authorized.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. FIELDS of Louisiana. Mr. Chairman, very briefly, I would like to make one or two points as relates to the point of order.

First of all, I think the gentlewoman's amendment is in order, one, because it is not legislating according to the rules of the House on an appropriation bill. It is simply providing for an appropriation. It is taking money out of title III of this appropriations bill and it is putting it in title II of this appropriations bill. Title III of this appropriation bill deals with FEMA, so she is simply taking money out of FEMA and putting it into the drug elimination portion.

The last point I would like to make, Mr. Chairman, is that in doing that it makes this amendment budget neutral, it does not add any additional dollars to the bill, so therefore I think the gentlewoman's amendment should be made in order.

Mr. MCINNIS. Mr. Chairman, regular order.

The CHAIRMAN (Mr. COMBEST). The gentleman's statement was pertinent to the point of order.

Are there other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The statutory authority cited in the amendment extends only through fiscal 1994. Absent citation to law extending the authorization through fiscal 1996, the Chair must sustain the point of order. The fact that other waivers have been granted to other amendments is not relevant.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. KAPTUR. Mr. Chairman, am I correct in understanding that the ruling of the Chair would create a situation where we would thus be denied an opportunity to have a vote on the direct question of should we sustain this program for fiscal year 1996? Is that the net effect?

The CHAIRMAN. The Chair's ruling indicates that the amendment is no longer before the Committee of the Whole.

Ms. KAPTUR. So if the Chair recalls earlier today when the chairman of the Committee on Rules was on the floor and told me that this was an open rule and thus I would have the opportunity to offer my amendment and said I would be able to do that, now, it is proven, what he said has not happened. I have not been offered the opportunity to have a full debate on my amendment here on the floor and be given an up-or-down vote on it. Is that not correct?

The CHAIRMAN. The Chair has interpreted the amendment consistent with the rules of the House and the special order.

Ms. KAPTUR. Mr. Chairman, tell me would this be in order: We had some conversations here with the leadership on the other side of the aisle and some of the folks here. What if I were to withdraw my amendment at this point perhaps for an hour or two as we are proceeding through the remainder of title II, reserving the right to bring it up at the end of title II?

That would give us more time to discuss this with the full committee chair. It would give us time to discuss with the majority leader since he came over here and talked to us about it.

Would that be in order at this point?

The CHAIRMAN. At this point, the amendment is not before the committee for withdrawal. If the gentlewoman wants to re-offer an amendment at some point, the Chair would have to rule at that time.

Are there other amendments to title II?

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the last word to enter into a colloquy with the distinguished gentleman from our neighboring State of New York, the chairman of the Banking Subcommittee on Housing and Community Opportunity.

I would like to direct this to the gentleman. As the gentleman is aware, I considered offering an amendment to the fiscal year 1996 VA–HUD appropriations bill to give local officials the flexibility they need to select those programs or services most deserving of community development block grants. As the gentleman knows, current law burdens the CDBG program with archaic rules and regulations, tying the hands of local officials and subverting the true intention of block grants. In many cases these regulations preclude the award of grants to those programs most deserving of support. Especially in an era of limited budgets, this Congress should not severely limit the ability of local officials to direct these limited funds to the areas of greatest need.

My amendment was designed to replace section 105(a) of the Housing and Community Development Act of 1974. This portion of the act lists 25 eligible activities, and imposes a bewildering, Byzantine array of restrictions and limitations that I believe as a former elected official confuses and constricts the use of Federal funds by local elected officials most familiar with their urban challenges.

Mr. Chairman, I fully understand that my proposed amendment would have placed legislative language in an appropriations bill. Nevertheless I believe it is absolutely essential to cut the bureaucratic red tape strangling our communities' ability to respond to local problems. However, before I offered the amendment, I had an enlightened conversation with the gentleman form New York that I believe should be shared with other Members of this House.

May I ask the same questions of the representative from the Empire State?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield, I would be happy to answer his questions.

Mr. ENGLISH of Pennsylvania. To the gentleman, is the Banking Subcommittee on Housing and Community Opportunity presently reviewing proposals to streamline the CDBG process?

Mr. LAZIO of New York. Yes, I would say to the gentleman from Pennsylvania, whom I respect and admire, that I am currently preparing a chairman's mark that among other things will attempt to simplify the eligible activities under the community development program into 5 broad program parameters that will include some of the activities noted in your withdrawn amendment. We recognize that the Federal Government in forming partnerships with the State and local governments must develop user-friendly programs that provide as much flexibility as possible to coordinate and implement successful community development programs that actually meet the real needs of the community. This new approach will help communities target funds to help more low and moderate income families.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I would ask when the gentleman expects to complete this bill?

Mr. LAZIO of New York. The mark should be completed soon. I will be happy to discuss details of the community development aspect with the gentleman from Pennsylvania and work with him to help satisfy his concerns. I expect the subcommittee markup and passage to occur sometime during this session.

□ 1815

I would like to thank the gentleman for taking the time to share this valuable information, and I commend him for taking these important steps to strengthen and improve the CDBG program.

Mr. Chairman, I would also like to thank the distinguished gentleman from California, Mr. LEWIS, chairman of this subcommittee on appropriations, for allowing me to enter this at this time, and I commend the chairman and the committee for providing full funding in this bill for the Community Development Block Grant Program at last year's level.

AMENDMENT NO. 64 OFFERED BY MR. STOKES

Mr. STOKES. 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. STOKES:

On page 30, after ''1988,'' on line 6, insert: ''and for the fair housing initiatives program as authorized by the Housing and Community Development Act of 1987,''.

Mr. LAZIO of New York. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

The point of order raised against my amendment raises the precise question that has been raised here by the gentlewoman from Ohio [Ms. KAPTUR] all day long.

In my case, it is more egregious. I am the ranking minority member of this subcommittee. I have sat in hearings for 4 months, day in and day out. I have never missed a meeting. I have attended every meeting.

I bring to the floor today an amendment that I asked the Committee on Rules to protect; it was not protected. I was here this morning when the chairman of the Committee on Rules said the same thing in my presence that he said in the presence of the gentlewoman from Ohio [Ms. KAPTUR]. That was that the rule did not prohibit any of us from being able to offer amendments to this bill. Yet, I find here I am now restricted not only from being able to present the amendment, but being limited to 5 minutes.

Mr. Chairman, before proceeding further, I yield such time as she may consume to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

I rise today in strong support of this amendment. It would preserve the Fair Housing Initiatives Program [FHIP], an important and cost-effective tool for fighting housing discrimination in our cities, our suburbs, and our rural communities.

We'd like to think that discrimination in the real estate market is a thing of the past, or at least a declining problem. The facts show otherwise.

For instance, the Federal Reserve has reported that Latino and African-American mortgage applicants in Boston were 60 percent more likely to be turned down for a loan than similar white applicants.

In Chicago, 69 percent of white applicants with marginal credit histories got a mortgage. Only 16 percent of minority applicants got the loan.

HUD reports that Latinos and African-Americans have at least a 50 percent chance of encountering discrimination in housing sales and rentals.

The Fair Housing Initiatives Program is essential for fighting against this persistent discrimination. It recruits nonprofit community groups to provide education, outreach, enforcement, and counseling regarding our Nation's fair housing requirements. Under this program, community groups mediate and resolve fair housing disputes; educate and train landlords, real estate agents, and mortgage lenders; and work with families.

These are critical activities that the Federal Government simply can not pursue on its own. There's too little staff, and too few resources.

Mr. Chairman, I am very well acquainted with the good work that's being done under the Fair Housing Initiatives Program. Through this program, a nonprofit group in my district has discovered and helped combat a persistent pattern of housing discrimination in south Brooklyn.

Over the years, hundreds of Latino housing residents had been forced out of their apartment so that they could be made available for white families. Some were harassed, while others were offered cash payments to move.

Where these inducements were inadequate, landlords simply refused to make repairs. Complaints of collapsed ceilings, broken windows, rotted kitchen cabinets, and leaky pipes were simply ignored. One landlord had compiled up to 84 housing code violations in his effort to displace minority tenants.

I am happy to report that after just 6 months, this one grant is having dramatic results. The inspector general of the city's housing authority has initiated a vigorous investigation of discriminatory housing practices. Long-overdue repairs are going forward in apartments occupied by non-white tenants.

This success story is unfolding through one relatively small FHIP grant in New York City. Other successes are being replayed all across this country. Local advocates and community groups are being empowered to stamp out discrimination in their local housing markets.

FHIP is the kind of initiative that my colleagues on both sides of the aisle have always praised. I urge every member of this body to support this amendment.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

The bill would seriously undermine fair housing efforts by virtually abandoning support for community-based, nonprofit fair housing activities by zeroing out funding for the Fair Housing Initiatives Program [FHIP]. FHIP is an essential element of a Federal-State-private partnership to combat the serious problem of housing discrimination. Instead, all funds in H.R. 2099 are allocated to the Fair Housing Assistance Program [FHAP], also in the Office of Fair Housing. My amendment would divide the $30 million allocated in the bill between both programs.

FHIP is a competitive grant program that funds nonprofit organizations to enable them to provide education, outreach, enforcement, and counseling concerning fair housing matters.

The activities of FHIP grantees reduce the caseloads of fair housing cases at HUD, the Department of Justice, and State fair housing agencies by promoting voluntary compliance through work with real estate associations, community groups, and advocacy organizations.

Through the FHIP program, community-oriented local fair housing organizations supplement the law enforcement efforts of the Federal, State, and local governments in an inexpensive and effective manner.

Fair housing organizations often work within their communities to mediate and resolve fair housing disputes informally. In these cases, the dispute is resolved to the satisfaction of the parties, and there is no need to file a formal complaint of discrimination.

FHIP agencies provide training and information to landlords, real estate

agents, mortgage lenders, and other members of the real estate industry. These efforts reduce discrimination and help avoid fair housing violations.

Fair housing agencies also work with housing consumers to inform them of their rights and to help them resolve fair housing disputes. Through enforcement efforts, the agencies weed out nonmeritorious cases and develop the evidence for strong Federal civil rights challenges.

FHIP funds testing programs, a critical function in identifying and resolving discrimination practices in housing markets. Testing pinpoints discrimination and gives proof that discrimination occurs. You cannot prosecute if you cannot find discrimination. Testing is a precision tool for ferreting out real discrimination.

The Fair Housing Assistance Program [FHAP] has a different mission, and different mode of operation from the FHIP Program. FHAP provides reimbursement, on a per-case basis, to State and local government agencies that handle legal complaints filed by victims of housing discrimination.

Under the Fair Housing Act, HUD has an obligation to accept complaints from people who believe their right to fair housing has been violated. Through the FHAP program, Congress has provided a mechanism for HUD to delegate many of its responsibilities outlined above to State or local government agency.

Only eight States and five localities—some overlapping—are fully certified fair housing enforcement agencies. These governmental enforcement agencies are generally less than 2 years old. The President requested $15 million for FHAP in fiscal year 1996, up from $7.4 million as a reflection of concerted efforts to increase the number of fully certified agencies and to provide technology and training to improve the effectiveness of the agencies.

The subcommittee bill provides $30 million—a four-fold increase over current year funding. It is unclear how these funds can be spent given the small number of States and localities with certified agencies.

FHAP funds cannot be seen as substitutes for FHIP grants. Eliminating FHIP makes the FHAP program far less effective. Not only do the FHIP grants to nonprofits serve a different function, they specifically target areas where the State or local government has not established a fair housing enforcement agency which would qualify for FHAP funding.

Nineteen States do not have substantially equivalent certification, and therefore, are not eligible to participate in the FHAP program. The loss of FHIP funding would disproportionately affect the ability of victims of housing discrimination to seek redress in these 19 States.

If FHIP were defunded, most fair housing organizations would go out of the fair housing business. Some would go under altogether.

There is very little charitable or other financing available for this type of work.

Governmental agencies generally do not have the authority to do many of the activities FHIP entities perform.

Even where they have the authority, governmental agencies generally have higher operating costs.

My amendment would allow both programs of this important office to continue to perform distinct and much-needed functions. I urge you to support this amendment.

Mr. Chairman, I really had thought that perhaps the chairman of our committee would support this amendment. It does not in any way affect the scoring, it does not change the money, except that it moves half of the $30 million already appropriated from the FHAP program over to the FHIP program. This permits these community organizations to continue to do such an excellent job in terms of being able to help negotiate and mediate fair housing discrimination complaints, to the degree that oftentimes lawsuits and time in the courts is avoided by simply being able to mediate these programs in the community.

My amendment would allow both programs of this important office to continue to perform distinct, much-needed functions. I would urge my colleagues to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York persist in his point of order?

Mr. LAZIO of New York. Mr. Chairman, I am constrained to 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 of rule XXI.

The rule states in pertinent part:

> No amendment to a general appropriation bill shall be in order if changing existing law.

This amendment goes to a program whose authorization expired in fiscal year 1994, as was the case of the last amendment. The program is not authorized.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Ohio [Mr. STOKES] wish to be heard on the point of order?

Mr. STOKES. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio is recognized on the point or order.

Mr. STOKES. Mr. Chairman, the rationale given was that this was not authorized. I submit to my colleagues that nothing in HUD was authorized. Everything that is before us today has been protected by way of a special order from the Committee on Rules, but nothing in HUD was authorized.

And so, Mr. Chairman, I really do not see any difference in terms of what I am proposing here and that which is contained in the legislation now before this body.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to be heard on the point of order. I think all of us have had a sense that there is supposed to be a new commitment by this House of Representatives to an open process, an open process of an open rule.

We had a long debate this morning with the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, about the fact that this was not an open rule. This amendment which the gentleman from Ohio [Mr. STOKES] offers is an important demonstration of this House's commitment to fair lending. There is an enormous body of evidence, supported by bank lending, supported by insurance, jobs, and other major indicators, that discrimination is alive and well in America.

This amendment goes toward the cures to that, which has been authorized year in and year out by the authorizing committee. What we have seen is an abandonment of the basic responsibilities of the committee.

The CHAIRMAN. Would the gentleman suspend. The gentleman must speak to the point of order.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am speaking to the point of order.

The CHAIRMAN. The point of order is whether this amendment is authorized at this time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am speaking directly to that. Mr. Chairman, my colleagues might not want to hear the words that I am putting out, but the fact of the matter is, I am dealing directly with this point of order. I am dealing with the Committee on Rules, I am dealing with the Republican attempts to muzzle.

The CHAIRMAN. The gentleman is not addressing the point of order.

Mr. KENNEDY of Massachusetts. To muzzle this rule so that we are disallowed from being able to speak on basic discrimination issues, simply because there is no attempt to authorize bills that provide protections against discrimination.

This House ought to be ashamed of what is going on before the American people. Shame on this House.

The CHAIRMAN. The Chair is prepared to rule.

Ms. WATERS. Mr. Chairman, I would like to speak to the point of order.

The CHAIRMAN. The gentlewoman will confine her remarks to the point of order.

Ms. WATERS. Mr. Chairman, the point has been made that nothing was authorized. Nothing has been authorized. We have not had a piece of legislation proposed by the chairman of the subcommittee, by the Republicans, to authorize anything for HUD.

If that is the case, Mr. Chairman, if nothing has been authorized, how then is it that we have Members from the

other side legislating on the appropriation, when, in fact, this side offers amendments and we are told we are not authorized? Would someone please explain this little move, this little trick, this little manipulation that is being used by which they, somehow, let others have amendments?

As I understand it, we have another unauthorized amendment that is going to be put before this committee tonight. Will someone explain please how they get to do it and we do not get to do it? That is really what this discussion is all about.

Mr. Chairman, people do not mind losing fairly; do not mind being voted down. But to simply have a rule that says some can and some cannot, it is hard for us to accept. So, what I would like to say, somebody needs to explain how it is that the other side can move forward with unauthorized amendments and this side cannot. Please explain that.

The CHAIRMAN. The Chair is prepared to rule. For the reasons stated in the Chair's previous ruling, the Chair sustains the point of order.

Mr. STOKES. Point of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard further on the point of order?

Mr. STOKES. Yes, Mr. Chairman. Mr. Chairman, there has been a great deal of discussion about the fact that the point of order rules me out of order, because my amendment is not authorized. I would just like to cite page 103 of the VA–HUD report and I want to cite the language that appears on that page.

It says:

Appropriations Not Authorized by law. Pursuant to clause 3 of rule XXI of the House of Representatives, the following lists the appropriations in the accompanying bill which are not authorized by law:

Department of Veterans Affairs: Construction; Major Projects; Transitional Housing Loan Program. Department of Housing and Urban Development: All programs.

That is the language that appears there. So, Mr. Chairman, it is very difficult to understand how this amendment, this important amendment, is ruled out of order by virtue of not being authorized.

The CHAIRMAN. The Chair is prepared to rule.

For the reasons stated in the Chair's prior ruling, the Chair sustains the point of order. The statutory authority cited in the amendment extends only through fiscal year 1994. Absent citation to law extending the authorization through fiscal year 1996, the Chair must sustain the point of order. The fact that other waivers have been granted to other unauthorized appropriations is not relevant.

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AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. HEFLEY:

On page 30, line 15 strike ''951,988,000'' and insert ''839,183,000''.

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Colorado [Mr. HEFLEY] is recognized for 5 minutes.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, HUD's fiscal year 1996 budget is being cut by over 25 percent, and we are eliminating 36 individual programs, which I commend, but, amazingly, the appropriation for HUD's administration and management is receiving only a 1 percent cut. We are cutting the substance, but we are keeping the bureaucracy, and to me this makes no sense. How can we justify this to the American taxpayer?

My amendment simply asks that HUD's administrative portion of its budget take the same cuts as everything else in the budget, 25 percent. The Secretary has suggested a plan to reduce HUD's administrative staff from 11,000 to 7,500 employees by the year 2000.

But, Mr. Chairman, that is 2 years and 7,500 employees too late. HUD's budget has grown by 400 percent over the last 15 years. Its bureaucracy is in lockstep with that figure.

We finally are in a position to eliminate the cornerstone of the welfare state. Throughout the year's appropriation process, amendments to cut further funding from such things as the NEA, CPB, and ICC have been defeated. Members have argued they should not be crippled further.

The argument does not hold in this case, because there is no definite plan to abolish this department.

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

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Hefley amendment.

The VA–HUD appropriations bill contains $952 million in funding for HUD's management and administration. Now, that is $6 million below the 1995 enacted level.

The Hefley amendment would further reduce funding for HUD's management and administration by $113 million down to $839 million. This additional cut is totally reckless.

HUD has prepared an ambitious but prudent plan to downsize the staff by fiscal year 2000 to 7,500 FTE's. Substantial progress has already been made to set the agency on a responsible glide path toward this target. HUD is already below the 1995 budget level of 11,918 FTE's—1995 FTE's will be below 11,400, and onboard staff will likely be below 11,000 by September 30.

HUD will enter 1996 at a rate over 700 below the 1996 request. Its policies will continue to have reductions throughout the year.

The subcommittee mark itself will force a reduction in FTE's to about 10,500. The amendment, Mr. Chairman, will require an additional reduction of staff of over 1,800 FTE's. This excessive, unwarranted cut would certainly be costly. It would require, without a doubt, a reduction in force of current employees, and the cost of a RIF is substantial. It includes severance pay, unemployment compensation, continued health benefits, and accrued leave payment.

It would also lead to tremendous instability and inefficiency in the remaining work force.

I would hope the Members would vote against the Hefley amendment. I object to it.

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

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support of this amendment to reduce spending for administrative functions in the Department of Housing and Urban Development, and let me share with you that it is only logical that a smaller department with fewer programs needs less money to keep going.

We are shortly to vote on a bill which will reduce HUD's overall budget. We are terminating 36 individual HUD programs. Yet as written, this bill cuts the HUD's administrative and management budget by only a paltry 1 percent, and that makes no sense.

If HUD has less to do, as it will, it can do it with less of the American taxpayers' hard-earned resources. The amendment offered by the gentleman from Colorado [Mr. HEFLEY] calls for a streamlined HUD bureaucracy to manage its remaining programs. It reduces spending for administrative functions by 25 percent.

This amendment does nothing to cripple FHA or GNMA or other continuing HUD programs. But fewer, trimmed-down programs can be run by fewer bureaucrats and should be run by fewer bureaucrats, and I think that is simple arithmetic.

Mr. Chairman we cannot implement this year's budget resolution which put us on a glide path toward a balanced budget in 2002 if we do not cut spending.

We cannot cut spending significantly unless we recognize that a government that does less needs fewer people to do it.

Bloated bureaucracy is not the only reason for bloated government, but it is certainly part of the problem. We are cutting HUD program spending, so let us cut administrative and management budget to match those cuts.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

I think the attraction for streamlining and reducing bureaucracy obviously has a certain ring to it that all of us be tempted to join in the chorus. But I would caution the Members that

simply reviewing the budget in terms of reduced dollars, in terms of programs, does not necessarily translate into reduced responsibilities for a department like HUD.

I would remind my colleagues they are completely responsible, for instance, for administration of the FHA program, for programs like my colleague on the Committee on Banking and Financial Services should be aware of, of the Real Estate Sales Practices Act. They are responsible for a significant amount of oversight responsibilities that deal with important programs that serve the private sector in terms of housing as well as the secondary regulatory role and in many other areas.

So, simply cutting out the expertise here, the administrative capacity is wrong if there is anything that has been demonstrated, incidentally, it is that where we do have failed public housing authorities, as have recently been taken over in Chicago, they are relying upon HUD today to fill that gap. Fortunately, most housing authorities function pretty well, but when they don't the role falls to the Federal HUD.

But the oversight responsibilities for 4.7 million units of public housing is substantial for HUD and must not reduce there capacity without a change in responsibilities.

Vote no on the amendment

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, with a minute I cannot say much.

I do want to share a few facts about how much this department has grown over the last number of years.

Since 1980, we have gone from 54 programs to over 200 programs. HUD funding has increased from $12.7 billion in 1980 to $31 billion last year. It is one of the fastest growing departments in the Federal Government.

I think the time has come to begin to downsize this department. Jack Kemp, the former Secretary of HUD, has agreed that maybe it is time to get rid of the Department of Housing and Urban Development altogether.

Mr. Chairman, I think that eliminating some of these programs is a good first step. But I think if we are going to eliminate administrative overhead here in the House, and the gentleman from Minnesota [Mr. LUTHER] and I recently introduced a bill to reduce some of the overhead at the White House, I think it is reasonable to eliminate some of the overhead at the Department of Housing and Urban Development.

I think it is a good amendment. I hope Members will join me in supporting it.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can say categorically that this is a matter upon which we have not had any hearings whatsoever in terms of the VA–HUD Subcommittee. The gentleman from Colorado [Mr. HEFLEY] is not a member of that subcommittee, and we have not had the benefit of anything other than the plan which we know is in effect where the Secretary is attempting to downsize the program in a reasonable, logical way.

The plan, to us, makes a lot of sense. We think that this meat ax approach, being taken through this amendment, is wrong to Federal employees, the persons who are loyal to this country and to the Government and to the agency they work for. This is abuse of the worst kind.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

I just would like to point out to the gentleman from Colorado [Mr. HEFLEY] that there was already been a reduction of over 2,000 employees at HUD over the course of the last 2 years. There is a commitment and plan filed to reduce the number of employees down to 7,500, a reduction in force of 6,500 people.

I think that, again, this is the problem with the appropriators getting involved in dealing with authorization issues. We have got to have somebody who has some understanding of what is going on at HUD before people come in here willy-nilly throwing amendments around when they do not know what the heck is actually going on at the agency. There are vast reductions taking place. We are getting this department under control from the kinds of abuse that took place when the Republicans ran HUD and ran the thing into the ground.

Mr. STOKES. Mr. Chairman, reclaiming my time, I yield to the distinguished chairman of the VA–HUD Subcommittee.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding this time to me.

I frankly would just like to say, as an aside to my colleague from Massachusetts, I have learned a lot from the gentleman from Ohio [Mr. STOKES] over the years. I would suggest there is an appropriator who knows a lot about HUD. I am just trying to learn the process. But I think he is pretty good.

As a matter of fact, I agree with him on this amendment.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. STOKES] has expired.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the Hefley amendment.

I would just like to make a couple of comments in closing of this debate. Jack Kemp, the former Secretary of HUD, who I do not think anybody would say is any sort of slackard on trying to take care of people in these particular situations and empower people rather than using bureaucracy, has called for elimination of HUD not because good people do not work at HUD. Good people do work at HUD. It is a fairly centralized planning model.

Secretary Cisneros, a very talented gentleman running HUD currently, is making the fourth attempt to reinvent HUD's bureaucracy. This is the fourth time since 1965 that they are trying to reinvent the HUD bureaucracy.

I think it is just time to say we have been there, done that, tried that. We need to send a clear message to the bureaucracy. The centralized management system does not work. We need to give power to the people. Send this message through by cutting back on the funding to HUD, the bureaucracy, not the programs, and that is why I think the Hefley amendment is an important step in sending that important signal of change forward.

Mr. HEFLEY. Mr. Chairman, I yield myself 30 seconds, the remainder of my time.

Mr. Chairman, this is an amendment that is endorsed by the Council on Citizens Against Government Waste.

What we are talking about is just cutting approximately $113 million from the administrative accounts of HUD to correspond with the 25 percent we cut on the program side of HUD.

Now, what I would like to see us do is put HUD on a glide path to extinction. I would like this to be one of the departments that we do away with down the line.

I think by cutting it 25 percent on both sides this time, in 4 years, if we follow that path, we will be out of business.

I urge support of the amendment.

The CHAIRMAN. All time has expired.

Mr. STOKES. Mr. Chairman, I realize my time has expired, but at the time that my time expired, I was in the process of attempting to yield 1 minute to the distinguished chairman of the VA–HUD Subcommittee.

I ask unanimous consent that the gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA, HUD, and Independent Agencies, be given 1 minute to speak on this issue.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman from Ohio [Mr. STOKES], but also the gentleman from Colorado [Mr. HEFLEY] for not objecting. I think the gentleman from Colorado [Mr. HEFLEY] knows that I must unfortunately rise to oppose this amendment largely because we have made a very, very significant cut in HUD, almost 25 percent. We have pushed them to the wall.

This probably takes us to RIF's, and the data before us would indicate that the RIF cost may run as high as $47,000 a year per person. We are not sure we would raise any money.

Our objective is to try to be as sensitive as we can from this point forward.

I understand where the gentleman is coming from. I would hope he would continue to support the rest of our efforts to cut back government. We have gone a long way with HUD already.

I would resist and urge a ''no'' vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am doing this for a very brief colloquy with my colleague, the gentleman from Michigan [Mr. SMITH], whom I promised we would have this an hour ago. He has been very patient. I appreciate it.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, in 1993, my amendment was passed on the floor of this House that encouraged greater cooperation between NASA and USDA.

The amendment directed NASA and the Department of Agriculture to work together to make better use of NASA's remote-sensing data for agriculture. Our space program has resulted in development of remote technology that could greatly improve agriculture. Using remote sensing, we will be better able to, one, anticipate potential food, feed, and fiber shortages or gluts; two, predict impending famines and forest infestations and try to prevent or mitigate them; three, provide information on condition of crops and croplands; four, assist farmers in the application of pesticides, nutrients, water to maximize crop yields and protect the environment; and, five, to provide farmers with better information to decide what kind of crops to plant to meet market demands.

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The amendment supporting that effort was part of the NASA authorizing bill in both 1993 and 1994 and had the support of the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER] of the Committee on Science, as well as the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Kansas [Mr. ROBERTS] of the Committee on Agriculture.

As we reduce funding for agricultural programs by $13 billion and move towards a free market, it makes sense to use all available information and technologies for farmers and ranchers.

Mr. Chairman, I applaud the effort of the Committee on Appropriations in the report language on commercial technology programs. This program makes available dollars for allowing NASA-developed technologies for commercial use. I hope in some small way that we can also allow American agriculture to expand exports to world markets by assuring that American farmers and ranchers have the information available through NASA technology to predict supply and demand more accurately, and we are more able to do that, and I compliment the technology we have achieved, and I am hoping that the chair of the subcommittee supports that effort.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly do, and I appreciate my colleague bringing forward this because it is my intention to see that we make extra effort to tap every resource that is available through the work of NASA. This includes the research that is taking place both in areas like the space station, but also work in other NASA programs. I appreciate the gentleman from Michigan [Mr. SMITH] working on this particular issue to assure greater utilization of available remote-sensing information to be used by the agricultural industry of this country and to insure an adequate and wholesome supply of food and fiber for our citizens. I and others are interested in making NASA-based technologies available to farmers and ranchers to provide timely information on crop conditions, projected food, feed, and fiber production, and on any other available information.

I would like to tell my colleague, the gentleman from Michigan [Mr. SMITH], that I agree and encourage the administration of NASA to increase its effort, and will bring this issue up in a conference committee to include in the report language specifically addressing the issue that the gentleman brought up today.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. 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. STOKES:

Amendment No. 65: Page 41, strike line 1 through ''(2)'' on line 5.

Page 45, strike line 22 through page 46, line 7.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] will be recognized for 5 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will strike legislation that delays public housing development funds and the issuance of incremental rental assistance. This bill includes two different proposals that delay programs of critical importance to low-income individuals and families, and to the public housing authorities and landlords that serve them. These programs are public housing development funds and incremental rental assistance. As it relates to public housing development funds, H.R. 2099 includes a provision that would slow the rate at which a housing authority develops a project in order to slow the overall rate at which development funds are outlaid. This burdensome provision is an inept attempt to assist HUD in staying within a newly imposed cap included in this bill for the annual contributions to assisted-housing account.

Mr. Chairman, what the committee has done is to include language in the bill which imposes a spending limitation on assisted housing. This language was added, according to the subcommittee, in order to check the growth in this account.

The Department is going to have a hard-enough time trying to adjust to and live within this limitation. It does not need the Congress telling it how best to do this. Year after year, HUD has battled to meet the development needs that accrue at a rate of about $2 billion annually. An estimated $20 billion is needed presently to eliminate this backlog.

This certainly is not an area where a delay in obligation is needed. All this delay would do is to skyrocket the backlog even further. The 1-year delay on the issuance of vouchers and certificates effectively eliminates assistance for 1 year, causing great harm just as worst-case housing needs are growing and supplies of decent, affordable housing is shrinking.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret to say that I rise to oppose the amendment offered by the gentleman from Ohio [Mr. STOKES]. He and I discussed our own frustration with what has been going on with HUD accounts across the board. We have spent a lot more money year in, year out, over the years, and yet it seems in many instances the money that we are spending has not really gotten to those people that we want to serve the most.

I am particularly concerned about the accounts that the amendment offered by the gentleman from Ohio [Mr. STOKES] addresses in this case, for we are talking about assisted housing. In this bill assisted housing has $19,939,000,000. We have put a cap on that spending amount and are saying to HUD, ''You'll stay within that limitation because this is the account that

has grown way beyond inflation over the years.''

As we have discussed many times today, HUD spending has increased by 50 percent over the last 4 years. In assisted housing, at its current rate and pattern of growth, by roughly the year 2000, this account will have grown to roughly $30 billion. If that is the case, it will eliminate other programs that have worked very well. It literally will sequeeze out CDBG, homeless assistance, grant programs like public housing operating subsidies, and the HOME program.

We have to get HUD to do more than talk about getting control over their own agency. This cap is designed to force them to have very tough accounting, make sure they know what is going on in this program during the next year. If we do not do that, then all these programs are going to suffer.

It is for that reason, Mr. Chairman, in an attempt to get some control over excessive spending and unacceptable growth rates, that we want to have the caps remain. So I oppose the amendment offered by the gentleman from Ohio [Mr. STOKES].

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

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, of course I rise in strong support of my colleague's amendment. These two provisions would strike, make no policy sense. They have no budgetary impact, too, that he addresses. At their worst they represent an effort to thwart any kind of expansion, even the most minimal, in public or section 8 housing in fiscal year 1996 when those of us that get around, not only in our district but throughout the State and the country and meet in those areas of the greatest need in our country, know what the pressing need continues to be. It gives us a devastating feeling.

In other words, I want to again commend my colleague's leadership as he has through the years given us on the level of the Committee on Appropriations. Even when we had more suitable and propitious environments as far as what we thought the votes would be, our problems were perennial and continue to be as far as appropriations are concerned, and despite his preeminent position as chairman, and even going against an overwhelming majority of his colleagues on the committee, the gentleman from Ohio [Mr. STOKES] has always been in favor of what we have diligently had hearings and concluded from those hearings throughout the country and in Washington are the crying desperate needs of a large segment of our population.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to go back for a moment to address just the latter part of my previous argument. Before doing so, however, the chairman of the committee did state that he and I have on occasions discussed HUD and some of its problems, and indeed we have, and I think that we have both discussed those problems from a vantage point of wanting to help HUD be able to solve the various problems that confront this very important agency. It is just that on this particular issue, again, philosophically we disagree on the approach. I am concerned, very much concerned, about the micromanagement from Congress in terms of this cap.

But in terms of the 1-year delay, Mr. Chairman, let me also say that this delay, even for 1 year, would mean no new incremental assistance would be made available to address national needs including demolition, relocation, litigation, and demixing of elderly and disabled populations. Both of these provisions are budget-neutral and have been added only as another attempt to micromanage HUD. By striking these provisions, we would remove two very cumbersome provisions and be able to keep in place all of the committee's funding recommendations.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield to me briefly?

Mr. STOKES. I yield to the gentleman from Texas.

Mr. GONZALEZ. In connection with that what he was just saying:

In other words, if this amendment fails, there will be no new public housing, nor section 8 housing, and the more than 1½ million families on the waiting lists now will continue to wait and wait and wait, and perhaps into many years in the foreseeable future because remember, distinguished comrade, affordable housing is decreasing, it is not increasing.

Mr. STOKES. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for yielding this time to me. I think caps in this case are appropriate. Let me tell my colleagues why I say that:

Last year there was a big article in the Wall Street Journal, many of the other newspapers around the country, about Federal investigators from HUD who were going around the country illegally frightening people, saying that if someone demonstrates, they do not want a certain project in their community, why there is a $50,000-a-day fine, 1 year in prison. I remember all kinds of stories circulating in the national press.

Now, the critics of these intimidating investigations point out that such Government action is encroaching on the constitutional guarantees of free speech, assembly, right to protection against Government policies, decisions, and actions, and the critics say all neighborhood political activity, including filing lawsuits, should be declared safe from Government penalty. In others words, there were 34 cases of these where HUD was going around intimidating people, groups, and even the Civil Liberties Union came on and said to protest at the HUD and to Secretary Cisneros because of the HUD free-speech abuses surfacing in all the national press.

This is an outrageous example of an agency run amok when they are so egregious in their violations that even the Civil Liberties Union is saying that this action cannot be tolerated of an agency. I think it is going too far, and I think that is why the caps are important.

□ 1900

Mr. LEWIS of California. Mr. Chairman, I probably will not use those 2 minutes.

Mr. Chairman, I appreciate the point that the gentleman from Wisconsin [Mr. ROTH] has made. There have been serious problems raised about the management of HUD and the funds that flow from HUD in local communities; Washington, DC, is one, Baltimore is another. There are a number of others. We do need to carefully review what we have done in the past so that we can correct some of the difficulties in the future. I appreciate my colleague from Wisconsin raising the point, for it is an important consideration.

Mr. Chairman, I would like to mention in closing that 2 weeks ago an Assistant Secretary at HUD was quoted in a Washington Post editorial as saying that funding in the account that we are dealing with here could consume the Department entirely if nothing is done to curb spending there.

That editorial and quotation essentially made my point here. Assisted housing is important, but it has been growing. It is at $19 billion, almost $20 billion now; it will be at least $30 billion by the end of this century. This cap is designed to assist and help HUD, and perhaps, to put their house in order.

Mr. Chairman, I urge a no vote on this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. STOKES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Ohio [Mr. STOKES] will be postponed.

Are there other amendments to title II?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. 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. VENTO:

AMENDMENT NO. 69: Page 28, line 3, after the dollar amount insert the following ''(increased by $184,000,000)''.

Page 64, line 16, before the last comma insert ''(reduced by $235,000,000)''.

Page 66, line 15, after the dollar amount insert the following ''(increased by $30,000,000)''.

The CHAIRMAN. Under previous agreement, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment restores full funding to the Federal Emergency Management Agency's emergency food and shelter program, a program for the homeless. This is an amendment to try and restore the moneys to at least the 1995 level as far as we can within the authorization of the limits of this bill. It further restores $184 million to fully fund as near as we can, again, to the HUD McKinney Homeless Assistance programs.

Mr. Chairman, these programs and dollars are desperately needed, and I am pleased to have the gentleman from Ohio [Mr. STOKES], the ranking member of the committee, and the gentleman from Massachusetts [Mr. KENNEDY] join me in offering this amendment. I know I have the strong support too of the gentleman from Texas [Mr. GONZALEZ], the ranking member of the Committee on Banking and Financial Services.

Mr. Chairman, these are important programs that deal with the poorest of the poor. The fact is that we are taking these dollars out of the FEMA accounts. We have just put $6.5 billion into the FEMA accounts. They have significant amounts of dollars that are unobligated in those accounts. This bill restores or adds an extra $320 million.

What we are concerned about, Mr. Chairman, is dealing with the disaster that is occurring right now, today, on the streets of this Nation, rather than those that might occur in the future. As the Chairman knows, we have serious problems, serious types of issues that occur, whether it has been the west coast or the Midwest or in other parts of this Nation, and in Florida. We have responded with significant amounts of help in terms of disaster assistance. Those accounts have significant amounts of unobligated balances.

We know, Mr. Chairman, that if we reduce the funds for these McKinny programs, for these FEMA homeless programs, and I might say work with the nonprofits, work with the private sector, work with our State and local governments we will be dealing with serious problems that we have with regards to people without shelter. In fact, the population of this number of people is excess of 600,000 persons.

Mr. Chairman, I do not know perfectly what the problem is with regard to this, why we have this problem, but I do know that our nonprofits, for instance, that work with the board of charities, the United Way of America, the Salvation Army, the National Council of Churches of Christ, the American Red Cross, these nonprofits are working on overload. This should be a program that I think all of us should reach out to embrace to try and help the nonprofits, to help these local communities that are striving to meet the needs of the homeless; those families that find themselves, for whatever reason, out on the street.

Mr. Chairman, these programs are working. The program has stood true to its original mandate. It has grown because the nature of our society and the problems of the affordability of housing and the social disruption that has occurred in this Nation for a variety of reasons have persisted.

Mr. Chairman, over the years, several millions of people have been provided assistance. It is not a stable population, it is a population that we are addressing, but they continue to grow. We have almost 2,500 local boards, Mr. Chairman, that need this money. We should not cut them off. They will not have the resources if we do not provide it and we should vote for the Vento-Kennedy-Stokes amendment.

Mr. Chairman, I have an amendment at the desk. This amendment will restore $30 million in funding to the Federal Emergency Management Agency's Emergency Food and Shelter program to the level of fiscal year 1995 and would provide an additional $184 million to the HUD McKinney Homeless Assistance programs. Under my amendment, offered with Mr. STOKES and Mr. KENNEDY of Massachusetts, these funds would be transferred from the FEMA disaster assistance program.

In many respects, I am advocating transferring funds from a natural disaster fund for the future to provide funds for two man-made disaster funds that have a dire need for dollars today. At the very least, some 600,000 Americans, individuals, adults and children, are homeless every day. Millions have experienced homelessness and unfortunately, millions more teeter on the verge of homelessness.

The FEMA Emergency Food and Shelter program has been a program for over a decade. It is a unique program within the Federal Government that in fact is partnered at the national and local levels with boards comprised of the major charities: the United Way of America, the Salvation Army, the National Council of Churches of Christ in the USA, Catholic Charities USA, the Council of Jewish Federations, Inc., and the American Red Cross. These partners are the non-profits that, prior to Federal recognition in the late 1980's of the homeless problems faced by this country, were there responding to homelessness in our cities and towns. They are still there and they are on overload.

The program has stood true to its original mandate: to supplement and expand efforts to provide shelter, food and supportive services to homeless, individuals, and to strengthen efforts to create more effective and innovative local programs. Over the years, it has served millions of people by providing or linking them to appropriate services and by preventing families or individuals from becoming homeless.

Last year, $128.4 million was allocated to 2,489 local boards through 11,010 local recipient organizations. That funding represents over 100 million meals; over 4 million nights in shelter; over 663,000 instances of rent or mortgage assistance to keep someone in their home; and over 214,000 instances of utilities assistance. That phenomenal assistance would be cut by 23 percent in the next fiscal year without this Vento amendment to restore the funds.

That 23 percent cut would result in almost 24 million less meals, close to one million fewer nights of shelter for individuals or families with children, over 150,000 less instances of homelessness prevention through rent or mortgage assistance, and almost 50,000 fewer similar prevention opportunities through utilities payments assistance.

In my own district, Ramsey County would receive $35,156 fewer dollars. Dollars that could help provide over 12,000 meals, 564 nights in shelter, 37 rent or mortgage assistance payments, and 23 utilities payments in this upcoming year.

In restoring the $184 million to the HUD homeless programs, we will reverse the course taken by the Appropriations Committee that could result in approximately 130,000 few Americans being served by the HUD homeless assistance programs in the next fiscal year. That could literally mean an additional 130,000 more Americans abandoned to life on our streets, under our bridges or in our parks instead of being brought back into their communities as productive citizens.

During the Clinton administration, the homeless programs at HUD have begun to work together in a comprehensive fashion at the national and community levels. They have recognized that the problems of homelessness are not just associated with a lack of housing and have appropriately sought our support services to pair with transitional programs. HUD has also recognized that prevention is the key—and that can mean jobs and job skills, education opportunities, temporary mortgage assistance or substance abuse treatment.

HUD has asked our Nation's communities to responsibly identify the needs of their homeless or near homeless communities and to craft comprehensive plans to address those needs. These $184 million in funds I would restore today are critical to continuing that effort.

The numbers of people served by these programs whose funds I would restore cannot be ignored by this Congress. In fact, they represent the fortunate folks who receive assistance and that are given the opportunity to turn their lives around—either before or after a homeless experience. The many bills being considered by this Congress now, including the appropriations bills and other so-called reform efforts, will without question increase the number of homeless Americans. The appropriations bill alone slashes our housing budget that assists so many of the poorest of the poor—practically a formula for increasing homelessness across the country.

Mr. Chairman, I urge the Members to support this amendment. Put in context, restoring these funds will put one small piece of the puzzle back for those organizations that serve individuals and families in need. These programs and the organizations in community after community are facing reduced funds that

will result in reduced quality and quantity of services. Unfortunately, they are not facing reduced demand. I ask my colleagues to support this amendment and reserve the balance of my time.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume, and I rise to oppose the Vento amendment.

The amendment of the gentleman from Minnesota [Mr. VENTO] is designed to provide assistance where we are currently providing assistance. He would add $184 million to homeless assistance grants and $30 million to FEMA's emergency food and shelter grants. The latter was only a $130 million account in the first place. We cut $30 million out of it. We believe it is a good program.

Mr. Chairman, in terms of the homeless assistance grants, I think it should be said that there was a $297 million deferral that came through the rescission process. It would be applied to the amount that is appropriated in this bill. So we have attempted to use that, combined with the appropriated amount, to make this account whole, relative to the 1995 year.

Mr. Chairman, the fact is that while these are difficult times, we are concerned about the homeless assistance grants. We wanted to make sure that there was funding to allow them to go forward with the programs in place, still hoping that those programs would be much more effective for the homeless than they had been thus far.

Mr. Chairman, having said that, the amendment of the gentleman from Minnesota takes the money from all of FEMA's emergency assistance. I mean literally, he zeroes those accounts. The import that that will have on people who are homeless for other reasons is very real. That is not the account to take it from.

Mr. Chairman, I would urge the gentleman to recognize that we have attempted very seriously to balance these accounts carefully. To zero the FEMA accounts in the face of some of those problems that we know exist would be a very big mistake for the House. Therefore, Mr. Chairman, I urge a ''no'' vote on the amendment of the gentleman from Minnesota [Mr. VENTO].

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I wanted to ask the gentleman from California [Mr. LEWIS] a question.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I will be glad to respond.

Mr. GONZALEZ. Mr. Chairman, I just wanted to confirm, are not $297 million that you were speaking of, are not they already obligated?

Mr. LEWIS of California. Mr. Chairman, no, they are not.

Mr. GONZALEZ. Mr. Chairman, they are not?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

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

Mr. VENTO. If the gentleman will yield to me, I would suggest that that is correct, that those dollars have already been appropriated. The chairman suggests that somehow releasing and not obligating them and counting them for next year would in fact make these programs whole, that this program will be substantially below what it was last year, even with the dollars I am restoring.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, the $297 million was a part of the rescission package which was not signed into law until today. We have awarded most of this money. They had not been obligated because obviously most of the money had not been available prior to the signing of the rescission bill. This funding does flow into next year, it supplements the program, and I think it makes it whole.

Frankly, Mr. Chairman, it is not all that we would like to do, but we are operating with a limited pool of resources. The gentleman and I know very well, if the gentleman looks at Oklahoma City and other places, what zeroing FEMA might mean. So this is taking money from the wrong place when we have tried in very difficult circumstances to make adjustments that at least cause us to get through this year in a reasonable way in these accounts.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I would just point out, we cannot count it twice. It will be obligated in this fiscal year. It takes time with the grant and application process to, in fact, process this.

The gentleman says it is a disaster only if it is big enough. But if somebody is out of their home, it is a disaster for that individual. The point is that the FEMA money we are putting in here and the homeless money can be directly used in that way. We are suggesting that we avoid not just the natural disasters, but some of the man-made disasters that occur with regard to people being homeless.

Mr. STOKES. I thank the distinguished gentleman for yielding time to me, and I rise in support of the Vento-Kennedy-Stokes amendment.

Mr. Chairman, all of us are privileged to live in the greatest country in the world. I think all of us are proud to live here. But I think one thing that must hurt or pain any American is to walk through the streets, as I have walked through my city in Cleveland and other cities throughout the country, and see people on grates, lying in doorways.

I recall just a few years ago when the homeless problem began to gain greater attention, we used to see a single individual in a doorway, a single individual on a grate, lying on a lawn. Now we see whole families. We see mothers, fathers, and children. Many of them were hard-working people. Many of them are dislocated workers and others who, by one reason or another, have come upon some very hard luck. In many cases, there are mental problems involved. At any rate, it is something that certainly ought to pain every American, and in America, the richest country in the world, there ought not be any homeless people.

Mr. Chairman, this bill devastates our Nation's efforts to prevent homelessness. It guts the McKinney Homeless Assistance Grants Program through a massive 40-percent reduction. Homelessness is a devastating experience to families, to parents, and children alike. Homelessness disrupts virtually every aspect of life, damaging the physical and emotional health of family members, interfering with the education of children and the development of children, resulting in the devastating separation of family members.

Mr. Chairman, the cuts to HUD overall jeopardize an already fragile affordable housing situation in this Nation. Just this week reports about the disturbing growing affordable housing shortage in the United States has been released. Now we want to add further instability to poor people's lives by slashing homeless assistance grants.

Mr. Chairman, I would strongly urge my colleagues to support the Vento amendment.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I want to thank the gentleman from Minnesota [Mr. VENTO] for yielding me this time.

Mr. Chairman, I served as a chairman of this Subcommittee on Housing for a few years and took advantage of that to travel from one end of the country to the other, from California to New York, and from the Canadian border to the Mexican border. We visited the slums and we visited the better neighborhoods in our country.

Mr. Chairman, I will never forget, not only here in the District where I witnessed a man frozen to death on the streets downtown, a homeless man one cold night, and in New York we had several occurrences of that kind. So we went out and had hearings and a result of those hearings, we forged the present constellation, so to speak, of laws that target this kind of problem. Those were the first hearings we had on that matter, and as I said, they were comprehensive, and we tried to go from the rural and the remote to the most urban and dense.

Mr. Chairman, homelessness is not just about housing, but about supportive services as well. HUD once called it a continuum of care, which I thought was, as fancy as it seems, a very appropriate phrase. They recently announced $900 million in grants for this year, more than 800 projects across the country. Unless this amendment passes, these funds will be cut by more than one-third.

Mr. Chairman, I strongly support restoring funds to the FEMA emergency food and shelter program. In my home State, this program has been invaluable. If the funds are not restored in Texas, nearly 1.5 million fewer meals would be served, nearly 66,000 nights in shelters would be lost, nearly 3,400 families would not receive assistance.

□ 1915

Mr. VENTO. Mr. Chairman, I Yield 4 minutes to the gentleman from North Carolina [Mr. WATT], a member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been sitting here and listening to this debate on the housing part of this bill for the last 2 to 3 hours, and getting more and more distressed, and, to be honest, very saddened by what we are engaged in.

There is not a person in this body who does not own a home. Most of us own two homes. We have a home here in Washington and a home in our home districts. I am told that some of us have three, and four homes. In addition to our Washington home and our district home, we have a mountain home and a beach home, and all of us get a tax subsidy for the interest that we pay on those homes. Notwithstanding that, we are here depriving people, the most vulnerable people, of a place to live.

Well, I cannot understand what we are doing. I do not understand what it is we are trying to achieve. How can we expect to improve our Nation and the things that our Nation stands for when a significant number of our citizens do not have access to any housing, much less one, two, three or four homes?

How can we expect to achieve our destiny as a nation when many of our people are living on the streets? We have got Members of Congress who are sleeping in the buildings here, even though they can afford homes. We do not let homeless people come into our buildings and sleep here, but our Members can get that tax free. And we take advantage of it.

So what are we doing here? We are passing a bill that cuts $400 million from public housing operations. That means that the housing authorities in my district, which are barely functioning now, cannot do an adequate job of maintaining and preventing deterioration of the housing stock that we own as the American people.

We are cutting $1.2 billion in modernization funds so that people continue to live in these rotting, terrible housing conditions, in a nation that is prospering.

We are cutting the drug elimination program, wiping it completely off the books, at the time when drugs are spreading, and they are particularly spreading in public housing and around lower income neighborhoods.

These are the funds that our housing authorities, those in my congressional district, have used to try to beef up security and do some drug training with the young people in the neighborhood to keep them out of drugs and get the police to come in and do joint efforts with them, to try to attack this devastating problem. And we are cutting out the money for the homeless people, the most vulnerable people in America.

I want to urge my colleagues, please consider what we are doing and vote against this bill and in favor of the Vento amendment.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of restoring funds to the McKinney homeless programs. We are facing such extreme cuts in housing programs in this bill. This is really a mean-hearted bill. It is a callous disregard for the pain that people are suffering.

Further, we are cutting out approximately 40 percent from the homeless program itself, a program that effectively serves rural communities such as mine, the poorest of the poor, and those Americans who are most dependent on these to help them.

In fact, given the discussion we have had on the point of order, this whole bill may not ever be spent, not one dollar may be spent on housing because of the clauses in the appropriation. It says all of these housing expenditures are subject to the authorization.

In any event, we should know that we are doing wrong. On any given night, at any given time, at any back alley of any city in this country, or on any crowded street, or on any gutter, we can find more than 700,000 Americans who sleep there and make that their home.

There is no shame in being homeless. Those people you see have no shame. The shame is with us, with us as a society, in allowing homelessness to exist in America, an America where we are very prosperous. But there is greater shame in having a solution to homelessness and failing to respond. We know what we must do, and we are failing to do it.

Homeless programs are working well. They are working well in North Carolina, they are working well in Greenville, Charlotte, Wilmington, and in Cumberland County, all across this country and other parts of this United States. But we if we fail to pass this amendment, we will fail more than 150,000 to have a place to call their own.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would say they are working so well, and I would remind my colleagues, all of these homeless funds are matching funds. When you cut $100 million, you are cutting $200 million. We are cutting back on the local participation at the same time.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, let me just close by stating some have reminded us a careful reading of our Bibles will reveal that Mary and Joseph both were homeless. They were faced with a situation that was not their choice, but their fate.

So there are those who indeed are down on their luck. It is not by choice, but it is their fate. We should surely be more responsive and responsible. We should never let that happen in America. Surely there is money, we can find the money.

Therefore, Mr. Chairman, I urge us to be responsible and support the Vento amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to share with the gentlewoman my own concern about the subject area, because I think she expresses very well what should be the concern of all of us.

We have, since I have been in the House, truly seen an explosion in the spending for housing, in programs that proliferate in many forms. Some have worked very well, and some have not worked so well.

My concern is this: While housing has increased by 50 percent over the last 4 years, since 1990 homeless funding has tripled. There are some homeless programs that have worked very well; there are many that have not worked at all. You clearly can see across the country, in urban center after urban center, growing numbers of people on grates in the wintertime sleeping in the cold. All of us have to be concerned about that.

My consternation is the fact that we have spent so much on housing in general over the last decade. Yet this problem has come upon us, and we have not found a solution. We are helping some individuals, but the problem seems to grow.

That is another reason I feel we need to shake this agency, to rethink the way they are using dollars. I am very concerned about this.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I would inquire of the gentleman if he thought that the problem is with the agency, or there is a problem really with society as well we are facing?

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I take the

problem back to those of us who have served in state legislatures who may have made some bad judgments about this whole subject area. People of very good heart years ago in California were concerned about people being institutionalized in mental institutions, and we closed those down and suggested that people could go back to their communities and receive clinical service. We never kept the promise of clinical service.

A high percentage of the people who are in the streets are people who have mental difficulties, people who suffer from various kinds of addiction. We need to rethink those past policies to help HUD do a better job. I, frankly, think that HUD has failed to think the problem through carefully.

I empathize with the gentlewoman's concern, and because she was expressing that concern so well, I wanted to share this exchange.

Mrs. CLAYTON. If the gentleman will yield further, I want to thank the gentleman for acknowledging my position. I would hope my expression of concern would penetrate sufficiently that he indeed would support the amendment that the gentleman from Minnesota [Mr. VENTO] is presenting.

Mr. VENTO. Mr. Chairman, I yield myself one minute.

Mr. Chairman, on the point that my friend and colleague from California was making, last term the Speaker appointed me and I chaired a task force. As the gentleman may know, I have been working very long and hard on this particular problem, and have been associated with it since it has been considered by Congress. I would just tell the gentleman that the questions he raised are in that report. They are in the report that Andrew Cuomo led last year.

These are good programs. We passed a reauthorization bill to consolidate many of the homeless programs. They are working. They are programs that are dealing with the problem. And it is not something we lay at the feet of any particular administration, it is a social problem.

I would say with regards to the mental illness issue, a question posed to me by a sociologist in Arizona I think answers that question. The question is how long can a person be on the street and maintain their mental well-being and balance? It is a good question.

I agree with the gentleman, because I worked in the legislature when we did the programs in terms of deinstitutionalization. Minnesota is proud of having had many institutions for those with disabilities. Unfortunately, it has led to a more severe problem in many respects with the SLIC programs. The gentleman is exactly correct about the lack of funding for those programs.

Mr.Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], who has been a strong advocate, and, although new to the Congress, has worked hard on this project.

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding and for his outstanding leadership on this issue, and, as well sharing the time for an issue that I think, as I have heard the chairman mention, has to be a bipartisan issue.

I thank the ranking member [Mr. STOKES] for being persistent on the question of homelessness. I would say to the gentleman from Minnesota [Mr. VENTO], that as we are suffering under the heat of the summer, many citizens are about to take their vacation or they have been on their vacation, and they have had the opportunity to enjoy cool weather and warm weather.

However, I would say, that homeless Americans face the condition of homelessness, no matter whether it is cool or hot. They do not have an opportunity to take a vacation. They suffer under whatever the conditions are all year long. Many times they suffer from the intensity of the heat or the viciousness of the cold weather.

I do not know how many people who are housed will be taking a vacation to homeless encampments, but I have seen those encampments in my city of Houston. I have seen the families, the elderly, the individuals in fact who have worked all their life, and, because of conditions that they find themselves in, they are now homeless.

In fact, I would simply say, that I came upon a gentleman who was a veteran, who had worked in a steel mill, and he was yet living in a homeless condition because he was not able to access his pension or his benefits, and he remained there for a long period of time.

□ 1930

However, he was able to be helped. But the next person living under torn sheets in the same encampment could not access any benefits, was not suffering from mental illness, in fact had family but had fallen upon hard times because there was no employment.

What you find in the community is that people have come together like United Way, like the Coalition for the Homeless and other community groups to fight homelessness. They have, in fact, brought people together and in using the McKinney Act funds have provided housing for the homeless. Why cut these homeless funds by 50 percent, I support the Vento amendment, therefore I am withdrawing the Jackson-Lee amendment to join in creating an additional $184 million for homeless assistance and an additional $30 million for FEMA emergency food and shelter program.

Mr. VENTO. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. KENNEDY] who has been a leading advocate of the homeless veterans.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 1 minute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, homelessness has been created more by government policy than by any fault of the individuals that find themselves in that condition. We, through the stroke of the pen that will be done by the House of Representatives this evening, will create more and more homelessness.

The notion that we in this committee today will end up striking 40 percent of the Nation's homeless funds is a fact that every single Member should recognize when they vote on the Vento amendment. Cutting the money that sustains homeless shelters, that takes families and our Nation's veterans and gives them a little hope that maybe somebody cares, that maybe their country cares about them enough to bring them off of a cold grate in the middle of winter and put them into a shelter and give them a hot meal, and we are going to be saying, no, we do not care.

We are going to be turning away people at homeless shelters because we do not have the courage to stand up to a tax cut, to stand up against these abusive cuts that have taken place to our Nation's homeless and housing programs.

Please vote for the Vento amendment. Vote against homelessness in America.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. 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. KENNEDY of Massachusetts:

Amendment No. 12: Page 46, strike ''(a)'' in line 17 and all that follows through line 23.

The CHAIRMAN. Pursuant to the unanimous consent agreement of today, the gentleman from Massachusetts, [Mr. KENNEDY] will be recognized for 20 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I first of all want to thank and recognize the tremendous work that the gentlewoman from California, [Ms. WATERS], in particular, has done on this issue. She has been a leader in fighting discrimination in this country throughout her entire political career, and she continues it in the most distinguished fashion in her work on the Committee on Banking and Financial Services and dealing with our Nation's housing ills.

I also want to thank the chairman; well, I wish he was still chairman, the gentleman from Ohio [Mr. STOKES], for the efforts that he has made throughout his career but most particularly on this housing bill. It has not been a very encouraging series of amendments that we have voted on so far today. Nevertheless, he continues to persist and we appreciate his efforts.

This amendment tries to deal with the harmful and damaging provisions that are contained in this legislation that sabotages the access of minority Americans to ownership of homes in our country by preventing HUD from fighting insurance redlining. This amendment has no cost associated with it.

Mr. Chairman, the Speaker of this body often talks about creating an ''open society'' here in America. I wholeheartedly agree with the Speaker in his efforts to achieve this goal, and I share his vision of an America of truly equal opportunity where a person achieves according to merit.

But, unfortunately, we do not live in that society. Today we live in a society where you, if you happen to be a person of color, you are 60 percent more likely to be turned down for a home mortgage than a white person coming from the same income, the same neighborhood, and with the same credit history.

If you are a person of color, if your home or business is located in a predominantly minority area, you are more likely to be denied insurance or you will be forced to pay more for the insurance without regard to the actual risk associated with the insurance policy.

I want to repeat that statement because it is very important.

If you live in an area with a high concentration of minorities, you will pay significantly more for insurance even though losses you suffer are no different than losses from similar white neighborhoods.

This, my colleagues, is called discrimination. And in the area of housing and property insurance, it is HUD's job to investigate to try to resolve and where necessary begin legal action to prevent such discrimination.

But if we do not support this amendment that is before us now, this discrimination will go on unchallenged, uncorrected, and unpunished.

Almost everyone in this body has heard of the American Family Insurance case. Management literally punished agents for writing too many policies to blacks. But the sad fact is American Family was only the most obvious about doing what most insurance companies do.

Again, the evidence is clear. The National Association of Insurance Commissioners did a study of the availability and the price of homeowners insurance in 25 metropolitan areas in the 13 largest States. The findings were clear:

Average premiums are higher, and availability more limited, even when loss costs are taken into the account, in areas of minority concentration.

An extensive study put out by the Missouri Insurance Commissioner in May of this year shows: ''low income minority neighborhoods in both Kansas City and St. Louis pay higher premiums but incur lower claims than similar white urban areas for all homeowners insurance policies sold.''

Among the 20 largest Missouri homeowner insurers, 5 firms have minority market shares of less than one-twentieth of their share of white markets.

The impact of this discrimination is clear. Without access to homeowners insurance, people do not have access to homes. Let me quote a recent court decision: ''no insurance, no loan; no loan, no house.''

The fact is that the Republican Party has a tremendous tradition of standing up against racial discrimination. It was the Republican Party that gave us Abraham Lincoln. It was the Lincoln Republicans that led the charge to fight against discrimination in America.

The Republican tradition needs to come back to life. Instead of fighting the ability of HUD to go out and get rid of this cancer of racial discrimination, please support the Kennedy-Waters-Stokes amendment. Fight any attempt for whatever reasons and rationale the Republicans will come up with to end up opposing this amendment, and recognize that discrimination in this country needs to be ferreted out.

That is what this amendment will do. It will allow HUD to do its job and allow people to gain stature because of their own individual merit, not because of the color of their skin.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. chairman, I, too, would like to thank the ranking member of our Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, the gentleman from Massachusetts [Mr. KENNEDY], for his leadership and work that he has done in this area. I would like to thank the ranking member of this subcommittee, of the Committee on Appropriations, for all that he has done over the years in the area of fair housing.

Mr. Chairman, I rise in strong support of the Kennedy-Stokes-Waters amendment. This amendment would strike legislation contained in this appropriations bill which would have a devastating impact on our effort to fight discrimination.

The Fair Housing Act is the law. The courts have ruled that part of HUD's responsibility under the Fair Housing Act involves property insurance. The language in this bill would strictly prohibit HUD from implementing this part of its mission.

Let's be clear. Legally, HUD's responsibility to enforce fair lending supercedes the Federal Government's general noninvolvement in insurance matters under the McCarren-Ferguson Act. Since the Fair Housing Act was updated in 1988, HUD has investigated, negotiated settlements, and represented complianants in cases of property insurance discrimination. This amendment would stop HUD in its tracks on this whole range of activities.

Without this amendment:

Individuals who have been victims of discrimination would be denied their basic rights under the Fair Housing Act.

HUD would have to cease its ongoing investigations at the end of the fiscal year. If ongoing settlement negotiations stopped, many of their statutes of limitations would expire before new authority for HUD could be reinstated.

Administrative hearings for cases underway would cease.

Recent cases of discrimination could not be investigated by HUD.

HUD could not engage in any research or educational activities that would clarify solutions to discrimination problems for insurers, consumer and community groups, and State regulators.

HUD would be required to stop any voluntary programs, like those they are currently engaged in with the mortgage banking industry.

Why would this Congress want to prevent one of our primary antidiscrimination agencies from enforcing a civil rights law? Insurance redlining is a problem, Mr. Chairman. HUD has years of experience enforcing the Fair Housing Act. Property insurance compliance is part of that law.

I am deeply offended that this Appropriations Committee would, without hearings, without consulting the authorizing committee, without any public discussion—place a strightjacket on HUD's ability to enforce an important antidiscrimination law.

A few weeks ago, the Banking Committee debated a similar rollback of the Fair Housing Act. That discussion was heated, it was emotional, and it was intense. At the end of that discussion, after several hours, the Banking Committee resoundingly voted to uphold the Fair Housing Act. I think it was wrong then to try to take away people's rights without a proper airing of the view; without a proper forum. I think it would be wrong now.

I would ask this House to use reason. I would ask that we act with fairness. Do not vote to curtail basic civil rights. Support this amendment.

Mr. Chairman, I am surprised that a flier is going around signed by two of

the Members of this House, the gentleman from Michigan [Mr. KNOLLENBERG] and the gentleman from Illinois [Mr. EWING], and they say things such as: Everyone agrees that proper insurance underwriting is based solely on factors of economic risk, not on race, not on sex, not on ethnicity. They deny that there is any redlining.

I live in a redlined area. I live in what is known as south central Los Angeles. It is not fiction. It is not imaginary. I know that there is redlining and there is discrimination.

Before we completed our debate in the committee on fair housing, at one point I asked the chairman of that committee to please provide some leadership. I asked the chairman if indeed we were going to sit there at 11 at night and undo fair housing laws in this country without any airing, without any hearings, without any authorization.

Let me tell my colleagues something. It was a proud moment because the chairman took over and gave some direction. And do my colleagues want to know what? Republican Members of that committee said no, this is not right.

□ 1945

We are not going to do it. It is not fair to sit here and dismantle fair housing and civil rights laws. Guess what? Because of a bipartisan effort, we stopped the madness and we got a grip. We got a handle, and it did not happen. I am going to say this evening, I hope reason will prevail. I am going to ask that some leadership be provided; not let us move into this kind of dismantlement of civil laws in this country.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to mention that there is not any way in this legislation that we are undoing the fair housing law. Indeed, the States and the country have to be responsive to that law. This item that is before us does not relate to that body of law. I understand the gentlewoman's point, and the gentlewoman and I sometimes know that both of us make our point in excess. Nonetheless, this bill does not relate to undermining the fair housing law.

Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, obviously, I rise in strong opposition to the amendment. I know that the gentlewoman from California [Ms. WATERS] and the gentleman from Massachusetts [Mr. KENNEDY] favor another idea, but I would ask them to listen to some of the things I want to say. The gentlewoman from California has already mentioned some of the things, but I think they bear repeating, and I will add some things.

Mr. Chairman, let me start out by saying that the Department of Housing and Urban Development has absolutely no business regulating property insurance. This is just another example of the Department's tendency to stray into other jurisdictions while failing to address the glaring problems in its own core missions.

To begin with, and first of all, Mr. Chairman, 50 States and the District of Columbia already have laws or regulations which prohibit unfair insurance discrimination. Let me repeat that, because I think it needs to be repeated. All 50 States and the District of Columbia already have laws or regulations which prohibit unfair insurance discrimination. I think we can all agree that proper insurance underwriting should be based solely, and I will repeat this and some may not agree, but it should be based on factors of economic risk; I will repeat, not on race, not on sex, and not on ethnicity.

However, the plain fact is that Congress never, never intended for HUD to regulate property insurance. The Federal Government, through the Fair Housing Act, expressly governs the practices of home sellers, landlords, mortgage lenders, and real estate brokers as they relate to housing discrimination. It makes no mention of property insurance.

Furthermore, Mr. Chairman, the McCarran-Ferguson Act, which is the linchpin of our current system of insurance regulation, says that unless a law, and I am quoting. ''* * * specifically relates to the business of insurance, that law shall not be deemed applicable to insurance practices.'' On a more practical level, HUD cannot handle even the responsibilities it now has, let alone assuming new ones. It cannot seem to keep its own house in order. Now it is taking on new responsibilities.

The Department currently has over 150 programs on the books, and the entire Department has been listed by the GAO as being, and I am quoting, ''at risk'' of waste, fraud, and abuse. This is not a question of discrimination. I know that is a very sensitive point, but this is not a question of discrimination. It is a question of jurisdiction. Unless we think HUD would make a great insurance regulator, Members should vote against the amendment. Congress never intended for HUD to have the authority to get into the insurance business.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to make the point to the gentleman that the reason this enforcement is contained in HUD is because the Fair Housing Act is contained in HUD. The reality is that when we were looking last year at where the best organization was, the Justice Department, the Department of Commerce, every single Federal agency looks to the HUD testing program for direction. It has been singled out time and time again as having by far and away the greatest capabilities of any group or organization in enforcing fair housing throughout the entire Federal and State government. I would suggest to the gentleman that of course there are anti-discrimination laws filed in 50 States. That does not mean that there is not discrimination. What we have to recognize is simply because we pass a law here, and I appreciate the gentleman allowing me to continue to speak, but simply because we pass a law here in the Congress of the United States does not mean that that law gets implemented at the State level.

Mr. KNOLLENBERG. Reclaiming my time briefly, the gentleman said let HUD do its job. That is not HUD's job.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I rise in strong opposition to the Kennedy-Waters amendment to strike section 209. I would like to thank the chairman, the gentleman from California [Mr. LEWIS], for including this important language in the bill at the request of nine members of the Illinois delegation.

Mr. Chairman, there are not too many industries left in our economy which are not heavily regulated by the Federal Government, but property insurance is one of them. Under the McCarran-Ferguson Act, regulation of the insurance industry has been left to the States. This is greatly responsible for the stable, reliable insurance system we have today, which every American counts on in difficult times.

Unfortunately, the Department of Housing and Urban Development, an agency laden with waste and fraud, has recently decided to go beyond its authority by getting the Federal Government involved in regulating property insurance. HUD is currently writing regulations aimed at addressed the so-called practice of redlining, despite the fact that the States are already addressing this issue where needed. HUD has no authority to write these regulations, and I strongly support section 209 of this bill, which will prohibit HUD from writing or implementing redline regulations.

Mr. Chairman, I would remind the body that in the last Congress, controlled by the other party, they tried to pass a bill that would have allowed HUD to take on this responsibility and could not get the job done, and came back with a bill which allowed HUD to collect statistics on redlining, and that bill failed in the Senate.

As if that were not enough, HUD has also awarded hundreds of dollars in taxpayers' money to liberal special interest groups to prepare studies on so-called redlining practices. HUD is using the questionable studies these groups write as a premise for starting investigations against the insurance industry, which will probably lead, for all of us, to expensive litigation.

Again, all this activity is taking place, despite the fact that HUD has no authority in this area. The insurance industry, which every American counts on every day of their lives, is a success story in part because the Federal Government has kept its hands off.

The amendment of the gentleman from Massachusetts, [Mr. KENNEDY] and the gentlewoman from California [Ms. WATERS], would reverse this historic situation by allowing HUD to start regulating property insurance, and would open the door to government management of insurance. This Congress will be defined by our efforts to reduce the role and influence of the Federal Government. I strongly urge my colleagues to vote against bigger government by voting against this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to briefly make the point that when the gentleman says that the Federal Government does not have the authority or HUD does not have the authority, the fact is that the courts have upheld the Fair Housing Act and HUD's role in the Fair Housing Act time and time again. The only correction that I can see in the department of HUD occurred under Sam Pierce, a Republican, and that has been cleaned up since.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I definitely want to get this straight. We are talking about enforcement of the Fair Housing Act. That is the act that talks about providing housing on an equal, nonracial basis. If people cannot get insurance on the property, they cannot get the loan, and so I am not quite sure how the gentlemen who keep professing that this has nothing to do with equal rights and civil rights, and that HUD has nothing to do with insurance because it deals with housing, how they think HUD could adequately deal with fair housing when insurers are discriminating, and people cannot get housing without insurance, so how are they supposed to deal with their job under the Fair Housing Act?

Mr. Chairman, I do not get it. I cannot understand what this argument is all about. If that were the case, why would it even be necessary to put this provision in the bill? We are striking a provision, this amendment would strike a provision in the bill which prevents HUD from using any money to enforce the insurance laws having to do with fair housing. Therefore, if it did not have anything to do with housing, what is it doing in the housing bill? I do not understand this argument.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ROYCE].

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

Mr. ROYCE. I rise in opposition to the amendment, Mr. Chairman.

Mr. Chairman, I rise in opposition to the amendment and in the interest of time, I'll put my statement in the RECORD at this time.

Section 209 is important in preventing HUD from pursuing duplicative regulations regarding property insurance. Property insurance regulations and authorities are already handled quite extensively in every State by State insurance regulators.

These State regulators recognize that redlining is an intolerable practice and they work to insure that all consumers regardless of ethnicity have equal access to property insurance. So there is no need to have HUD add this unnecessary layer of Federal bureaucracy.

Section 209 will also send a message that Federal agencies should not be promulgating rules or programs beyond the purview they have been granted by Congress.

Mr. Chairman, section 209 goes to the heart of what so many of us have come to Congress to do: Cut duplicative Federal programs, maintain the authority of our States and most importantly section 209 will keep a Federal agency from encroaching on the operations of our small businesses.

Mr. Chairman, I strongly support section 209 and I would urge my colleagues to vote against the Kennedy-Waters amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, let me thank the gentleman from Massachusetts for yielding time to me, and let me thank him for all the hard work he has done in the past and is presently doing as it relates to fair housing, as well as the other coauthors of this amendment, the gentlewoman from California [Ms. WATERS] and the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, I rise tonight to magnify the point that this amendment is right on target, because this bill prohibits HUD from issuing any enforcement or rules that would apply to fair housing. I think that is simply unbelievable and unconscionable. Let me tell the Members why.

First of all, this whole Fair Housing Act was passed, this portion of the Fair Housing Act that deals with tracking insurance, redlining, was passed under the Bush administration in 1989. I think the gentleman from North Carolina [Mr. WATT] makes a very good point. How can one buy a home in America if they do not have mortgage insurance?

I do not know the last time Members have mortgaged their homes or the last time we bought a home in America, but the last time I bought a home in America I had to go to the bank. When I walked into the bank, before they loaned me the money I had to show that I had insurance on the property.

Banks do not loan money to people who do not have insurance on homes, so it just makes practical sense to talk about insurance, protecting individuals so they can get insurance on homes, because in a real sense, what this debate is all about is actually giving them an opportunity to buy the home in the first place.

□ 2000

Mr. Chairman, if you cannot buy a home, if you do not have insurance, it makes practical sense that we put this kind of mechanism in the bill. It is already in the Fair Housing Act. For us to have the audacity to come here on this floor and take it out and be upset with my friends, the gentleman from Massachusetts [Mr. KENNEDY], the gentlewoman from California [Ms. WATERS], and the gentleman from Ohio [Mr. STOKES], because they are trying to provide some equity to this legislation, to me it is unbelievable.

Mr. Chairman, how do we look constituents in the eyes in America? We know that redlining exists even in the insurance industry. I have people who are in my district, and I have had an insurance agency who called me and said, ''I cannot issue insurance in certain ZIP Codes.'' What can you do about that?

Last year we introduced legislation to deal with that issue. Everybody knows about American families. Insurance redlining still exists today in America and the only way to correct that is by having Federal agencies involved in making sure that everybody is treated fairly in the insurance business.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. STOKES], the former chairman.

Mr. STOKES. I thank the distinguished gentleman from Massachusetts for yielding me the time, and let me say that I am proud to be associated with the gentleman and with the gentlewoman from California [Ms. WATERS] on this very important amendment.

I rise in strong support of this amendment and congratulate both of them for the excellent and outstanding leadership they have given, not only in the area of fair housing but against any and all forms of discrimination wherever they have found it.

Mr. Chairman, I have a letter that was written to me by Secretary Cisneros. It was written to me in my capacity as the ranking member of the Subcommittee on VA, HUD, and Independent Agencies. It was also written to our friend and colleague, the gentleman from California [Mr. LEWIS], as chairman of the subcommittee. I want to refer to what he says about this amendment.

He said:

The fiscal year 1996 VA-HUD-Independent Agencies appropriations bill contains a provision that would bar enforcement by HUD of the Fair Housing Act's prohibition on discrimination for an entire industry. The measure preempts a major civil rights law which has been on the books since 1968. I understand Congressman Kennedy intends to offer an amendment that would strike this

provision, and I wish to express my support for that amendment.

He also says that:

Section 209(a) of the bill would bar HUD from fulfilling its obligations under the Fair Housing Act to persons who have been treated unfairly based on race or other prohibited factor in connection with property insurance. The provision would halt HUD investigations, settlement negotiations and legal proceedings already under way in response to previously filed complaints of insurance discrimination.

He ends his letter by saying:

Barring enforcement of the Fair Housing Act's prohibition on discrimination in the property insurance business, even for a single year, is a serious retreat from notions of fairness and nondiscrimination that I believe we all share.

He said:

I ask you to take swift action to strike from the bill this affront to civil rights.

I do not think, Mr. Chairman, that anyone here wants to be associated with action that is an affront to the civil rights laws of this country. I recently saw in the Wall Street Journal an article that says home loans to blacks and Hispanics soared last year, though they were still turned down more often than whites, according to Federal regulators.

Mr. Chairman, I think we all understand this provision. I hope we will support the Kennedy-Waters-Stokes motion to strike.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have listened intently to the debate tonight regarding housing and I commend the strong work that the gentleman from Massachusetts [Mr. KENNEDY] and our stalwart, the gentlewoman from California [Ms. WATERS], have done over the years, and to the gentleman from Ohio [Mr. STOKES] and others, but it is appalling to see how those of us on the other side of the aisle want to turn back the clock of time on people who have struggled so hard all of these years.

When we strike at housing laws, we strike at the very heart of discrimination. If we want to put the B word, which is bigotry, into the record, you go to someone's housing. We work at something that keeps them from improving the quality of life, where they live. Not being able to get enforcement in housing is a crime. We can have as many laws on the book as we want to have, but if we do not have an enforcement vehicle, which they have talked about, there is no enforcement.

Mr. Chairman, I worked for 12 years in the Florida legislature in trying to be sure that fair housing laws were enforced. They were never enforced. They never would have been there if these two people had not worked on the Federal level to give us something from the Federal level. The States are not going to enforce this and we know it. That is why we are passing on this ability to the States.

What we are really doing is saying we do not want fair housing enforcement. We do not care about redlining because we are not redlined. We can hold our ears as if we are not hearing what is happening out there, but it is out there. I am saying to the Members, please, please, support this amendment. Please strike down any falling back into the old death throes of segregation and discrimination.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I will not try to deal with this business about HUD has no business. HUD did not just take over this area of responsibility. It is in law, and it was supported by Reagan and Bush. Let me just say this to my friends on the other side of the aisle: You do not know what it is like to be a person of color, to walk into a bank and not be able to get a loan. Even though you look at whites with the same income level, the same credit profile who can get loans. You do not know what it is like to live in a redlined community and not be able to get insurance. I cannot tell you here tonight and make you understand that.

I would simply ask you to get out into America, go into these cities, hold some hearings. Do not do this in the dark of night. Do not undo and dismantle civil rights laws and fair housing laws that a lot of people sacrificed for. Do not take this kind of action simply because you have the power to do it. At least be fair about it. Give us a level playing field. Let us fight in the open. Let us fight in the hearings. Let us bring people out to tell you about racism and discrimination. You give us an opportunity to do that, and we will fight you and we will win. I ask my colleagues to support this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

I know full well the intent of the Kennedy amendment and I have not just empathy for but great concern about fair housing laws and their implementation across the country.

As they operate presently, the legislation regarding fair housing requires that States be responsive to those requirements in place. The subject we are dealing with here, though, that relates to insurance involves the promulgation of regulations by the Department that exceeds their authority and it exceeds the parameters of the fair housing law itself.

Historically insurance laws in this country have been controlled by the individual States because of the great variety of circumstances within the States. The gentlewoman who just spoke and I served in the State legislature together and we worked together to see how best we could get our State to deal with these problems in California. I remember very specific conversations when I was on the finance and insurance committee with the gentlewoman about this problem, and I was concerned about this problem. In many other States there has been responsiveness. I do not now what has happened in Massachusetts, but I would guess that legislature has been sensitive to this problem.

Insurance laws controlled by the States have existed because of the great variety of needs across the country. I personally feel very strongly that we should continue to put pressure on the States where we see difficulties. But to presume a cookie cutter from the Department of Housing in Washington can serve the needs of the entire country, I must say, is a mistaken presumption.

In this case, I strongly support the concern expressed by my colleagues here. At the same time I strongly oppose the amendment by the gentleman from Massachusetts [Mr. KENNEDY]. I would urge a ''no'' vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, just trying to understand where we are, I thought we had an agreement we were going to roll three or four votes. I wonder if the Chair could tell me how many votes we are at at the moment.

The CHAIRMAN. The Chair would state to the gentleman that it is my understanding there are three short colloquies and the House will then vote on four ordered rollcall votes.

Mr. KENNEDY of Massachusetts. I thank the Chair.

Mr. HUNTER. Mr. Chairman, I move to strike the last word to engage in a colloquy with the distinguished gentleman from California [Mr. LEWIS], chairman of the subcommittee.

I want to first start by thanking the gentleman for his commitment to solving our international wastewater problems—the gentleman is familiar with those, with the district that I have just south of his district that borders Mexico—particularly the cleanup of the New River, which is the river that flows north in Mexico, through

Mexicali and ultimately into the United States and travels about 50 miles north into the Salton Sea.

As the gentleman knows, it is one of the most polluted waterways in North America and the New River carriers millions of gallons of water per day of municipal and industrial waste into my district. The gentleman has recognized that problem, and has been helping us a lot. We thank the gentleman for that.

On page 54 of the subcommittee report, there is concern expressed over EPA's use of subpoenas to collect data from U.S. companies operating in Mexico. Those companies are companies that are in the Mexicali area. They operate and some of them discharge their waste into the New River which flows north into the United States and then into the Salton Sea. The report questions the authority of the EPA to serve these subpoenas and whether this action may be a violation of NAFTA. After following this issue closely, I just wanted to clarify that in this instance the EPA was in contact with both the International Boundary and Water Commission and the Mexican Environmental Agency throughout the operation. Understanding that any toxics dumped in the New River in Mexico ultimately ends up in the United States, I am supportive and have been supportive of EPA's attempt to solicit voluntary submissions by U.S. companies in Mexico. It was following an inadequate response to this request that the EPA issued the subpoenas in cooperation and consultation with Mexican authorities and the IBWC. I would also note at that time the new agencies established under NAFTA to assist with the cleanup of the border environment were not yet organized. As a result, the EPA worked with the existing international agencies to gather general information on chemical discharges as they are allowed to do under the Toxic Substances Control Act.

I agreed with their position in terms of trying to identify who was putting this toxic discharge into the New River, but I want to let the chairman know that I am in full agreement with his overall conclusion that our agencies, especially the EPA, should not overstep their bounds in the enforcement of our laws. I want to thank him for this opportunity to comment.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I appreciate very much the clarification of the gentleman from California [Mr. HUNTER] of the facts involved in this circumstance. I understand the complexities involved with international wastewater cleanups. I agree with the gentleman that the EPA's action in this instance was in the best interests of the residents not only of his district but of our State. I look forward to finding a long-term solution to the New River problem. I expect any future actions by the EPA to continue to be in consultation with the appropriate international agencies.

Mr. HUNTER. I thank the gentleman. Congratulations on a long and successful day on this floor.

Mr. LEWIS of California. It is a pleasure doing business with the gentleman.

Mr. HEINEMAN. Mr. Chairman, I move to strike the last word, and if I may, I would like to enter into a colloquy with the distinguished gentleman from California, the chairman.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I would be happy to enter into a colloquy with the gentleman.

Mr. HEINEMAN. I thank the chairman. I have been working with him and his staff on the need for EPA to construct a new consolidated research facility in Research Triangle Park, NC. Currently the EPA is scattered in 11 separate buildings which are privately owned and in bad shape. I personally toured these facilities earlier this year. Studies have shown that renovating the existing buildings and signing new leases will cost upwards of $400 million.

□ 2015

We can build a new facility for $232 million, and I have been working with the committee in support of this project.

Mr. LEWIS of California. I am more than slightly aware of my colleague's support for this project. He has been very persuasive in making his point to our committee.

Today's discussion has indicated the difficulty we are having with money between accounts and because of that, the pressure is very, very great. The gentleman has, indeed, caused all of us to scratch our heads and try to figure out how we can readjust some of these accounts.

We are going to look further between now and conference, but I commit to the gentleman that over the years we are going to make sure that we have carefully analyzed the alternatives to see how we can help.

Mr. HEINEMAN. Why not this year?

Mr. LEWIS of California. EPA has two other major infrastructure projects ongoing, including a new headquarters in D.C. The budget will not sustain 3 projects at one time. There is also a problem with authorization. The building is only authorized for $159 million. To my knowledge, no attempts have been made in past Congresses to address this authorization problem. As the gentleman knows, it is against the rules of the House to appropriate funds for a project of this kind which is not authorized.

Mr. HEINEMAN. Mr. Chairman, I have been made aware of this and I have discussed this with key members of the authorizing committee, including the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Maryland [Mr. GILCHREST], the ranking member. I am working with them to update and increase the authorization for this project.

If I may address the authorization problem, can the gentleman assume that he will work to address the appropriations for the facility in fiscal year 1997?

Mr. LEWIS. I can tell you that the gentleman has had a very significant effect in the committee of the gentleman from Pennsylvania [Mr. SHUSTER] as well as with the chairman himself.

I also know that my colleague, the gentleman from Iowa [Mr. LIGHTFOOT], is very sensitive to this problem; and we are doing everything we can to find a substantial base of funds to see if we cannot overcome the difficulty that you are involved with. I recognize the need for the facility. I think we should find some way to address it.

GSA could be another option, and I understand that they would like to build this facility.

EPA has made this a very high priority, and the gentleman is commended for his thorough work on this project. I just wish I could say, yes, now, but indeed the point is, when an individual Member is concentrating like this to solve a problem in his district, he indeed gets the Congress' attention.

Mr. HEINEMAN. Mr. Chairman, I thank the gentleman for his understanding and agreement.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the subcommittee chairman, my colleague from California, Mr. LEWIS and stand to give strong support to the bill, H.R. 2099. In particular, I want to support the good reductions in the United States EPA's overall operating budget.

As the gentleman from California knows, we have discussed the concerns of the people of Ohio's 18th Congressional District, people in the State of Ohio and the people in the Midwest who have suffered tremendously under the Clean Air Act and the EPA provisions that directly pertained to our area in Ohio.

The Clean Air Act was a liberal, overzealous, too-far-reaching measure when it spoke, in part, to the concerns dealing with acid rain. There were some merits to the bill, and there is a need to make sure our environment is safe. I want to make that very clear.

There was a study by NAPA which was a 10-year study at a half a billion dollar cost to the taxpayers, stated specifically that, in fact, the changes in the Clean Air Act as pertains to acid rain were not going to make a difference in cleaning up the environment. This was not the problem.

Still, the full thrust of trying to put our people in the Ohio Valley out of work was accomplished in that bill, and I just want to speak a little bit about the truth and what that has done to the Ohio Valley to the tens of thousands of jobs that have been lost for no reason.

I want to let the people in the EPA know, Mr. Chairman, that when we talk about reducing their overall budget of $2.5 billion and the enforcement budget by $129 million, that is a good

start. It is a fine start in my humble opinion, Mr. Chairman.

Mr. Chairman, I also want to remind the people in the EPA that, in fact, we are going to be watching for any further problems they want to create as a result of reductions, and we are going to be watching how they treat people in this country. It is fine to have clean air; we want to have that for our children. But we want to point out that one should not retaliate against the people of the United States for no reason. We want them to know that there are consequences for their actions and that people in the Ohio Valley, in the 18th Congressional District, have undergone tremendous suffering amongst their families.

I want to thank the gentleman for his willingness to work with us as this process goes on. It is the first time that I can recall, from my time in government when I was in Ohio, that somebody has been willing to listen and someone is willing to say we have got to use some good sense and not just take actions that in the end do not count for anything. I want to thank the gentleman for that on behalf of my constituents.

Mr. LEWIS. Well, I must say, the gentleman from Ohio [Mr. NEY] has been a very, very effective voice in regard to the problems we face with EPA. Literally, across the country we have heard voices that were expressing concern about unnecessary regulation, but indeed, the gentleman from Ohio [Mr. NEY] has been one of the leading advocates.

Mr. Chairman, the gentleman should know that my district is probably the most smog-impacted district in the country. I have chaired a committee in connection with clean air questions in California. I authored the law that created the toughest air quality management district in all of the country.

Having said that, I too find this agency in excess, regulation upon regulation, not just duplication, but useless procedures that get in the way, often, of solving problems. And they cost jobs in the meantime. I very much appreciate the gentleman's voice in this regard and his help and advice has been very, very important in the bill we are considering tonight.

Mr. NEY. Mr. Chairman, some of my family moved from Ohio to California, so I was out there quite a lot, and my grandmother and aunts and uncles. My grandmother moved out there, any my aunts and uncles are out there currently. I am concerned about them.

We do have to solve our problem out there and we do have to make it clean in the urban centers across this country, but I appreciate the fact that you have listened to a segment that did not cause the problem and was so unfairly targeted by overzealous bureaucrats. I thank the gentleman for that.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I seek recognition to engage the distinguished gentleman from California [Mr. LEWIS], the subcommittee chairman, in a colloquy, but I first want to thank him as chairman of the subcommittee producing this appropriations bill for his work on the bill under what I know are very difficult circumstances.

As a military veteran myself, I am particularly sensitive to the importance of keeping our promises to our veterans, and I support the fiscal year 1996 VA–HUD and Independent Agencies appropriations bill.

I believe, however, with the gentleman's indulgence, Mr. Chairman, there is one aspect of the legislation that should be clarified.

As the gentleman well knows, I have strongly and consistently advocated for the construction of the replacement Veterans Administration medical center planned for Travis Air Force Base in Solano County in my congressional District. Therefore, I was deeply disappointed that budget restrictions, budget realities, forced the committee to forgo this and other construction projects.

As the gentleman well knows, there is a great need for an additional medical facility in northern California as a result of the closure of the medical center in Martinez, CA, in the aftermath of the 1989 earthquake that we experienced in northern California.

Our veterans in northern California should receive medical care within their designated catchment area and currently some veterans have to drive up to 8 hours to the nearest medical facility.

Mr. Chairman, the subcommittee, on page 19 of its report, has directed the Veterans Administration to develop a cost estimate for an outpatient clinic, in lieu of a medical center, in time for the funds to be included in this bill at a later stage of consideration.

The Travis Medical Center would have been constructed adjacent to the David Grant Medical Center, a state-of-the-art Air Force hospital. This would have permitted a unique joint venture between the VA and the Air Force. Services would have been provided for both active duty personnel and veterans through a cost-effective medical sharing arrangement.

In fact, in anticipation of construction of the replacement hospital, Federal funds, pursuant to previous congressional appropriations, have already been expended at the Travis site for both a parking lot and a warehouse.

Therefore, Mr. Chairman, I am seeking assurances that the committee is committed to including full funding in this bill to build the outpatient clinic; that funds previously appropriated for the Veterans Administration medical center but not spent can be used for the outpatient clinic; that it will be built, in fact, at Travis Air Force Base; and that it will be able to share medical technology and other essential services in a joint venture with the Air Force hospital.

Given the number of unserved veterans since the closure of Martinez, we need to build, equip, and make operational the proposed outpatient clinic as swiftly as possible.

Mr. Chairman, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I want to commend my colleague for his tenacity on this issue. Not a day has gone by when he did not push me and other members of the committee on this matter. Adequate care for the veterans in northern California is clearly a priority for him and for the many members of Operation VA.

I truly regret that budget realities forced us to omit funds for a full medical center; however, in response to the gentleman's specific questions, I can assure the gentleman that he is going in the right direction in the assumptions that he has presented.

The committee will appropriate all the necessary funds in fiscal year 1996 for the clinic with the VA's help in identifying the amounts needed. Any previously appropriated but unspent funds may be used for that clinic. Further, it is the committee's intent that the outpatient clinic will be built at Travis Air Force Base and will be able to share facilities with David Grant Medical Center.

Mr. Chairman, I must say that my colleague has been more than persistent. The gentleman has developed a base of knowledge and understanding of the needs of the people in all those counties in that huge territory of California. The gentleman has communicated that well to me, and also to people in the Veterans' Administration, as well as our committee, and I appreciate it.

Mr. RIGGS. Mr. Chairman, I appreciate the subcommittee Chairman's understanding and support in this matter. As the gentleman well knows, we are talking about a veteran population that is the equivalent of something like 28 or 29 States, so I am glad that we are able to provide for them in this bill by construction funding for a modern outpatient clinic that will, again, enhance our ability to serve the veteran population of northern California.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 44 offered by Mr. HEFLEY of Colorado; amendment No. 65 offered by Mr. STOKES of Ohio; amendment No. 16 offered by Mr. VENTO of Minnesota; amendment No. 12 offered by Mr. KENNEDY of Massachusetts.

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

AMENDMENT NO. 44 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 17-minute vote. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 184, noes 239, not voting 11, as follows:

[Roll No. 592]

AYES—184

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bilbray
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hostettler
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klink
Klug
Kolbe
LaHood
Latham
Laughlin
Lewis (KY)
Linder
LoBiondo
Longley
Luther
Manzullo
McCollum
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myrick
Neumann
Norwood
Nussle
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Radanovich
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Zeliff
Zimmer

NOES—239

Abercrombie
Ackerman
Baesler
Baker (LA)
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bliley
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gunderson
Gutierrez
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Knollenberg
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Pryce
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Spence
Spratt
Stark
Stokes
Studds
Stupak
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bateman
Collins (MI)
Everett
Hall (OH)
Jefferson
Johnston
Largent
Meyers
Moakley
Reynolds
Yates

□ 2047

Mr. SAWYER and Mr. MASCARA changed their vote from ''aye'' to ''no.''

Messrs. DICKEY, STENHOLM, CALVERT, MONTGOMERY, WELDON of Florida, BARR, and EWING changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 65 OFFERED BY MR. STOKES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. STOKES], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 185, noes 235, not voting 14, as follows:

[Roll No. 593]

AYES—185

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
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
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
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
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
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
Danner
Davis
Deal
DeLay
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
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
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
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bateman
Collins (MI)
Hall (OH)
Heineman
Jefferson
Johnston
Largent
Meyers
Moakley
Moorhead
Reynolds
Smith (TX)
Smith (WA)
Yates

□ 2055

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 69 OFFERED BY MR. VENTO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO], on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 160, noes 260, not voting 14, as follows:

[Roll No. 594]

AYES—160

Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blute
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Gutknecht
Hamilton
Hansen
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
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
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Wyden
Wynn

NOES—260

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
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
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bateman
Collins (MI)
Fawell
Hall (OH)
Hancock
Jefferson
Johnston
Largent
Meyers
Moakley
Pelosi
Reynolds
Saxton
Yates

□ 2101

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Chairman, on rollcall No. 594, I was inadvertently delayed while off the floor. Had I been present, I would have voted "no."

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. Kennedy], on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 157, noes 266, not voting 11, as follows:

[Roll No. 595]

AYES—157

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Mink
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
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
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Bateman
Collins (MI)
Hall (OH)
Jefferson
Johnston
Largent
Meyers
Moakley
Obey
Reynolds
Yates

☐ 2108

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inquire of the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies as to what the plans are for the remaining part of this evening.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman inquiring. I, frankly, did not intend to discuss it before he and I could sit down and chat about it, because there is not a deal until the gentleman and I have signed off on the deal.

In the meantime, I have, as the gentleman knows, wanted to get through this evening, if at all possible. It is very apparent that we are going to have difficulty doing that before 2:00 in the morning.

So we are attempting to take a series of items and have time limitations on them that could involve the rolling of a couple of votes and then could involve a couple of, three or four items that would be voted on tomorrow, if the authors of the amendments agreed to roll them over.

Having said that, I do want the gentleman and I to talk about the specifics before we go further. That could get us out of here somewhere close to 10:00 tonight, but the unanimous consent request would also include a provision that we could debate on items like the space station item, like the gentleman's amendment that would eliminate language and so on tomorrow and have the debate limited to those amendments that are in the RECORD now so we could start at 9:00 in the morning and be through for certain by 3:00 in the afternoon.

That is the pattern that we are going in. We are looking at time limits, but I want to discuss it with the gentleman personally before we finally agree to that.

Mr. STOKES. Mr. Chairman, did the gentleman want additional time for he and I to discuss the matter before we bring something of substance to the other Members?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, if we could proceed on the next amendment and the gentleman and I discuss it, I think that would be helpful. I find the gentleman to be very instructive when I have those discussions.

Mr. STOKES. Mr. Chairman, I thank the gentleman for his response.

Mr. LEWIS of California. Mr. Chairman, the next amendment would be the Kaptur amendment and a time limit of 10 minutes on each side, and the gentleman and I could have this conversation, as we go forward.

Mr. STOKES. Mr. Chairman, I thank the gentleman for his response.

☐ 2115

Mr. TORRES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I would tell the gentleman, I would hope to be able to proceed with

the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR], for 10 minutes on each side, if we can get that approved, get this agreed to, and then proceed with the gentleman's colloquy, subsequent to the Kaptur vote.

Mr. TORRES. I would be in agreement with that, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be asking for a broader unanimous consent request in a few moments, but initially I ask unanimous consent to proceed with the Kaptur amendment, with a limitation of time of 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. The vote would roll until tomorrow.

The CHAIRMAN. The Chair would tell the gentleman, that authority on rolling the vote already exists.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: Page 20, line 25, after the dollar amount insert the following: ''(increased by $234,000,000)''.

Page 21, line 15, after the dollar amount insert the following: ''(increased by $234,000,000)''.

Page 64, line 16, after the dollar amount insert the following: ''(reduced by $234,000,000)''.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. Under the unanimous consent agreement, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 10 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment we are offering has been redrafted from this afternoon, and I doubt that there will be any points of order that will be able to be raised against the amendment. Essentially what this amendment does is to maintain the successful anti-drug program that has existed since 1988 when Jack Kemp, in the Bush administration, began this program.

In the Case bill, Mr. Chairman, this program was completely zeroed out. During the deliberations of the full committee, I attempted to restore these funds, and we came within five votes of doing so on a bipartisan basis. Sixteen members of the committee were absent for that vote. We went to the Committee on Rules attempting to get a rule that would permit us to offer an amendment concerning this program on the floor.

This is what we are attempting to do this evening. Our amendment will shift $234 million from the Federal Emergency Management Agency's disaster relief account and shift it to the public housing modernization account, where it is earmarked for anti-drug activities. This is a budget-neutral amendment, and in fact, even with our amendment passing, this program will have $54 million less in it than in the prior years during which it has been funded.

I do not think any person in this Chamber could agree with me more when I say that there is no greater scourge affecting our country in every city, town, and neighborhood, than the scourge of illicit drugs and drug trafficking. No Member here wants to be in the position of turning back the progress that has been made in this extremely successful program. Every Member, before they vote, should call their mayor, they should call the director of their local housing authority, and ask them how successful this program has been.

I stood in Chicago when Charlie Hayes served in this Chamber and watched snipers on the roofs of those housing projects in Chicago controlling the activities of thousands of people who lived in those buildings and in the surrounding neighborhoods. Mr. Chairman, this program cleans up those streets and projects that were out of control.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts, JOE KENNEDY, the ranking member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Ohio. This is a program that has done an enormous amount of good to housing authorities and tenants in those housing authorities throughout the country.

Just this week I visited two separate housing authorities where the tenants have finally gotten control of the drug dealers and the drug pushers that live in those housing authorities, and been able to move them out. This is the kind of self-determination that we want to see take place in tenant ownership and in tenant determination in these local housing authorities that for the first time gives people a sense that they can take control over their neighborhoods.

Why would we go about trying to cut the program that does the most amount of good, of ridding these programs and projects of the worst tenant occupants, of those who are abusing their neighbors, and give the power to those tenants who want to put some order in their lives, who want to take control over their destinies? That is what these drug enforcement grants do. I think the gentlewoman is to be commended for her persistence in trying to get this taken up today.

Mr. LEWIS of California. Mr. Chairman, I proudly yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to congratulate the gentlewoman on a very well-purposed and very good program for which she is trying to get some money, but I would say, having lived through Hurricane Andrew down in south Florida, my kids having gone through hurricane Hugo in South Carolina, having looked at what has happened in California with the disastrous earthquakes, FEMA, leave it alone. FEMA is so important. It is an insurance policy. We in the Congress say we know that there are going to be disasters, we know we have to be ready, we know we have to sharpen our ability to be able to react to these national disasters. It is absolutely nothing less than good planning, and it is absolutely imperative that we hold this program together.

The problem of drugs is absolutely out of sight. We need to talk more about it. We need to do more about it, but FEMA has absolutely nothing to do with it. It is absolutely nongermane to the subject matter which the gentlewoman and I are both concerned about. Let us leave FEMA alone. FEMA needs to be left intact. It is nothing less than good planning. I would hope that we would soundly defeat this amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I respect the gentleman's opinion. There are sufficient funds in FEMA to cover natural disasters that have occurred. Would the gentleman agree that there are human disasters occurring every day where drug lords control the neighborhoods in which we live?

Mr. SHAW. The gentlewoman is absolutely correct, and as a matter of fact, tomorrow I am introducing a bill that is going to absolutely cut the underpinnings out of Most Favored Nation status for countries that do not cooperate with us in the war against drugs. I know the gentlewoman would want to take a close look at this particular bill, but FEMA must be left intact.

Ms. KAPTUR. Mr. Chairman, I yield 2½ minutes to the gentleman from New York, Mr. CHARLES RANGEL, the distinguished ranking member of the Committee on Ways and Means, who knows more about this terrible, terrible problem than anyone I know.

Mr. RANGEL. Mr. Chairman, I rise to support the amendment offered by the gentlewoman from Ohio. It is really educational to see how the good, decent people from the other side of the aisle seem to believe in everything that we are trying to do here, but not in this bill.

There is no one more dedicated in fighting drugs than my friend, the gentleman from Florida [Mr. SHAW]. He is going to try to make certain that the countries producing the drugs do not enjoy a friendly relationship with us. However, talking about national disasters, as an American, what is more of a disaster than seeing a child born in public housing, and just because it is a male, a boy, that we can say that that kid is either going to die or end up in jail before he is 15?

What is more of a disaster than to see a human being that has the same dreams that you and I have, to one day move to decent housing, to get an education and be productive, and all the statistics would say ''Because of color, because of background, and because they are in that public housing, they will never be able to break out.'' What a great national disaster. Secretary Kemp saw it, and he did not see it from the high towers in some building, he went into this public housing, he talked with the parents, and he felt their dreams and tried to do something.

For a lousy $238 million, we are going to say that these kids do not deserve it. What are we talking about? No, it is not jails. That would get the Members excited. It is not mandatory sentences. It is not more cops. That gets the vital juices flowing. It is education, it is mentoring, it is giving someone an opportunity to say that it is not just two strikes against you; that in this country, everyone can make it.

For God's sakes, it is Veteran's Day for Korean war veterans. Can we not do something decent? That side already struck out hope for the homeless, they struck out those that just want to get a house and a picket fence, because the house is located someplace that they cannot get insurance. Do not be dictated to and just say what you cannot do, just break out of it sometime tonight and let the conscience that you have say that you are able to do something. Do not wait for some hope or dreams tomorrow. It may be too late.

This money merely says ''Just because of who you are, just because you were born in the projects, the United States of America will not give up to you.'' Members did not give up on these kids when they went in the Army. Do not do it tonight.

Ms. KAPTUR. Mr. Chairman, would the Chair advise me how much time I have remaining?

The CHAIRMAN. The gentlewoman from Ohio [Ms. KAPTUR] has 3½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. FIELDS].

□ 2130

Mr. FIELDS of Louisiana. Mr. Chairman, I thank the gentlewoman from Ohio [Ms. KAPTUR] for yielding me the time, and I wanted to commend her for an excellent job in fighting for the drug elimination program in this country. If we were sitting here tonight talking about building jails and prisons and housing facilities, or turning public housing into jails and prisons, there would be little debate on the other side of the aisle, but we are only trying to provide kids with hope and opportunity.

Mr. Chairman, I was at the Ordonwood Apartment Complex this past weekend in my own district, and I had an opportunity to meet with kids and their parents and also had an opportunity to meet with the management of that facility. They looked me dead in the eyes and said, ''Congressman FIELDS, it is because of programs like the drug elimination program that we are able to run the drug dealers and drug pushers out of our community.''

Now we are here tonight talking about the very program that is benefiting this housing facility and we are talking about cutting it out. I said earlier on the House floor tonight that we are already cutting out drug-free schools and communities. We are telling kids in public school that we are not going to teach you to say no to drugs; we are just going to say, ''Just say no to drugs,'' but we will not teach about drug education. We are telling kids in public housing that they can use drugs by eliminating the drug elimination program.

Ms. KAPTUR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 2½ minutes.

Ms. KAPTUR. Mr. Chairman, let me just say, in response to the gentleman from Florida who spoke about will the FEMA account be whole, I served on the Committee on Appropriations for three terms now. There are funds in the FEMA account. In fact, we have moved other funds from the FEMA account, because they were unexpended, to other purposes within the bill.

In addition to that, these dollars for the drug elimination program do not spend out at a 100 percent rate, they spend out at a 7 percent rate, which means that the drawdown would be very slow and measured. I think it would be very unwise of us, however, to zero out an account that has been in existence and working since 1988 and having success throughout this country in every State in the Union, in towns and cities whose names you will recognize on this list of beneficiary communities.

In my own community of Toledo, Ohio, I can tell you that in one year the presence of this program resulted in a 20 percent reduction in crime associated with drugs in the neighborhoods that benefited from the program. Security cars, police monitoring, work with the sheriff, all of the various patrols that were necessary have made an incredible difference.

Mr. Chairman, I think that for those of our colleagues who may not be familiar with this program, please think carefully before you vote on this. It is likely your community is on this list. If you are not sure, come and see me, but, in any case, over 2,000 communities across this country are benefiting today. The other dollars in the accounts that exist in this bill have been cut substantially by almost 25 percent.

The dollars are not there for your mayors to choose between will they take care of the homeless when those funds are cut by half or will they deal with drug dealers in these neighborhoods. We must earmark these dollars. The money is there in FEMA. We are not asking for a whole lot. This will make a tremendous amount of difference. Let us put these people in jail and clean up our streets. Please vote ''yes'' on the Kaptur amendment.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have discussed this earlier, but the intriguing thing about the amendment of the gentlewoman from Ohio [Ms. KAPTUR], which is different than the amendment she had earlier, is that she is recommending that one take $234 million and transfer it from FEMA to the public housing modernization account. That is a reflection of my earlier commentary that we are hopeful that that modernization account will become a vehicle for a new war on drugs in these very same facilities that we are worried about. We are all in the same ballpark in that connection.

Mr. Chairman, the problem lies in that if you take all that money from FEMA, suddenly you have no disaster assistance. If we were actually talking about budget authority instead of outlay, we would be busting the budget and it would not be in order at all. Having said that, we do not want to zero FEMA, and let me suggest why we do not need to.

As we said earlier, within the current public housing modernization accounts, in this year's proposal there is $2.5 billion. Left over in former accounts from former years there is another $6 billion. To say the least, those accounts do not just spend out slowly; the agency has not been very good at using those moneys. Now, I think between the gentlewoman and myself and my ranking member we can encourage them to tap some of that money and make sure it is used for this purpose without having to strip FEMA.

Mr. Chairman, I do not want to lessen the commitment any more than the gentlewoman does, but we do not want to find ourselves in a position where we zero out FEMA, and, only because of that, I have to ask for a ''no'' vote on the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment of the gentlewoman from Ohio [Ms. KAPTUR].

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

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] will be postponed.

Are there other amendments to title II?

Mr. TORRES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from California, the chairman of the subcommittee, if he will please engage me.

As the chairman and I have discussed along with the ranking minority member, there is a contentious provision in the VA–HUD appropriations bill which prohibits funding for HUD in certain instances. HUD would no longer have the ability to investigate under the Fair Housing Act any State or local unit of government that has adopted a law or a regulation requiring the spoken or written word of the English language or declaring English as the official language. This comes as a result of a case in the town of Allentown, PA, which has passed a nonbinding English-only resolution.

After HUD reviewed the case, it determined that there was not any discrimination because the resolution was nonbinding and not an ordinance of fact. Therefore, it was not enforced. The Office of Fair and Equal Housing did its job and the system worked.

Mr. Chairman, this provision in the bill seeks to respond really to a nonissue. I am asking the chairman in this instance whether he could provide some assurances of rather than belaboring this issue here late into the night tonight that we might have some resolution in conference.

Mr. LEWIS of California. If the gentleman will yield, first I very much appreciate the gentleman asking me to enter into this colloquy, for I feel very strongly that the gentleman is on the right track. I think he has described the circumstances accurately. There is not an ordinance, or a local law in place. It is not necessary to have this language. It seems to me as we go to conference in view of that, that we ought to be working to eliminate this language. I feel very strongly that the voice of the gentleman ought to be heard in these matters and I am going to do all that I can to see that it is heard.

Mr. TORRES. I thank the gentleman for his assurances to work on this.

Mr. LEWIS of California. If the gentleman would yield further, you were describing to me earlier some very specific circumstances relative to a danger sign and otherwise. I think it would be helpful to have some of that concern on the record.

Mr. TORRES. The issue here is at the whole question of English-only provisions, where we have instances, as I am talking about now in public housing, where there may be elderly persons, American citizens, who because of their age have not learned exact English, cannot read difficult, intricate instructions; notice of eviction, notices of an impending tornado coming or a hurricane, or perhaps even a sign. The fact that a sign is written in a non-English language really would give rise to this kind of onerous provision. My point is that we cannot begin to impose these kind of English-only provisions where we have lives at stake, where we have the security and the safety of people in effect. This is the basis for this kind of provision which I do not feel has any place at this time.

Mr. BONILLA. Mr. Chairman, I move to strike the last word to engage with the subcommittee chairman in a colloquy about an often forgotten group of Americans, that is, specifically families that live in colonias along the United States-Mexico border.

Today as we consider this VA-HUD appropriations bill on the floor, I ask my colleagues to seek justice, fairness and equity for the poor American families living in these colonias.

I along with other border area representatives have worked hard to educate our colleagues in Congress about how desperately these colonias need basic infrastructure and sanitation, a lot of things that we that live in neighborhoods throughout this country often take for granted.

The colonias are substandard residential subdivisions located along the United States side of the border with Mexico. Most colonias are unincorporated, low income, primarily Hispanic neighborhoods with substandard housing, unpaved roads and inadequate drainage. Even though we are now in the mid 1990s, these American citizens do not have running water in their homes and are forced to use outhouses or substandard septic tanks in their homes.

The human cost is staggering. The Texas Water Development Board estimates that in Texas alone, there are 300,000 residents living in 1,200 colonias.

Last year, with the help of the gentleman from Ohio [Mr. STOKES], we were fortunate to get congressional funding for the first time for colonia water projects and we appreciated the efforts of my friend the gentleman from Ohio very much.

This year as we work to set priorities and reduce the Federal deficit, I want to thank the gentleman from California [Mr. LEWIS], the chairman, for demanding a meaningful commitment to improving the health and environmental conditions along the 2,000-mile Texas-Mexico border.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, first I want my colleagues to know that the gentleman from Texas has been very, very effective in advocating his case regarding this problem, communicating to each of us just how serious it is. The committee's action provides a major step in making sure Americans who live in the colonias are truly part of America. I very much appreciate not just your work but the courtesy and intelligence with which you have shared your problems with me. We look forward to continuing to work with you and help in every way we can.

Mr. BONILLA. I thank the chairman. The committee has allocated $100 million for projects that will address many of these water problems along the border. I would also like to thank the chairman for his work for the concerns of many other Hispanic issues along the border from Texas all the way to California, the gentleman's home State. He has been more than understanding and compassionate as we have dealt with these tough appropriations matters in the last year.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from California [Mr. LEWIS].

Mr. Chairman, on June 24, a community called Pleasantville in Houston, Texas, some 40 years old, 3,000 families, experienced a warehouse fire just behind their pecan trees, a major warehouse fire of some 500,000 square feet, a warehouse filled with drums holding various chemicals including corrosives, flammables, combustibles, plastics and other hazardous items.

These people had been living in their community for quite a long time and were concerned that they were now neighbors to what might be called a hazardous site. As the gentleman might be aware, I have an amendment proposed. However, I would like to make sure that in discussing this issue with you, and I can share with you the anecdotes or the stories about ''Meeting on Fire Does Little to Douse Residents' Worries'' and ''Residents Fear Rebuilding of Burned Warehouses,'' and, of course, ''More Soil Samples Necessary to be Taken to Check for Contamination.''

But the real issue, Mr. Chairman, is the utilization of Superfund dollars to do emergency cleanups near residential areas. When I say ''near,'' I am talking about your backyard looking at the warehouse.

This is a very close community. Before offering this amendment, I would like to see whether or not we can engage in an agreement to emphasize before the Environmental Protection Agency the importance of emergency cleanups near residential areas and the fastness, if you will, of that cleanup.

I might add, Mr. Chairman, in inquiring of the Environmental Protection Agency to assist us, though they have worked with our State agencies and our local government has worked tirelessly, there was a question of resources and a question of speed. But yet I have these 3,000 families, some of them senior citizens, and I was out there on the day of the fire. Immediately upon hearing of this incident, out to the shelter, out into the neighborhood, I could not breathe.

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And there is still an air quality problem and there is still a need for soil

samples and wipe samples. So, Mr. Chairman, I would like to see whether we can provide some guidance to the EPA but as well work on this issue with reference to conference.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the gentlewoman bringing this matter to my attention. It is obviously a very serious circumstance. I think the gentlewoman heard me say that one of my difficulties with EPA is sometimes they are not nearly so responsive as I might like. But in Superfund, especially, we have had, to say the least, some major problems with the way that program is implemented.

To suggest that Superfund might be able to be used effectively as an advisor as well as a source of revenue and otherwise to deal with a human circumstance like this tells a different story that is a very important story. I would be more than pleased to work with the gentlewoman and communicate with EPA, but to push them also to be responsive to this serious emergency circumstance.

I might further suggest that FEMA, indeed, could be a source as well and I would like to talk with the gentlewoman carefully about various avenues that we could pursue. My ranking member, the gentleman from Ohio [Mr. STOKES] is more than responsive to me in these kinds of circumstances and it is my guess that working with the gentlewoman, we together could have an effect and I know that we both would be willing to.

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for that. The gentleman from Ohio, Mr. STOKES, has been stellar in terms of issues dealing with communities, but particularly in mentioning this issue to the gentleman, I was very gratified of his concern.

This has disturbed this community now for a number of weeks in the very hot summer. In fact, they are now on their third blaze on this site. Mr. Chairman, I would say to the gentleman from California and to the ranking member, Mr. STOKES, I would hope that maybe we could also confer before conference to have this possibly referred there and utilized there.

Mr. LEWIS of California. Mr. Chairman, I must say, that the gentlewoman is demonstrating a good deal of understanding of the process by raising the question in this fashion, for should we wait for some preliminary action at least all the way through conference, that could take us to September or October, and Lord knows what happens beyond that.

In the meantime, we ought to be acting on this and I intend to do everything I can, along with the gentleman from Ohio [Mr. STOKES], and indeed if we have not come close to helping the gentlewoman solve the problem by then, conference is very appropriate.

Ms. JACKSON-LEE. Mr. Chairman, I would like to join the gentleman in that and work as we speak, and that means immediately, in order to solve this problem for this community.

I thank the chairman of the subcommittee for his willingness to work with me, and I thank the gentleman from Ohio [Mr. STOKES], the ranking member, for his leadership. I think we can get this problem solved and get these folks in Pleasantville, in the City of Houston, the service they need with respect to this hazardous fire and the warehouse situation and cleanup as well.

Mr. LEWIS of California. Mr. Chairman, to my knowledge, there are no additional amendments to title II. I would hope that what we might do is proceed to title III and then move to the DeFazio amendment, as per our earlier agreement.

The CHAIRMAN. Are there any further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: *Provided,* That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further,* That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further,* That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Of the funds appropriated under this heading in Public Law 103–327, the Corporation for National and Community Service shall use such amounts of such funds as may be necessary to carry out the orderly termination of (1) the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103–82); (2) the Corporation; and (3) the Corporation's Office of Inspector General.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,296,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $384,052,000, to remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND COMPLIANCE

For environmental programs and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchases of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; and for necessary expenses, not otherwise provided for, for personnel and related costs and for travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; $1,881,614,000, to remain available until expended: *Provided,* That none of the funds appropriated under this heading shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further,* That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further,* That for this fiscal year and thereafter, any industrial discharger to the Kalamazoo Water Reclamation Plant is exempt from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for its industry and (2) the State or the Administrator, as applicable, approves

such exemption request based upon a determination that there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through: *Provided further,* That none of the funds appropriated under this heading shall be obligated or expended to implement or enforce section 118(c)(2)(C) of the Federal Water Pollution Control Act, as amended: *Provided further,* That none of the funds appropriated under this heading may be made available for the implementation or enforcement of the stormwater permitting program under section 402(p) of the Federal Water Pollution Control Act, as amended: *Provided further,* That none of the funds appropriated under this heading shall be made available for the enforcement of permit limits or compliance schedules for combined sewer overflows or sanitary sewer overflows under section 402 of the Federal Water Pollution Control Act, as amended: *Provided further,* That none of the funds appropriated under this heading may be used to implement or enforce section 404 of the Federal Water Pollution Control Act, as amended: *Provided further,* That none of the funds appropriated under this heading may be made available for the development and implementation of new or revised effluent limitation guidelines and standards, pretreatment standards, or new source performance standards under the Federal Water Pollution Control Act, as amended: *Provided further,* That the limitations on the use of funds set forth in the previous four provisos shall have no force and effect upon enactment of legislation which further amends the named sections of the Federal Water Pollution Control Act, as amended, in each of the previous four provisos: *Provided further,* That none of the funds appropriated under this heading may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act, as amended, shall not apply with respect to any such requirement: *Provided further,* That none of the funds appropriated under this heading may be used to assign less than full credit for automobile emissions inspections programs required under section 182 (c), (d), or (e) of the Clean Air Act, as amended, on the basis of network design equipment unless the Administrator determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate: *Provided further,* That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further,* That none of the funds appropriated under this heading may be used to develop, propose, promulgate, issue, enforce, or to set or enforce compliance deadlines or issuance schedules for maximum achievable control technology standards pursuant to section 112(d) of the Clean Air Act, as amended, for the category proposed to be regulated at Vol. 59, Federal Register, No. 135, page 36130, dated July 15, 1994, and for purposes of this provision, section 304 of the Clean Air Act shall not apply: *Provided further,* That none of the funds appropriated under this heading shall be obligated or expended to take any action to extend the risk management plan requirements under section 112(r) of the Clean Air Act, as amended, to the domestic oil and gas exploration and production and natural gas processing industry: *Provided further,* That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing a national primary drinking water regulation for radon and other radionuclei: *Provided further,* That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing any proposed national primary drinking water regulation for arsenic: *Provided further,* That none of the funds appropriated under this heading may be used to issue or enforce any requirement not otherwise authorized under existing law or regulation with respect to combustion of hazardous waste prior to promulgation of final regulations pursuant to a rulemaking proceeding under the Administrative Procedure Act or to impose or enforce any requirement or condition of a permit, including the use of an indirect risk assessment, or to deny a permit pursuant to section 3005(c)(3) of the Resource Conservation and Recovery Act, as amended, unless the Environmental Protection Agency follows the procedures governing the use of authority under such section which it has set forth at 56 Fed. Reg. 7145, note 8, February 21, 1991: *Provided further,* That none of the funds appropriated under this heading may be used to issue or enforce any regulatory standard for maximum achievable control technology (MACT) for hazardous waste combustion under any statute other than the Clean Air Act, as amended, issue any such standard without first determining that in calculating the MACT floor emission levels for existing sources under section 112(d)(3) of the Clean Air Act, as amended, one-half of the currently operating facilities in the group of sources that make up the floor pool for that category or subcategory actually achieve the MACT floor levels for all of the hazardous air pollutants to be regulated: *Provided further,* That none of the funds appropriated under this heading may be used to promulgate, implement, or enforce sections 502(d)(2), 502(d)(3), or 502(i)(4) of the Clean Air Act, as amended, against a State which is involved in litigation regarding provisions of title V of the Clean Air Act, as amended: *Provided further,* That none of the funds appropriated under this heading may be obligated or expended to require facilities to submit any data pursuant to section 313(a) of the Emergency Planning and Community Right-to-Know Act or section 8 of the Toxic Substances Control Act, as amended, that is not specifically enumerated in said sections, including mass balance, materials accounting, or other chemical use data: *Provided further,* That none of the funds appropriated under this heading may be used to revoke, or require the issuance of, a food additive regulation under section 409 of the Federal Food, Drug and Cosmetic Act for a pesticide in processed food where there is a tolerance established under section 408 of said Act for the pesticide on the raw commodity from which the processed food was made, and may not be used to revoke, or deny the issuance of, a section 408 tolerance for a pesticide on a raw agricultural commodity solely on the basis that a food additive regulation cannot be issued or maintained under section 409 of said Act for the pesticide in a processed form of the commodity: *Provided further,* That none of the funds appropriated under this heading may be used to exclusively regulate whole agricultural plants subject to regulation by another federal agency: *Provided further,* That none of the funds appropriated under this heading may be used to obtain a voluntary environmental audit report or to assess an administrative, civil or criminal negligence penalty, in any matter subject to a state law providing a privilege for voluntary environmental audit reports or protections or immunities for the voluntary disclosure of environmental concerns.

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, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,542,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $28,820,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,003,400,000 to remain available until expended, to be derived from general revenues: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That $5,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $62,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: *Provided further,* That no part of any appropriation made under this heading shall remain available for obligation beyond December 31, 1995, unless the Comprehensive Environmental Response Compensation, and Liability Act of 1980 has been reauthorized.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided,* That no more than $5,285,000 shall be available for administrative expenses: *Provided further,* That $426,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990,

$20,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $8,420,000 of these funds shall be available for administrative expenses.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

For necessary expenses for capitalization grants for State Revolving Funds to support wastewater infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, the Water Quality Act of 1987, and section 1443(a) of the Public Health Service Act, $1,500,175,000, to remain available until expended, of which $1,000,000,000 shall be for capitalization grants for Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $100,000,000 for architectural, engineering, design, construction, and related activities in connection with the construction of high priority wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commissions; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State sources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native Villages; $22,500,000 for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 for making grants under section 319 of the Federal Water Pollution Control Act, as amended; $75,000,000 for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $137,675,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions set forth in the House Report accompanying this Act: *Provided,* That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State Revolving Funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended: *Provided further,* That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: *Provided further,* That appropriations made available under this heading to carry out the purposes of the Federal Water Pollution Control Act, as amended, shall be available only upon enactment of legislation which reauthorizes said Act.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

To carry out the orderly termination of the programs and activities authorized by the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $1,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $320,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $162,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,400,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $203,044,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided,* That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations: *Provided,* That none of the funds appropriated in this Act for the Federal Emergency Management Agency (FEMA) shall be available for any further work on effective Flood Insurance Rate Maps for the City of Stockton and San Joaquin County, California based on FEMA's restudy of flood hazards on South Paddy Creek, Middle Paddy Creek, Paddy Creek, Bear Creek, Mosher Slough, Calaveras River, Potter A Slough, Potter B Slough, Mormon Slough, and the Diversion Channel.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: *Provided,* That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed $2,502,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,811,000: *Provided,* That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1996, gifts for

the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further,* That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,449,600,000, to remain available until September 30, 1997: *Provided,* That of the funds made available under this heading, $390,000,000 of funds provided for Space Station shall not become available for obligation until August 1, 1996 and shall remain available for obligation until September 30, 1997.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,588,000,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,618,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

No amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act. The Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration shall convey, without reimbursement, to the State of Mississippi, all rights, title and interest of the United States in the property known as the Yellow Creek Facility and consisting of approximately 1,200 acres near the city of Iuka, Mississippi, including all improvements thereon and also including any personal property owned by NASA that is currently located on-site and which the State of Mississippi requires to facilitate the transfer: *Provided,* That appropriated funds shall be used to effect this conveyance: *Provided further,* That $10,000,000 in appropriated funds otherwise available to the National Aeronautics and Space Administration shall be transferred to the State of Mississippi to be used in the transition of the facility: *Provided further,* That in consideration of this conveyance, the National Aeronautics and Space Administration may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States: *Provided further,* That the conveyance of the site and the transfer of the funds to the State of Mississippi shall occur not later than thirty days from the date of enactment of this Act.

The Administrator of the National Aeronautics and Space Administration shall conduct a study of the closing or re-structuring of Space Flight Centers and Research Centers. The study shall include an analysis of functions currently being performed at each Center, the cost of performing each function at its current location and at logical alternative Centers, the schedule for transitioning functions to alternative Centers, and the overall cost savings which will be derived from the closing or re-structuring of each Center. The findings of the study, including a detailed schedule for completion of the re-structuring, shall be submitted to the Congress no later than March 31, 1996. Closure or re-structuring of these Centers shall be completed no later than October 1, 1998.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,254,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended

(42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

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, $4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: *Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to proceed to the DeFazio amendment with a time agreement of 10 minutes per side with votes thereon to be rolled, likely until tomorrow.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DEFAZIO. Mr. Chairman, reserving the right to object. Although one amendment was proposed, it was found to not be germane. It will be 10 minutes on the underlying amendment.

Mr. LEWIS of California. Mr. Chairman, it is my understanding that there could be a perfecting amendment that would be found out of order.

Mr. DEFAZIO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT NO. 34 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. 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. DEFAZIO: Page 8, line 9, strike ''$16,713,521,000'' and insert ''$16,725,521,000''.

Page 79, line 23, strike ''$22,930,000'' and insert ''$6,000,000''.

Mr. SOLOMON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] is recognized for 10 minutes.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the issue before us is the issue of Selective Service, a vestigial bureaucracy of the cold war. The subcommittee in its wisdom eliminated funding for the Selective Service, reduced it by $17 million, with the idea that the agency itself would be eliminated.

My amendment would reduce the funding by $17 million, but put the agency into deep standby; that is, give it an opportunity to enter into the late 20th century and develop off-the-shelf technology in case of the remote happenstance of a conscription in a national emergency, that they could go forward, but not continue the postcard registration that is in effect today.

Mr. Chairman, from the beginning there has been no military necessity for Selective Service and the registration, the roster report. Jimmy Carter's 1979 Director of Selective Service found that 8 to 10 days could be saved by registration, but that because of the bottleneck at the training facilities, not one troop would be delivered one day sooner to the battlefield, and of course that day would not cutback very much on training.

In the Department of Defense a 1993 report found that there was no military necessity for continuing draft registration. This is an opportunity to save $17 million over the outyears, that is $102 million in our 7-year objective to balance the budget, which I support.

For this year, we would move $17 million into the underfunded VA medical account. We would also eliminate an unfunded mandate. It is an unfunded mandate, because every university in every jurisdiction that administers a college or student loan program is required to determine whether or not those students have registered for the draft and are currently registered for the draft and whether their address is current.

So we have an opportunity to eliminate a bureaucracy which has no national security purpose and to save funds. This is a great opportunity for this House to go on record, as the House did 2 years ago for 1 month, until we ceded to the Senate, that this is a bureaucracy whose time has passed. We can save money and remove the burden of draft registration from our young people.

Mr. Chairman, patriotism does not come in a postcard, unless you have some bizarre Publisher's Clearing House view of what constitutes patriotism and Selective Service. This is the postcard every young man between 18 and 25 must fill out every time they move.

It is time to do away with this bureaucracy and cede to the economic realities.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not stand on this floor and protect Federal spending very often. As a matter of fact, in the last several weeks, I have voted to cut projects in my own district because it is so serious that we get this budget balanced.

This is an important issue. This is national defense. The Joint Chiefs of Staff oppose this amendment. The Committee on National Security, the committee of jurisdiction, opposes it. The National Security Advisor opposes it. President Clinton opposes it.

But let me read a letter, just in case my colleagues do not see through the subterfuge of abolishing this department and putting the money into veterans affairs. The American Legion and the veterans organizations do not want that money put over there. They want the program protected.

Mr. Chairman,

The American Legion strongly opposes the amendment proposed by PETER DEFAZIO. The American Legion supports the retention and full funding of the Selective Service registration program as being in the best interests of all Americans.

The Selective Service System is a proven, cost-effective, essential and rapid means of reconstituting the required forces to protect our national service.

Let me read you the most important part:

Removing this rite of passage for a young man would reduce each man's level of consciousness about military service and obligation to defend our country.

I want my colleagues to go home this August break. I want them to go into their offices where the recruitment offices are right next door and I want my colleagues to ask the recruiters. They are having trouble today getting young men and women to voluntarily serve in our all-voluntary military.

Mr. Chairman, these lists are very important tools. We have high schools that will not let recruiters on campus; we have colleges that will not let recruiters on campus. These lists are where we get the names to tell these young men and women what an honorable career it is to serve in the U.S. military in service to their country.

Mr. Chairman, that is why we need to preserve this measly $16 million. It is money well spent for the national security of this country.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

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

Mr. DORNAN. Mr. Chairman, the gentleman from New York [Mr. SOLOMON] and I were at the dedication today on the 42d anniversary of the Korean war where Mr. Clinton delivered a beautifully written speech about how important it was to preserve liberty in South Korea.

I thought it was equally important to preserve it in South Vietnam, but at the end of the debate, when we are out of the Committee of the Whole, I will put in the whole text of Bill Clinton's letter to the Commander of the ROTC on December 3, 1969.

Here is what he says about the draft. He says,

The draft was justified in World War II, because the life of the people, collectively, was at stake. Individuals had to fight, if the Nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case, nor was Korea an example.

Clinton had exceptions with Korea in spite of his remarks today, and he certainly had exceptions with Vietnam. But remember, Clinton did register for the draft. His problems came much later.

Mr. Chairman, I submit the following article for the RECORD.

TEXT OF BILL CLINTON'S DECEMBER 3, 1969 LETTER TO ROTC COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to ''participation in war in any form.''

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war. I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1–D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, practically speaking, the draft and draft registration is a waste of scarce tax dollars, a waste of $17 million this year alone. The draft itself will likely never serve our national security needs, especially in an era of high-tech weapons and computerized weapons systems.

That is speaking practically. Speaking philosophically, unless war is declared, indicating an overwhelming support by the American people, a peacetime draft is totally inconsistent with our national tradition.

Many of those who arrived on our shores and built this great land of liberty were escaping despotism, the despotism of their native lands, which more than anything else was signified by the tyranny of conscription. Only during the cold war was a peacetime conscription tolerated in the United States, and even then, after two decades, it was abandoned with the support of Richard Nixon, Barry Goldwater and Ronald Reagan.

Mr. Chairman, it is long overdue that we quit wasting money on this anachronism which has nothing to do with the security of our country and everything to do with egos that are trying to prove a point in an argument that should have ended over 20 years ago.

Finally, the American military is a fine example, a shining example, of volunteerism. The strength of our country is in its love of liberty and freedom. Our military today represents that love of liberty because they are volunteers.

Liberty will be safe as long as our people who serve this country, the brave men and women who volunteer, are willing to do so. We should honor them by trusting our people, and we will be free as long as they stand strong and we stand behind them.

We stand for the principles of liberty and justice and democracy that brought people to these shores 200 years ago at the founding of our country.

□ 2200

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Oregon [Mr. DEFAZIO]. The Selective Service System is working well; it is not broke, it does not need fixing. I would say that the system is an insurance policy against the unknown.

We did not know what would happen in the Persian Gulf war. We almost had to go back to the draft because when you have a war, young men and women do not come in and volunteer.

We need this system; it is in place. It does not cost a lot of money; it costs less than one Apache helicopter. We have 11,000 volunteers around the country working for the Selective Service. They believe in it.

Mr. Chairman, the young men of this country, 98 percent of them, have signed up when their time came. When they have reached 18, they have gone right to the Post Office, they have signed up with the Selective Service System. They like to carry the card; it is a patriotic duty and they appreciate it.

So let us vote down the DeFazio amendment and move ahead with other important issues.

Mr. Chairman, I rise in opposition to the DeFazio amendment. I support the actions of the full Appropriations Committee to provide $23 million for the Selective Service System for fiscal year 1996.

This funding is an inexpensive insurance policy against the unknown. We ought to keep that policy in force.

It has the bipartisan support of the House Republican and Democratic leadership, President Clinton, and the Department of Defense.

It is also backed by all the Nation's military and veterans organizations, as well as the more than 11,000 Selective Service volunteers across America who will make the process work if it is activated.

And while this is a relatively small amount of money, decisions regarding the future of this agency should not be budget-driven at all. They should really be considered on national security grounds.

Since early in this century, we have always had an organized capability to plan for, and to conduct, a draft in a crisis. It has served us well. Now is not the time to terminate that capability.

Registration is a quick and easy process that has always been accepted among our 18 year olds. The compliance rate has been steady at 98 or 99 percent over the years.

I believe the young people look upon this as a patriotic duty, and that they would be ready to answer the call, if we faced a national crisis.

Funding the Selective Service System does not promote a military draft. I don't support a draft. The all-volunteer force has worked, and continues to work in our Nation's defense. But no one can predict when we might have another war.

If this country were forced into a full-scale crisis, we would need more people than our scaled-down all-volunteer force could provide.

We simply would be unable to quickly mobilize large numbers of people without the Selective Service System.

We all hope our country never again faces an national emergency, but we ought to be prepared for such an action. Selective Service provides us that ability.

It is efficiently run and its computerized data base can mobilize large numbers of people in a short period of time.

If we cut this funding for Selective Service today, it could take a year or more to start up again in a crisis. That might be too late in a national emergency.

Can we afford to gamble that our country will never again face a national crisis? I think the answer is no. We have an inexpensive hedge against such a crisis with the Selective Service System. Let's keep it. Oppose the DeFazio amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the DeFazio Selective Service amendment.

You know, the world is a dangerous place today. We see hot spots all over the world, in a mode of uncertainty for all of us. It is important that we have a ready defense.

Mr. Chairman, let me read from the President's May 18, 1994, letter to the Speaker of the House in which he says,

I have decided that it is essential to our national security to continue draft registration of the Selective Service system. While tangible military requirements alone do not currently make a mass call-up of American young men likely, there are three reasons I believe we should maintain the Selective Service and the draft registration requirement.

Maintaining that system provides a hedge against unforeseen threats.

Terminating this system now can send the wrong signal to our potential enemies.

As fewer and fewer members of our society have direct military experience, it is increasingly important to maintain the link between the all-volunteer force and our society at large.

Mr. Chairman, I urge my colleagues to vote in opposition to the DeFazio amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise to join the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from California [Mr. ROHRABACHER] in offering this amendment to end peacetime draft registration.

Mr. Chairman, it pains me to oppose my good friend, the gentleman from New York [Mr. SOLOMON] on this issue as I consider the gentleman one of the most patriotic Members of this Congress.

Mr. Chairman, the VA–HUD appropriations bill includes $23 million for Selective Service. The Selective Service, as we know it today, was created by President Carter to respond to fears that regional conflicts of the Soviet Union would grow and lead to a superpower showdown. The national defense structure at that time had been gutted and allowed the volunteer Armed Forces to fall to dangerously low levels.

No wonder we created a peacetime draft. We could not get Americans to volunteer for service.

Mr. Chairman, that is not the case today. This Congress has made a commitment to a strong national defense. We intend to keep military personnel equipped and ready to fight.

We have over 1 million active duty troops. We have over 1 million trained Select Reservists, and we have almost 800,000 Standby Reservists. We have 3 million volunteers, young men and women ready to give their lives in defense of America's freedom.

In almost 10 years of the Vietnam war, just under 2.5 million Americans were sent to the combat area; one of every four of those young Americans were drafted. In 10 years we did not send the number of volunteers that can be deployed from our shores today.

Mr. Chairman, I use this example to show that the amendment will not leave the U.S. defense vulnerable. We have 3 million volunteers ready to fight. By cutting $17 million, this amendment leaves $6 million to keep an on-the-shelf system that would in a short period of time be able to augment the volunteer Armed Forces. The $17 million will be transferred to add to the veterans' medical care.

Mr. Chairman, let me sum this up. This amendment is prodefense because

instead of feeding a useless bureaucracy, it adds funding to care for the men and women who have defended our liberty. I ask, which is better, to create a strong fighting force or a bloated Federal bureaucracy?

Mr. Chairman, I urge my colleagues to vote for the Nation's veterans, vote yes on this amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], a World War II veteran, and both of his sons served in the Persian Gulf war. I am pleased to yield to him.

Mr. DE LA GARZA. I thank the gentleman for yielding time to me.

Mr. Chairman, I want to bring another perspective to this debate. One is that I served in the Navy at the end of World War II and then I served during the Korean war. I was in the Reserves in between. One of the regrets of my life is that I never got to register for the draft.

Mr. Chairman, the perspective in my area, though, is we have high schools waiting for ROTC, we have colleges waiting for ROTC. Registering raises the consciousness of our youth, and I think that it is a pride.

Mr. Chairman, I know that there is a technical aspect to it to have to enlist and to be prepared, but it adds to our young people's consciousness that we have a country, that we have fought wars, and that there may be the possibility of other wars.

I think that the money is very little for the effort that is done mostly by volunteers, but I think the young people deserve the opportunity to show that they want to serve their country.

Mr. DEFAZIO. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the DeFazio amendment. It transfers $17 million from the Selective Service account to the VA medical care account.

The opposition to this amendment argues that the Selective Service is a visible symbol of national security, a symbol that we need to protect. Well, $23 million is an awfully expensive symbol. The Department of Defense has stated, and I quote, ''Peacetime draft registration could be suspended with no effect on military mobilization requirements.''

I will repeat that. The Department of Defense: ''Peacetime draft registration could be suspended with no effect on military mobilization requirements.''

Mr. Chairman, the Pentagon goes on the say that with over 1 million trained members in Select Reserve units, plus another 750,000 individual Ready Reserve personnel, we already have the ability to augment active forces through the early days of a major conflict.

If we want a real symbol of patriotism, let us honor those veterans who have made the sacrifice for our Nation. Let us show veterans who have made the ultimate offering that this country has not forgotten them.

Mr. Chairman, we just dedicated a memorial to our veterans of the Korean war, showing our praise and thanks to American servicemen. We must not let them think that in just a matter of hours, we have forgotten the sacrifices they made.

Mr. Chairman, I urge my colleagues to vote for this amendment to help VA medical and vote for those veterans to whom we owe so much.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, we have lost sight of first principles. This country was founded on the spirit of liberty, that what we give to our country, we give voluntarily.

The Peace Corps voluntary service is voluntary. The draft is not in the spirit of American liberty. It was a concession, a concession to danger and to reality. For most of American history, we did not have it, and then we blessed ourselves as different from the tyrannies of Europe that had it.

Mr. Chairman, for the last 50 years of war, hot and cold, we had to have it, of necessity. But now we do not. We have 2 million men and women under arms, as much as the rest of the planet combined. We would have plenty of time to prepare and to reinstitute a draft if some other nation began arming to match us with supposed danger. There is no danger that justifies this departure from our traditions of liberty.

Mr. Chairman, let us remember what this country is about. A draft, a Selective Service System is obnoxious to the spirit of liberty and ought not to be maintained except as a concession of danger which does not now exist. So I support the amendment.

Mr. DEFAZIO. Mr. Chairman, I am going to reserve the balance of my time to close. I believe I have 1 minute.

Mr. MONTGOMERY. Mr. Chairman, I would like to yield 1 minute to the gentleman from Tennessee [Mr. TANNER], a Vietnam hero veteran.

Mr. TANNER. I thank the gentleman for yielding time to me.

Mr. Chairman, I spoke yesterday on the floor on what I thought was a short-sighted amendment. But may I say to my friends, and I understand the arguments on the other side, but I would say in this new world order, this is probably one of the most short-sighted amendments we could adopt, and I say that for this reason: None of us can see the future. All of us know, realize, and understand that one of our roles as the United States of America today is as the leader of the free world.

The least we can ask of our citizens, our young people in this country is to register. Most of our NATO allies have compulsory service. We ask only for registration. Mr. Chairman, I say to my friends, that is not too great a price to pay for our liberty.

I would hope that we would reject this amendment out of hand. I used to serve in the Selective Service; we would have a ready pool if something untoward happens in this world. None of us can see the future, and I hope we reject this ill-timed amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield my last minute to the gentleman from Washington [Mr. DICKS], a great patriot and a great American.

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

Mr. DICKS. Mr. Chairman, I rise in support of the position of the gentleman from Mississippi [Mr. MONTGOMERY] on this issue, because I believe that having a Selective Service System in place maintains American readiness, and that is the crucial issue. If we do not have a Selective Service System in place, we would have to reconstitute it, if we had to go to a draft, and it would take a long period of time to do that, at least 2 years.

So I would tell the gentleman from Oregon [Mr. DEFAZIO] that all those veterans that we all support in terms of health care would much prefer the country being prepared, keeping this tool in place.

What is the compliance rate? Ninety-nine percent of our young people have been willing to register without any objection. So this is a good tool, a good mechanism, and I think it keeps our country prepared.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the outstanding gentleman from New York City [Mr. FLAKE], a longstanding member of this body.

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

Mr. FLAKE. Mr. Chairman, I realize that some would consider this to be a peculiar time and a peculiar moment for me to be standing on the Floor. One of the things I have done is, I have analyzed the problems that have developed in this Nation. For the African-American community in particular, I would suggest that one of the worst calamities ever to happen was the elimination of the draft.

Mr. Chairman, I am a civil libertarian. But I also understand one thing, that when African-American young men can be taken off street corners, put into a disciplined environment, be able to leave their corner and understand there is a bigger world for them; when they come back they have a sense of discipline, they have an understanding of what it means to be able to make a contribution not only to their own lives, but to the lives of others.

□ 2215

They learned discipline. They learned what it meant to be able to take care of their responsibilities, and they got two major benefits: They had an educational benefit so that they could get

an education; and they had an opportunity to purchase their first asset, which was a home.

Mr. Chairman, I believe tonight when we talk about eliminating the Selective Service System, one of the problems I have is when we spend so much money building jails, we ought to consider that we ought to do more to put these young people in a situation where they could do something positive.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 30 seconds.

Mr. SOLOMON. Mr. Chairman, let me just say to my good friend, the gentleman from New York, Mr. FLOYD FLAKE, amen, amen, amen. Yes, they do. They learn a little pride, they learn a little patriotism, they learn how not to use drugs, they even get a little religion. Is that not wonderful for this country?

Please vote against the DeFazio amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oregon is recognized for 1¼ minutes.

Mr. DEFAZIO. Mr. Chairman, we are getting a little afield here. This is not about reinstating the draft. We are not about that. The military does not want it. In fact, the Department of Defense has said peacetime draft registration, not conscription, could be suspended with no effect on military mobilization requirements.

Ronald Reagan said, ''I believe this proposal, draft registration, is an ill-conceived one and should be rejected. Advance registration will do little to enhance our military preparedness.'' That was from Ronald Reagan and the Department of Defense.

If this is what we think brings patriotism and citizenship to our kids, not good schools, not decent housing, and all the other things we are eliminating here on the floor, this is an opportunity to eliminate an obsolete Federal bureaucracy and put in place a standby system which uses modern computer technology, if indeed a calamity ever comes, and if indeed we ever have to go back to conscription, which I do not believe we will, but we will have that as a standby system.

This is 1940's technology. This is not citizenship, except in some bizarre Publisher's Clearinghouse view of the world where you send in a postcard every time you move. That is not teaching our young people the values that we need to instill.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to this amendment to eliminate the Selective Service System. The sponsor says that his amendment does not terminate the program, but puts it on standby. To me, this effectively terminates the program.

How do you put an organization which has a standby function for our armed forces on standby? You don't and you can't—because it destroys the very concept of readiness. If we should require a draft, how would you select people to serve? Would you choose those who are tall? Would you choose those with red hair? No, you would have a fair and equitable system to determine who would volunteer, and that system takes a great deal of time to develop and maintain.

Unfortunately, we have not achieved the goal of world peace. Chemical, nuclear, and biological weapons have created a dangerous atmosphere of conflict and potential for casualties for which DOD may not be prepared. As such, DOD officials recommend the draft as a way to meet such challenges by ensuring a high quality and quantity volunteer force.

Simply put, the DeFazio amendment puts our Nation and our freedom at risk. I urge a no vote on the amendment.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO THE AMENDMENT OFFERED BY MR. DEFAZIO

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida to the amendment offered by Mr. DEFAZIO: Strike the first paragraph and insert the following:

Page 12, line 2, strike ''$183,435,000,'' and insert ''$195,455,000,''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. All time has expired for debate. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Is the chairman telling me the gentleman has no time on his amendment to the amendment?

The CHAIRMAN. The time was limited under the unanimous consent agreement to the amendment and all amendments thereto. All time for debate has expired.

Mr. SOLOMON. Mr. Chairman, we do not know what the gentleman's amendment does. I think the membership ought to know, in case we want to argue for or against the point of order. The gentleman ought to have a chance to explain.

Mr. Chairman, I ask unanimous consent that the gentleman from Florida, Mr. WELDON, be given two minutes to explain his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Chairman, reserving the right to object, I simply would inquire if the gentleman gets unanimous consent for 2 minutes to offer his amendment, does anybody get a minute or two in case they want to comment or oppose it?

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] propounded a unanimous consent request.

Mr. NADLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. WELDON] is recognized for 2 minutes.

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of my amendment was very simple. Although many areas of the country have adequate medical facilities for veterans, some areas do not. My amendment simply would shift the money to the VA construction account instead of the general medical account as the gentleman from Oregon [Mr. DEFAZIO] has proposed. Simply put, my amendment would direct these funds to the most needy veterans, the veterans who currently have no medical facilities.

As a veteran and as a physician who has provided medical care to many of these veterans, I understand the acute need for the underserved communities. Today there are 250,000 veterans living in east-central Florida that are in great need of a veterans medical facility. Without the adoption of my amendment to the amendment, these 250,000 veterans, who gave of themselves for our freedom, and other veterans in underserved areas, will see little improvement in their veteran-scare.

The veterans in these areas are the most underserved in the Nation, and we have a responsibility to fulfill our commitments to them. If we are going to transfer money from the Selective Service to meet the needs of veterans, we should transfer it to serve the most needy veterans. Voting for the Weldon amendment will do this.

Mr. Chairman, as I understand it, there is a point of order for lack of germaneness against my amendment, so I ask unanimous consent to withdraw my amendment at this time. I appreciate the chairman's recognition.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] will be postponed.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment, but pending a colloquy with the gentleman from California [Mr. LEWIS], I will withhold on that amendment.

Mr. Chairman, what the amendment was about was adding $429,000 to the Court of Veterans Appeals. The $429,000 was cut by the committee from the 1995 appropriation level. According to the Chief Justice of the Court of Veterans

Appeals, this cut will kill the pro bono legal program for low income veterans, as well as further delay hearings and timely decisions on all claims appealed to the court.

I would like to enter into a colloquy with the gentleman from California [Mr. LEWIS] about his intentions regarding the sum of money.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague cooperating, with the time difficulties we have as well as the problem the gentleman is attempting to draw our attention to.

Frankly, the amount of money the gentleman is talking about is a very small amount of money in this entire picture. I am personally willing to commit to the gentleman that I will work very hard in conference to try to restore that money, and bring it to the attention of the appropriate members of the Senate side as well.

Mr. SANDERS. Mr. Chairman, reclaiming my time, does the gentleman think we have a good chance to capture this money?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, out of all the money we are talking about here, that is almost a drop in the pond. I would be surprised if we could not satisfy the gentleman.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

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

Mr. MINGE. Mr. Chairman, I rise today in opposition to language appearing at page 56 of the report for this appropriations bill. The language in question attempts to influence the Environmental Protection Agency's [EPA] implementation of the Reformulated Gasoline Program [RFG]. This language tells the EPA that it should refrain from spending any funds on the pursuit of creating a market share for specific oxygenates. This is unfortunate; it is vital that the EPA has the flexibility to deal with renewable fuels in reformulated gasoline in the manner which the EPA feels is most productive.

The tragedy of the situation is that the petroleum industry and this report disregard the importance of renewable fuels and attempt to dissuade the EPA from acting responsibly. In fact, recent technological developments and a range of economic, environmental, and national security externalities have an important bearing on the value of using oxygenates which are derived from a domestically produced source. Every school child knows that there is a very limited supply of easily obtainable fossil fuel. Therefore, developing renewable fuels is vital. Corn-based ethanol has become more abundant; the engineering needed for cost-effective development is emerging. It is a win-win situation when the balance of payments, the environment, the agricultural economy, rural economic development, and reduced dependence on energy from distant, politically volatile sources of petroleum supply can all be promoted at one time.

Unfortunately, most of these factors are not valued in today's market. Nonetheless, there are vast costs which we are absorbing in the form of tax dollars and societal costs.

Report language from an appropriations subcommittee is not the appropriate place to make critical decisions about renewable fuels. Such decisions deserve public input and the attention of the entire House of Representatives. Certainly, the EPA should have the ability to pursue a fair role for renewable fuels in the reformulated gasoline program. This cannot be influenced by obscure, staff-prepared language in a report accompanying an appropriations bill.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT OFFERED BY MR. DAVIS

Mr. DAVIS. Mr. Chairman, I offer an amendment, No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS: Page 87, after line 25, insert the following new section:

SEC. 519. (a) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency shall cease any further hiring in the Agency's Office of Research and Development, and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level.

(b) REPORT.—Not later than January 1, 1996, the head of the Office of Research and Development of the Environmental Protection Agency shall submit to the Congress a report on all staffing plans including the use of Federal and contract employees.

Mr. DAVIS. Mr. Chairman, this amendment requires that the administrator of EPA cease all further hiring in the agency's Office of Research and Development [ORD] for the purposes of the contractor conversion initiative as laid out in last year's VA/HUD Appropriations bill.

This amendment is necessary to prevent EPA from further eroding the employment base of four well respected private sector companies who have been providing contract support to EPA's office of research and development.

Last year, Congress provided EPA with resources and direction in the fiscal year 1995 VA/HUD appropriations bill to improve the agency's contracts management. Unfortunately, the Office of Research and Development has mishandled the resources provided to it and ignored the direction of Congress. My amendment serves to soften the blow to those private sector companies providing contract support.

In fiscal year 1995 EPA received an increase in its authorized personnel ceilings by 900 positions. Of that number, 265 positions were provided to the Office of Research and Development. This increase runs contrary to the administration effort as well as this Congress' efforts to reduce the size of Government and has not addressed the weaknesses in EPA contracts management as it was intended to do. These weaknesses were identified by the Congress and the EPA inspector general.

Of the 265 positions allotted to ORD, only 32 were directed to address the identified contracts management problems. The remaining 233 positions have been used to augment the ORD workforce in four Government labs. During this time, ORD has undergone an internal reorganization by merging these labs into four ''mega-labs''. The 233 positions were directed to the mega labs under the leadership of an EPA employee. This individual had the sole responsibility for coordinating the contractor conversion activities at EPA and they have used their authority to raid EPA's private contractors.

The situation as it stands now is that four well respected private professional service contractors have lost significant business and stand to lose even more if we do not halt ORD's actions. The result has not been improved contacts management or reduced costs for the Government, it has been bigger bureaucracy. This amendment stops this grievous action.

Of the companies raided by EPA, one is a small business and another is minority owned. In the case of the minority owned firm, after 10 years of hard work building a successful business, the firm saw 75 percent of its total workforce hired away by EPA. In the case of the small business, it lost 22 of its 33 employees to the agency's actions. This is a prime example of the big Government that so many of us were elected to stop.

This amendments puts a hold on any further hiring in EPA's Office of Research and Development for the purposes of carrying out the contractor conversion efforts required under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1994.

I urge my colleagues to support this amendment and support America's small and minority businesses by putting an end to EPA's actions.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, does the gentleman from Virginia [Mr. DAVIS] want to amend his language?

Mr. DAVIS. I believe the gentleman from California [Mr. LEWIS] has an amendment.

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

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. DAVIS

Mr. LEWIS of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California to the amendment offered by Mr. DAVIS:

In subsection (a) of the amendment strike the words ''and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level''.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 2330

Mr. DINGELL. Mr. Chairman, reserving the right to object, I do not know what the second amendment is.

Continuing my reservation of objection, I yield to the gentleman from California [Mr. LEWIS] to find out what this amendment is.

Mr. LEWIS of California. Mr. Chairman, my amendment strikes the second part of the first paragraph, the words ''and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level.'' I do not think the chairman would have any problem with that.

Mr. DINGELL. Mr. Chairman, as I understand what the gentleman is doing, he is leaving only the first part of the amendment and striking the second part of the amendment and, in striking the second part, he is striking the part which freezes existing contracts; is that correct?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct.

Mr. DINGELL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I would be pleased to accept the perfecting amendment. I think this amendment clarifies the original intent of my amendment which is to put a stop to EPA's practice of hiring away employees from their contractors.

The language the gentleman strikes from my amendment was intended to ensure that EPA does not take retribution against these same contractors who have been harmed by EPA's inappropriate actions. I would, therefore, like to get the gentleman's assurances, that if EPA does take punitive action against three contractors, the gentleman would be willing to revisit this issue.

Mr. LEWIS of California. Mr. Chairman, I assure the gentleman that I would be greatly disturbed if EPA takes any action that could be construed as retribution against these contractors.

Mr. DAVIS. Mr. Chairman, if the gentleman will continue to yield, I will happy to accept the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Davis-Moran amendment to the VA, HUD and independent agencies appropriations bill. The amendment would freeze internal hiring in EPA's Office of Research and Development in the hope that current contracting levels would be maintained.

It might be useful to provide a bit of background because this amendment is in direct response to actions taken by the agency regarding the implementation of its contractor conversion initiative. In fiscal year 1995 EPA requested an additional 900 FTE's and $44.6 million for its contractor conversion initiative and received appropriations to start the initiative. This budget request was initially prompted by criticism about EPA's use of contractors, especially with regard to some contractor abuses. I have listened to endless testimony concerning contractor reimbursement of Rolex watches and reindeer suits. No one here believes that taxpayers should be footing the bill for these items. However, it has never been clear to me that the way to ameliorate the problem is to hire more EPA employees. In a time when we are looking to downside the government, we have EPA hiring up. In a time when we are looking to rely more on the private sector, we have EPA relying less on the private sector. This doesn't make a whole lot of sense just because we have accountability problems with a few bad apple contractors.

Now we are not hearing from private contractors that EPA is offering their employees full time government jobs and shutting down their companies. Many of the positions being filled by EPA don't even fit the definition of inherently governmental positions which were the positions of most concern. In a letter from EPA, the agency indicated that contractor size and performance were not factors in the decision-making process, and in addition admitted that the initiative has indeed negatively impacted some small and minority-owned businesses and that only 26 of the 265 positions being filled by ORD were inherently governmental.

Given this information, it leads one to ask—what are we doing? Is this just a quick fix to address some contracting abuses and get Congress off our backs?

I urge my colleagues to support the Davis-Moran amendment and provide EPA a time out to re-examine this conversion initiative.

Mr. LEWIS of California. Mr. Chairman, I compliment the gentleman. If this bill goes forward in a reasonable fashion and becomes law, I would guess it would be time out for awhile.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to suggest that we inform the Members on what is happening here, because I am concerned that some Members may have gotten the impression that there will not be votes yet tonight and unless something else happens there will be. So we need to get this tied down. I wonder if we can do that before we have lots of Members on both sides of the aisle in massive confusion.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I hate to do this in the middle of somebody's vote on an amendment.

Mr. OBEY. Mr. Chairman, I would be happy to stop if we can get an understanding that as soon as the discussion on this amendment is completed, we will immediately inform all Members about what is going to happen for the rest of the evening.

Mr. LEWIS of California. Mr. Chairman, I will attempt to do so. At this moment I would urge Members not to presume there are no more votes tonight. We are attempting to get to that point, however.

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

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

Mr. DINGELL. Mr. Chairman, with all due respect to the author of the amendment, I want this committee to know what is going on here.

EPA has a long history of having used contractors. Very frankly, the contractors are a sorry lot. The Subcommittee on Oversight and Investigations last year investigated them. I want you to hear what the contractors did with the taxpayers money, the money that we are charged with protecting.

Frankly, this amendment should be called the Corrupt Contractor Protection Act of 1995. It tells EPA that it cannot save money. In fact, it tells in its original form that EPA must spend money on contractors in the office of research and development.

First of all, we found that the contractors were cooking the research. We found that they were playing games politically in support of the Clean Air Act and Clean Air Act in its strongest and, I think, particularly unacceptable form to my colleagues on this side of the aisle.

Now, the contractors, it should be known, enjoyed a very good living at the expense of the taxpayers. They charged the taxpayers with reindeer suits, with clown suits, with Santa Claus costumes. These were all charged to the taxpayers. They charged the taxpayers for golf outings and golf balls. They charged the taxpayers for chocolate bars with the contractor's logo on them. They bought lots and lots of alcohol. They had lots and lots of parties.

They had entertainment of all sorts. They spent money on tickets for Johnnie Limbo and the Lug Nuts. They used the taxpayers' money to finance trips by an assortment of persons to Alaska on fishing junkets.

The money which was spent by the contractors was spent under not only improper circumstances but most curious circumstances, because in many instances they were charged by the former EPA with the responsibility of opening the mail, of negotiating contracts, which they negotiated with themselves. In many instances they paid themselves for work which was not done.

They kept records which were incapable of being audited. They threw Christmas parties. They did work under contracts which never existed and paid themselves lavishly for the privilege.

Now, this amendment in its original form would sanctify that kind of behavior. It would permit those scoundrels who had been doing those things that we are supposed to be cleaning out of the public purse to do the same thing which they had done before under the same conditions.

I do not believe that this House wants to have that kind of situation.

I commend the gentleman from Virginia for striking the language which would keep these scoundrels hooked up to the public teat.

But I do want you to understand one thing, that to foreclose EPA from the privilege of firing them is bad, but to now not allow EPA to retain enough people on its own payroll to see to it that the public work is properly done is enormously unwise.

Let me remind you that the work which is involved here is work which involves research on important questions like air pollution, like whether or not your constituents are violating the air pollution laws or whether what the consequences of a particular Superfund dump might happen to be.

I think those are important questions. And we are entitled to have the utmost integrity, truthfulness and ability brought to bear on those kinds of questions. To allow contractors who can come in here and impose upon Members of this body who know nothing about the history of contractor misbehavior is wrong. To permit them to continue to prosper at the taxpayers expense on the kind of sorry, shoddy record of serious misbehavior which should have sent the whole lot of them to jail is, I think, extremely unwise and improper on the part of this body in which we are a part.

PREFERENTIAL MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. DINGELL moves the Committee do now rise and report the bill back with the enacting clause stricken.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, I want my colleagues to understand. At issue here is not whether we like contractors or whether we have got them in our districts. It is not whether or not we like government or do not like government. The question is really whether we are going to write law which is in the broad public interest. The question is also whether or not we are going to see to it that corrupt practices in government contracting, investigated by congressional committees and document under oath before those congressional committees, are properly respected by this body and that the recommendations are properly carried out. By driving the money changers from the temple and by seeing to it that EPA can properly administer its affairs.

Those are the questions. Frankly, the amendment, as originally drawn, should be rejected. Very frankly, the amendment as it was amended, and I fought to oppose it, because it is better than what was there. And I am sure my colleagues on this side are going to vote for it in spite of the fact that it is unwise to do so. It is a hard and unfortunate fact, my colleagues, that what is at foot here is just that a bunch of contractors do not like getting shoved away from the public trough. They wanted to stay there and keep on doing the same things which they have done in times past, paying themselves for work not done, doing work without contracts, claiming that there were contracts where in fact none exist, showering upon themselves and their friends the joys of being unsupervised in the expenditure of public moneys, hiring Johnnie Limbo and the Lug Nuts, buying lots of alcohol, dressing in reindeer suits, and pretending to do something of value.

Now, just one little story. When we were working one night late trying to come together between the House and the Senate with my Republican colleagues and my Democratic colleagues alike, we tried to get some of these contractors to provide the information that we needed on a very important question; namely, the question affecting the implementation of the clean air sections of the law. Members should know that we could not find any of them, and we could not get any cooperation.

We finally got information which was carefully cooked, carefully cooked to suit the environmentalists an to write legislation which made it much harder for American industry and American workmen, American business and the American economy. I want Members to understand what happens when these sly, slick, sneaky contractors come in here and they want the Congress to give them special relief.

Congress ought not give them special relief. They do not deserve it. As a matter of fact, what they deserve is a comfortable period of time in an appropriate Federal institution during which they might think of the wrongs which they have done to the taxpaying public of the United States.

The amendment is a bad one, even as amended. I urge Members to support the amendment as amended. And if they really want to do some good, I urge them to vote against the whole darn thing.

□ 2245

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I unfortunately did not know this debate was going to occur, but I rise in support of the gentleman from Virginia and his amendment, as amended or not. I have a great respect for and am a very close friend and ally of the gentleman from Michigan [Mr. DINGELL]. The gentleman from Michigan has done a great deal of good in ensuring that people who do business with the Federal Government do not in fact defraud the taxpayers of our country, or in fact do not do jobs for which they contract, or do not in any way abuse their responsibilities.

Having said that, Mr. Chairman, the situation to which the gentleman's amendment refers is perverse in the extreme, in my opinion. That is that we ask people to contract with the Federal Government, put together their capital, place that capital at risk, hire employees, and undertake an objective that the Federal Government wants accomplished, and contracts towards that end.

Then it has turned around in one of the most perverse ways that I have seen and in fact said, ''We are going to cancel your contract for the convenience of the Government, and guess what? We are going to take all the employees that you recruited, that you paid money to train, that you put on your payroll, and accrue them to ourselves, and you are out of business.''

Mr. Chairman, I do not take a back seat to anybody on this floor, not one, in the defense of Federal employees. On the other hand, I do not take a back seat to anybody in saying that we ought to side with Federal employees against private sector employees. This is a partnership, not a competition, not where we want to choose one side over the other. What we want to do is ensure a compatible, fair, and just environment for both of those groups to effectively perform their duties.

Mr. Chairman, I believe this amendment speaks to a very serious problem, and it is not the problem that the gentleman from Michigan [Mr. DINGELL] speaks to. The gentleman from Michigan has been, as I said earlier, one of the great champions of ensuring against fraud of the taxpayer and of our Government.

Are there those out there who would do that? There are. Does the American

taxpayer in this country need a vigorous and tough and hard-as-nail watchdog? It does, and the gentleman from Michigan, JOHN DINGELL, fills that bill. One the other hand, Mr. Chairman, in pursuing that objective to undermine businesspeople who are doing a fair and honest job is wrong. That is what the gentleman from Virginia seeks to address. I applaud his efforts and support them.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been working for 9 months to correct an injustice that was done as a result of this appropriations bill that was passed last year. I have been trying to find out what the source of the problem was, and it became apparent tonight who is responsible for it, but I am glad I had an opportunity to hear from my very distinguished chairman and colleague, the gentleman from Michigan, on what motivated him to do this, because I do not disagree with any of the points that the gentleman from Michigan made.

I had an amendment that I offered before the Committee on Rules, it was not made in order, that went much further than this particular amendment. I suspect that the gentleman from Michigan would have gotten much more excited had it been made in order. However, it is the gentleman from Michigan who should be making this amendment. Let me explain why.

Last year this appropriations bill provided 265 positions to correct just the very contract management problems that my colleague, the gentleman from Michigan, identified through his oversight Committee on Energy and Commerce. That was the purpose of those positions, hard-fought-for positions; unprecedented to give an agency in a time of reinventing government 265 more positions.

Do Members know what the Environmental Protection Agency did once they got those 265 positions? Obviously, they had the same big smile that is on the face of my colleague, the gentleman from Michigan, tonight, because they sent out a guidance memo internally within EPA that said, ''These positions are not to be used to correct contract management performance problems.''

Had they been used for the purpose for which they were appropriated, this amendment would not be necessary and there would not have been any injustice done, but they were not. What happened is that EPA went out after four small contractors and they raided them. Listen to this, now.

One of those was a minority contractor for 10 years. They had put their company together. They went in and bought out 75 percent of his employees. Another one that served EPA for 20 years had gotten a top quality award just last year. In September they had their contract renewed for another year. The appropriations bill passed in October. EPA went immediately to those employees, after the contract had been renewed, took their private pay stub, and converted it to a Federal paycheck. They hired all but 12 of this contractor's people. They had received a quality award. They were not guilty of any of these problems, but they went in and hired them. This company had been worth $50 million, and it is virtually worthless today. Imagine if you were that small business employer, and the Federal Government had come in and raided your employees?

There is one individual in EPA, and I think this probably best explains why EPA went about this the way they did. He had a small office. He was responsible for monitoring these contracts. He now has 160 people reporting to him, and they are people that were working in the private sector who had been converted: scientists, engineers; not management people, not the people that the gentleman from Michigan [Mr. DINGELL] was after. They were scientists and engineers that had been gathered to perform a specific function, and EPA went in and bought them out, telling them that they had no choice. Mr. Chairman, he told them they had no choice, they would lose their jobs if they did not become Federal employees.

At a time when we are trying to reinvent government, we have the Federal Government going in, raiding four firms, four small contractors, all of them with top performance ratings, and that is how they used the 265 people. There was a gross injustice, it was a perversion of what was intended, and it should be overturned by supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS] to the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment to the amendment was agreed to.

The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS], as amended.

The amendment, as amended, was agreed to.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and to enter into a discussion, a colloquy, some people say, but a personal conversation with my colleague, the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, the gentleman from Ohio, and I have been endeavoring to try to put on some reasonable debate on a variety and mix of amendments in order that we could accomplish a couple of things; originally to get us out of here by 10 o'clock tonight, and that was very successful; but also to have the Members help us realize that the more we can restrain ourselves tomorrow, the more likely it is, even if we should come in at 9 o'clock tomorrow, that we will be able to get out of here by 3 o'clock in the afternoon. I thought that we were going toward limiting a certain number of amendments that would give us an assurance of being out. I think instead now we are going to ask for some time limitations. I know full well we will be coming back in with a full plate in the morning and encouraging the Members to restrain themselves then.

Otherwise, while I will be urging that the Speaker and others limit 1-minutes in the morning very severely, I would further be suggesting that we might have to work late into the evening, for we do intend to finish this bill tomorrow. It is not necessary that we go beyond 3 o'clock, but there is a tendency for us to multiply amendments when we take 12 hours to think about them.

With that, Mr. Chairman, the gentleman from Ohio [Mr. STOKES] and I have discussed this between ourselves and with friends.

Mr. Chairman, I ask unanimous consent that each of the following amendments and any amendments thereto be debatable for the time specified, equally divided and controlled by the proponent and opponent of an individual amendment: The first is amendment No. 48 offered by the gentleman from Massachusetts [Mr. KENNEDY], for 20 minutes, 10 minutes on each side; the second is the amendment No. 26 offered by the gentleman from Minnesota [Mr. VENTO], for 20 minutes; and in all these cases, it is divided equally on each side; third, amendment No. 57 offered by the gentleman form Indiana [Mr. ROEMER], for 50 minutes; fourth, amendment No. 66 offered by the gentleman from Ohio [Mr. STOKES] or the gentleman from New York [Mr. BOEHLERT], for 90 minutes; fifth, amendment No. 55 or 56 offered by the gentleman from Rhode Island [Mr. REED] or the gentleman from New Jersey [Mr. PALLONE], for 20 minutes; sixth, amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN] or the gentleman from Texas [Mr. WILSON], for 40 minutes. There is no particular order, but nonetheless, those would be the amendments being considered, and it does not limit other possibilities of amendments.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, that is right. So we have a complete understanding, these are the amendments upon which we have a time limit, is that correct?

Mr. LEWIS of California. I would say to the gentleman, that is right.

Mr. STOKES. We do not go further than that. The gentleman has already stated that the manner in which he read the agreed-to amendments will be in no prescribed order?

Mr. LEWIS of California. That is correct, Mr. Chairman.

Mr. STOKES. Mr. Chairman, that meets our agreement.

Mr. DINGELL. Reserving the right to object, Mr. Chairman, and I do not think I will, I did not hear some of the other amendments raised.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman, that is because we are doing nothing with the other amendments. They are printed in the RECORD, they are subject to discussion, and we will be talking about those with the gentleman in the morning. It is an open rule.

Mr. DINGELL. Mr. Chairman, will the gentleman forgive me about being sensitive?

Mr. LEWIS of California. I have learned very much from the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I feel my amendment might just get lost in the shuffle, but I am sure the gentleman will want to assure me that the amendment I want to offer on the Superfund will not be foreclosed.

Mr. LEWIS of California. It will not be foreclosed, and certainly the last person I want to get lost in the woods or the shuffle is the gentleman from Michigan.

Mr. DINGELL. I appreciate that, Mr. Chairman, and I withdraw my reservation of objection.

Ms. KAPTUR. Reserving the right to object, Mr. Chairman, I doubt that I will object, but I did want to ask the chairman, at what point will our amendment No. 2, the one that was rolled until tomorrow morning concerning drug elimination, at what time in the proceedings might that come up tomorrow, please, in view of these recently announced time limits?

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we have actually not talked that through, but I can tell the gentlewoman that it would be my intention to have us in a circumstance where there are no more than four amendments, that were being packaged together, and the gentlewoman's would be among the early package, so sometime shortly after we get moving in the morning. I am informed it is up the discretion of the Chair, but if the gentlewoman would be some indication as to what she would prefer, I certainly would work toward that end.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it should also be pointed out in this conversation that because it is apparently the understanding that there will be no votes before 10, that that may affect in some way the number of votes that do occur at one time.

Mr. LEWIS of California. I could.

Mr. STOKES. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. Further reserving the right to object, I yield to the gentleman from Ohio.

□ 2300

Mr. STOKES. Mr. Chairman, just one additional question.

In our early discussions, I had mentioned to you the amendment proposed by the gentleman from Louisiana [Mr. FIELDS], which he wants to propose. That is not one of the agreed-upon amendments, but have you been advised of his intention to propose that amendment?

Mr. LEWIS of California. That is correct.

Mr. STOKES. I thank the gentleman.

Ms. KAPTUR. Mr. Chairman, further reserving the right to object, I thank the gentleman for responding. I would hope that, as you discussed, that our amendment concerning drug elimination would be one of the first votes in the morning, since we discussed that at length today and I think the Members are waiting for it.

The CHAIRMAN. Since the Chair would determine the order of the votes, the gentlewoman's amendment would be the first amendment voted on.

Ms. KAPTUR. I thank the Chairman. Further reserving the right to object, I yield to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, just so Members can understand, my understanding is that if this unanimous-consent is agreed to, there are no additional votes tonight.

Mr. LEWIS of California. Mr. Chairman, I need to include in this unanimous consent request the rolling over of those amendments, those votes outstanding, but that would be my intention.

The CHAIRMAN. The Chair has that authority and, obviously, would be very compassionate in that regard.

Mr. SABO. Is that the intent of the Chair?

The CHAIRMAN. Yes; it would be the intent of the Chair. There are two votes pending at this time that had rollcall votes requested, the amendment of the gentlewoman from Ohio [Ms. KAPTUR] and the amendment of the gentleman from Oregon [Mr. DEFAZIO].

Ms. KAPTUR. To further clarify, Mr. Chairman, in no case would either of those votes occur before 10 o'clock tomorrow morning; is that my understanding?

The CHAIRMAN. At this point that is the Chair's understanding. The Chair was not a party to any decision on that, but at this point that is the Chair's understanding.

Mr. LEWIS of California. Mr. Chairman, as far as I am concerned, it would be a part of the request, but, Mr. Chairman, further, I want the Members to know that presuming this is approved and there would be no further votes tonight, there would be a colloquy between the gentleman from Ohio [Mr. OXLEY] and the gentleman from Indiana [Mr. MCINTOSH], and that would be the end of the business this evening.

Ms. KAPTUR. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I think it needs to be understood by Members that the understanding was that the majority party wished to come in at 9 o'clock tomorrow, and that in return for that happening, there would be an agreement that while there might be discussion of the amendments cited by the gentleman from California, that, in fact, there would be no votes occurring before 10 a.m.

Mr. LEWIS of California. Mr. Chairman, that is correct.

The CHAIRMAN. The unanimous-consent request is amended to reflect that no votes will occur before 10 a.m.

Ms. KAPTUR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there further amendments to title III?

Mr. MCINTOSH. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with my colleague, the gentleman from Ohio [Mr. OXLEY].

Mr. Chairman, in the current budget climate, all federal agencies need to reevaluate their priorities, the efficiency of their regulations, and their relationships with States. We cannot afford to expend limited resources without achieving commensurate environmental or public health gains.

One area of concern, that I believe requires congressional action involves EPA's development of new ''Phase III and Phase IV land disposal restrictions'' requirements under the Resource Conservation and Recovery Act. On March 2, 1996, when the Agency proposed the Phase III requirements, EPA itself pointed out that:

> [T]he risks addressed by this rule, especially [underground injection control] wells, are very small relative to the risks presented by other environmental conditions or situations. In a time of limited resources, common sense dictates that we deal with higher risk activities first, a principle on which EPA, members of the regulated community, and the public can all agree. Nevertheless, the Agency is required [by a court decision] to set treatment standards for these relatively low risk wastes and disposal practices during the next two years, although there are other actions and projects with which the Agency could provide greater protection of human health and the environment.

I understand that my esteemed colleague from Ohio, Congressman OXLEY, has introduced a corrections bill, H.R. 2036, that would overturn the Chemical Waste Management court decision, which required EPA to undertake this rulemaking.

Mr. OXLEY. If the gentleman will yield, Mr. Chairman, the gentleman is correct in his understanding. Section 2 of H.R. 2036 is designed to prevent the imposition of burdensome requirements on wastewater treatment systems and deep injection wells that already are thoroughly regulated and

permitted by the States and EPA under the Clean Water Act and the Safe Drinking Water Act. Essentially, my bill would authorize EPA to take the course of action that it originally chose. When the Agency first issued its LDR regulations, the Agency concluded that imposing treatment requirements on these types of nonhazardous waste management systems ''would not provide further protection to human health and the environment,'' and would cause ''considerable disruption at facilities that EPA generally considers safe.''

Mr. MCINTOSH. How much does EPA estimate that it would cost to impose the rule required by the court's decision, which would provide little or no environmental or public health gains?

Mr. OXLEY. If the gentleman will yield further, EPA's regulatory impact analysis places the cost of this rule at somewhere between one-half billion dollars and three-quarters of a billion dollars each year. That is too steep a price to pay for wasteful and duplicative regulation when those resources could do so much more to protect human health and the environment if used elsewhere. Frankly, if the supermandate in H.R. 1022, the Risk Assessment and Cost-Benefit Act, were law, we would not be facing a rule which EPA, itself, believes is so extraordinarily wasteful.

Mr. MCINTOSH. Again, Mr. Oxley, I commend you for introducing H.R. 2036. Hazardous waste land disposal restrictions should not be imposed on wastes being managed in units that are permitted under the Clean Water or Safe Drinking Water Acts; nor should land disposal restrictions intended for hazardous wastes be imposed on nonhazardous wastes. Your bill would allow EPA to redirect its scarce resources to actions and projects that would achieve the greatest overall benefit for the costs incurred.

I commend the gentleman for that legislation.

Mr. LEWIS of California. 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. FOX of Pennsylvania) having assumed the chair, Mr. COMBEST, 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. 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, had come to no resolution thereon.

REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–208) on the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

REPORT ON H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–209) on the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

□ 2310

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2092

Mr. BRYANT of Tennessee. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2092, the Private Security Officer Quality Assurance Act.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. BRYANT of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). 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.

CONGRATULATIONS TO SENATOR ROBERT C. BYRD OF WEST VIRGINIA ON CASTING HIS 14,000 VOTE

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

Mr. RAHALL. Mr. Speaker, it is with great pride and privilege that I rise to announce that U.S. Senator ROBERT C. BYRD, senior senator from West Virginia, earlier today became the first U.S. Senator in history to cast 14,000 votes in the Senate. This 14,000th vote gives Senator BYRD a 98.7 percent voting average over his 37 years of service in the Senate.

This voting record covers only Senator BYRD's Senate service, not the years he also served in the U.S. House of Representatives.

Senator BYRD's first vote in the Senate, cast on January 8, 1959, was very fitting: It was a vote on Senate procedures. Since then, Senator BYRD has become a national celebrity, is recognized as the Senate's ''historian in residence,'' and he is recognized as the uncontested expert in the country on the Senate as an institution, about which he has published four volumes, and as a nationally known expert on parliamentary procedure in that body.

During the 37-year period in which the 14,000 votes were cast, Senator BYRD has served as: Secretary of the Senate Democratic Conference. Senate Majority Whip, Senator Majority Leaders, Senate Minority Leader, and President Pro Tempore.

Senator BYRD is not only a giant among men in the Senate, he is a giant among men in the Nation. He has been an integral part of the high drama and history of the second half of the 20th century, including the cold war, Vietnam, Watergate, Iran-Contra, and the collapse of the Soviet Union. He has served in the Senate under nine Presidents—through assassinations and resignations.

Today, the Senate paused to recognize and honor Senator BYRD for his extraordinary leadership and for having attained the milestones in his legislative career that brought him to his 14,000th vote.

Those milestones are: Being only one of three U.S. Senators in American history to have been elected to seven 6-year terms; being the first sitting Member of either House of Congress to begin and complete the study of the law and obtain a law degree while serving in the Congress; being the first person to carry every county in the State of West Virginia (55 of them) in a contested statewide general election; being the only person in the history of West Virginia to ever serve in both chambers of his State legislature and both Houses of the U.S. Congress; obtaining the greatest number, the greatest percentage, and the greatest margin of votes cast in statewide, contested elections in his State; being the first U.S. Senator in West Virginia to win a Senate seat without opposition in a general election; and serving longer in the U.S. Senate than anyone else in West Virginia history.

Mr. Speaker, all these milestones of achievement are remarkable in and of

themselves, and we honor Senator BYRD for them.

But his greatest feat will always be the dignity he has brought to the U.S. Senate every day of his life, throughout his tenure there.

He is a gentle but firm leader, who has the ability to share, in his writing and vocally, his deep and abiding reverence for the Senate as an institution. Each week, Senator BYRD offers a history lesson on the floor of the Senate, addressing his colleagues on the floor and the Nation that may be watching C-SPAN, on the importance of knowing, and observing and above all respecting, the traditions of the Senate, its rules of engagement and the parliamentary procedures, that govern it as an institution.

Tonight I wish to join my voice with the voices of his Senate colleagues, those in his beloved West Virginia and all our Nation in paying tribute to West Virginia's senior Senator.

And so it is with great personal honor, and with the highest esteem, that I rise on this occasion to pay tribute to Senator ROBERT C. BYRD of West Virginia for having become the first U.S. Senator in history to cast 14,000 votes.

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

THE REPUBLICAN RECORD ON MEDICARE

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. Mr. Speaker, it was 30 years ago today that Medicare passed the House of Representatives, and even in 1965 Republicans did not support the program.

Their record on Medicare has been clear and is illustrated with this chart that we have here. At the time when Medicare was voted upon in 1960, 97 percent of Senate Republicans voted against creation of the Medicare Program; in 1962, 86 percent of Senate Republicans voted against creation of the Medicare Program; in 1964, 85 percent of Senate Republicans voted against creation of the Medicare Program; and then in 1965, 93 percent of the House Republicans voted to replace Medicare with their voluntary, no guarantees substitute. The rest of the chart indicates the remainder of the Republican record 30 years ago.

Even the lead Republican presidential contender today, Senator BOB DOLE, voted against the passage of the Medicare Program when he was in Congress 30 years ago this very day. And now that the Republicans are in control of Congress, one of their first acts is to dismantle the program that has assisted so many senior citizens in living a longer and decent life.

As many know, the Republicans seek to cut $270 billion from the Medicare Program, costing senior citizens over a $1,000 in additional costs per year. Republicans claim that these cuts will not hurt senior citizens, but if health costs continue to rise faster than the growth in Medicare to seniors, then they will either get less services or pay more money. It is that simple.

Of course the Republicans have not discussed the specific details of their Medicare plans, because they are afraid to tell seniors what will happen with the $270 billion in cuts that they have proposed.

Mr. Speaker, I urge senior citizens to ask their Congressmen how these $270 billion in cuts will affect them, because if these cuts were not going to hurt seniors, then the plans would have been announced before a budget number was chosen.

Instead, the Republicans are reforming Medicare backwards by arbitrarily picking $270 billion, the largest Medicare cut in history, and hiding the true facts from seniors. When Medicare was passed 30 years ago today, most Republicans said that it was not needed. Mr. Speaker, the facts could not be more clear.

I would like to illustrate the positive impact that the Medicare Program has had on the lives of senior citizens through a few illustrations that we have here today.

The first chart talks about the poverty rate for the age, which has dropped since 1967. If you look at the figures, for the general population and the senior population since the time Medicare was enacted, you can see the significant drop in the poverty rate for senior citizens.

□ 2320

Mr. PALLONE. Next we would like to show the drop in the death by stroke, which is indicated on this chart. For those over 65, rates have fallen by 63 percent in the years between 1960 and 1991, basically the 30-year or so period that we are talking about since the beginning of Medicare.

Mr. Chairman, death by heart disease has also dramatically decreased. For those over 65, rates have fallen by 40 percent in the years between 1960 and 1991, again from the beginning of the debate on Medicare until relatively recently.

Finally, Mr. Chairman, the next chart will show the number of seniors who have health coverage. In 1959, only 46 percent of America's seniors had health care coverage before Medicare was enacted, and of course this year in 1995, after Medicare and after 30 years of the program, 99 percent of America's senior citizens now have health care coverage.

Mr. Chairman, instead of realizing these benefits, unfortunately, Republicans want to gut Medicare to meet their other backward promises. One plan that the party is floating is the voucher plan, which would basically limit the health care coverage of senior citizens. This plan will give seniors substandard health care, unless they have the ability to spend money out of their own pocket to pay for better coverage.

Mr. Chairman, another plan would force seniors into managed care. Some people know them as HMO's. Many seniors are happy with their doctors and are not ready to be told which doctors they can or cannot seek, which is often the case with HMO's or other managed care programs.

Life before Medicare for senior citizens was a world of poverty, low life expectancy and despair. Medicare has played an integral role in seniors' lives by not forcing them to choose between health care, food or shelter. Unfortunately, the Republicans want to take us back to the days when seniors had to make those unfortunate choices.

Mr. Chairman, I just want to read one story from a New Jersey resident who submitted testimony for the record during the Committee on Ways and Means debate on Medicare during the early 1960's, because I think it illustrates the problems that many senior citizens had before the enactment of the Medicare program. This person testified before the committee on Ways and Means and said, ''I hope and pray that I do not live long enough to be a senior citizen. It is very hard for me to beg. I would rather do without, whether it is food, medicine or a doctor. Only severe pain or an emergency would get me into a hospital. I control my condition with pills''.

Mr. Speaker, in conclusion, I just hope and pray that the Republicans realize how vital Medicare is to every senior citizen. Those who cannot remember the past are unfortunately condemned to repeat it, but hopefully, we will not see it repeated with the Medicare Program being gutted.

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

[Mr. BROWNBACK 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 Massachusetts [Mr. FRANK] is recognized for 5 minutes.

[Mr. FRANK 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 Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

[Mrs. MINK addressed the House. Her 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.]

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

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

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

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

RECESS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The House will stand in recess subject to the call of the Chair at.

Accordingly (at 11 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOX of Pennsylvania) at 11 o'clock and 30 minutes p.m.

ANNOUNCEMENT OF EMERGENCY MEETING OF COMMITTEE ON RULES ON H.R. 1555, TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995, AND S. 21, BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

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

Mr. SOLOMON. Mr. Speaker, after consultation with the minority, we are announcing that there will be an emergency meeting of the Committee on Rules tomorrow morning on two bills, H.R. 1555, the telecommunication legislation, and S. 21, the Senate bill concerning Bosnia. Those two hearings will follow the defense appropriation bill and the health and human services appropriation bill hearings tomorrow morning at 10 o'clock. We would notify the Members again tomorrow morning.

We would also call attention that if Members do have their amendments filed in the record of tomorrow, Friday, that they could very possibly receive preferential treatment in the Committee on Rules and/or on the floor by the manager of the bills.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSTON of Florida (at the request of Mr. GEPHARDT), for today after 12:30 p.m. and the balance of the week, on account of a death in the family.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 8 p.m., on account of personal reasons.

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. RAHALL) to revise and extend their remarks and include extraneous material:)

Mr. RAHALL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BRYANT of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. BROWNBACK, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mrs. SEASTRAND, for 60 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. BRYANT of Tennessee) and to include extraneous matter:)

Mr. EHRLICH.

Mr. BURTON of Indiana.

Mr. BEREUTER.

Mr. PACKARD.

Mr. MARTINI.

Mr. SMITH of New Jersey, in two instances.

Mr. CRANE.

Mr. FRANKS of Connecticut, in two instances.

Mr. DREIER.

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)

Mr. SKELTON in two instances.

Mr. FILNER.

Mr. GEJDENSON.

Ms. DELAURO.

Mr. STOKES.

Mr. FROST.

Mr. FAZIO of California.

Mr. VENTO.

Mr. RICHARDSON.

Mr. STUDDS.

Mr. LANTOS.

Mr. CLAY.

Mr. COLEMAN.

Mr. MARKEY.

Mr. WILLIAMS.

Mr. WYDEN.

(Mr. DORNAN, and to include extraneous material, immediately following his remarks on the Selective Service amendment to H.R. 2099 in the Committee of the Whole today.)

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 28, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1268. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the list of all reports issued or released in June 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1269. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled ''Leadership for Change: Human Resource Development in the Federal Government,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1270. A letter from the Director, Financial Services, Library of Congress, transmitting the activities of the Capitol preservation fund for the 9 months of fiscal year 1995, which ended June 30, 1995, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

1271. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the 1994 annual report for the Pennsylvania Avenue Development Corporation [PADC], pursuant to 40 U.S.C. 880(a); to the Committee on Resources.

1272. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's 16th annual report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, fiscal year 1993, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1273. A letter from the Chairman, U.S. International Trade Commission, transmitting the 82d quarterly report on trade between the United States and China, the successor states to the former Soviet Union, and other title IV countries during January-March 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

1274. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to implement aspects of the Department of Transportation budget request for fiscal year 1996, and for other purposes; jointly, to the Committee on Transportation and Infrastructure and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 2126. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–208). Referred to the Committee on the Whole House on the State of the Union.

Mr. PORTER: Committee on Appropriations. H.R. 2127. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–209). Referred to the Committee of the Whole House on the State of the Union.

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. FLAKE:

H.R. 2123. A bill to accelerate capitalization of the savings association insurance fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MICA (for himself, Mr. CHRYSLER, Mr. ROGERS, Mr. GILMAN, Mr. CLINGER, Mr. ROTH, Mr. MANZULLO, and Mr. PORTMAN):

H.R. 2124. A bill to enhance the competitiveness of the United States in the global economy through the establishment of the U.S. Trade Administration as an independent establishment in the executive branch of the Government; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Banking and Financial Services, and Government Reform and Oversight, 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. DREIER (for himself, Mr. HEFLEY, Mr. SOLOMON, Mr. COX, Mr. MCCOLLUM, Mr. HILLEARY, Mr. ROHRABACHER, Mr. ROYCE, Mr. NEUMANN, Mr. STOCKMAN, and Mr. BAKER of California):

H.R. 2125. A bill to provide for the termination of the present Small Business Administration and certain of its functions, to establish a Small Business Administration in the Department of the Treasury and an Office of Small Business Advocacy in the Executive Office of the President, and for other purposes; to the Committee on Small Business.

By Mr. YOUNG of Florida;

H.R. 2126. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. PORTER:

H.R. 2127. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. CANADY of Florida (for himself, Mr. HYDE, Ms. MOLINARI, Mrs. FOWLER, Mr. WICKER, Mr. SENSENBRENNER, Mr. HOKE, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. MCCOLLUM, Mr. COBLE, Mr. HEINEMAN, Mr. BRYANT of Tennessee, Mr. BONO, Mr. BARR, Mr. ROHRABACHER, Mr. ISTOOK, Mr. HERGER, Mr. NORWOOD, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. CHAMBLISS, Mr. HUTCHINSON, Mr. JONES, Mr. KING, Mr. LIGHTFOOT, Mr. PACKARD, Mr. PAXON, Mr. ROBERTS, Mr. ROTH, Mr. STUMP, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. DREIER, Mr. EMERSON, Mr. SCHAEFER, Mr. MILLER of Florida, Mr. GOSS, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. COMBEST, Mr. MICA, Mr. SCARBOROUGH, Mr. SMITH of New Jersey, Mr. STOCKMAN, Mr. WALKER, Mr. WELDON of Florida, Mr. EVERETT, Mr. LEWIS of Kentucky, Mrs. VUCANOVICH, Mr. BILBRAY, Mr. SOLOMON, Mrs. SEASTRAND, Mr. BILIRAKIS, Mr. CHRISTENSEN, Mrs. CUBIN, Mr. HASTERT, Mr. LARGENT, Mr. BUNNING of Kentucky, Mr. CLINGER, Mr. KOLBE, Mr. HANCOCK, Mrs. ROUKEMA, Mr. HOSTETTLER, Mr. GRAHAM, Mr. RADANOVICH, Mr. OXLEY, Mr. HOEKSTRA, Mr. BARRETT of Nebraska, Mr. BASS, Mr. DORNAN, Mr. SALMON, and Mr. BALLENGER):

H.R. 2128. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and House Oversight, 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. CARDIN:

H.R. 2129. A bill to amend the Tariff Act of 1930 to provide that the requirement of marking of imported articles and containers not apply to spice products; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. BARRETT of Nebraska, and Mr. BEREUTER):

H.R. 2130. A bill to amend the Farm Credit Act of 1971 to improve the efficiency and operation of the Federal Agricultural Mortgage Corporation in order to better to ensure that farmers, ranchers, and rural home owners will have access to a stable and competitive supply of mortgage credit now and in the future; to the Committee on Agriculture.

By Mr. FIELDS of Texas (for himself, Mr. FRISA, Mr. OXLEY, Mr. GILLMOR, Mr. PAXON, Mr. HASTERT, Mr. BARTON of Texas, and Mr. WHITE):

H.R. 2131. A bill to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets; to the Committee on Commerce.

By Mr. FILNER (for himself, and Mr. STUPAK):

H.R. 2132. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Ways and Means.

By Mr. MARTINEZ (for himself, Ms. NORTON, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. MINETA, Mr. WYNN, Mr. RUSH, and Mr. JACOBS):

H.R. 2133. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees; and for other purposes; to the Committee on Government Reform and Oversight, 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. RADANOVICH (for himself, Mr. MOORHEAD, Mr. CONDIT, Mr. ROHRABACHER, Mr. FILNER, Mr. COX of California, Mr. TORRES, Mr. DOOLITTLE, Mr. MINETA, Mr. DOOLEY, Ms. ESHOO, Mr. CUNNINGHAM, Mr. DORNAN, and Ms. LOFGREN):

H.R. 2134. A bill to amend the Fair Labor Standards Act of 1938 to allow employees in classified positions in community colleges to serve in certified or other academic capacities; to the Committee on Economic and Educational Opportunities.

By Mrs. VUCANOVICH:

H.R. 2135. A bill to provide for the correction of boundaries of certain lands in Clark County, NV, acquired by persons who purchased such lands in good faith reliance on existing private land surveys; to the Committee on Resources.

By Mr. WILLIAMS:

H.R. 2136. A bill entitled the ''Yellowstone Brucellosis Free Management Act''; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. ZIMMER (for himself, Ms. DUNN of Washington, and Mr. DEAL of Georgia):

H.R. 2137. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders; to the Committee on the Judiciary.

By Mr. LANTOS:

H. Con. Res. 87. Concurrent resolution condemning the refusal of the Indonesian officials organizing the World Archery Championships in Jakarta, Indonesia, in August 1995 to permit a team from Israel to participate in the competition under the name of Israel and under the flag of Israel, and urging the Government of Indonesia to join in condemning this manifestation of racism and anti-Semitism; to the Committee on International Relations.

By Mr. SCARBOROUGH:

H. Con. Res. 88. Concurrent resolution regarding recognition of the Socialist Republic of Vietnam; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 359: Mr. HASTINGS of Washington.

H.R. 390: Mr. DEAL of Georgia.

H.R. 528: Mr. SMITH of Texas, Mr. BENTSEN, and Mr. MCCOLLUM.

H.R. 530: Mr. CASTLE, Mr. BRYANT of Tennessee, and Mr. HANSEN.

H.R. 784: Mr. TAYLOR of North Carolina, Mr. FORBES, Mr. INGLIS of South Carolina, Mr. PAXON, Mr. MCINTOSH, and Mr. SAXTON.

H.R. 820: Mr. PALLONE, Mr. KLUG, and Mr. KLECZKA.

H.R. 862: Mr. SAM JOHNSON.

H.R. 873: Mr. BASS, Mr. SALMON, Mr. JOHNSTON of Florida, Ms. Rivers, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 995: Mr. WELDON of Pennsylvania and Mr. POSHARD.

H.R. 1073: Mr. TOWNS, Mr. GORDON, Mr. GILCHREST, Mr. MCKEON, and Mr. DEUTSCH.

H.R. 1074: Mr. TOWNS, Mr. GORDON, Mr. GILCHREST, Mr. MCKEON, and Mr. DEUTSCH.

H.R. 1133: Mr. COBURN, Mr. ROHRABACHER, Mr. HALL of Texas, Mr. CHRISTENSEN, Mr. HAMILTON, and Mr. SMITH of Michigan.

H.R. 1386: Mr. CHAPMAN and Mr. LEWIS of Kentucky.

H.R. 1446: Mr. CALVERT.

H.R. 1500: Ms. RIVERS and Mr. SAWYER.

H.R. 1533: Mr. ROHRABACHER.

H.R. 1662: Mr. WILSON, Mr. EHRLICH, Mr. BOEHLERT, Mr. MCHALE, and Mr. STOCKMAN.

H.R. 1733: Mr. GOODLATTE, Mr. COBLE, and Mr. CONYERS.

H.R. 1744: Mrs. KELLY.

H.R. 1762: Mr. BAKER of Louisiana, Mr. PETE GEREN of Texas, Mr. GOSS, Mr. ROHRABACHER, Mr. UNDERWOOD, Mr. HUTCHINSON, Mr. BROWN of California, Mr. HANCOCK, Mr. SOLOMON, Mr. SHAW, Mr. THOMAS, and Mr. RIGGS.

H.R. 1818: Mr. KOLBE, Mr. BILBRAY, Mr. HAYWORTH, Mr. NEUMANN, Mr. SMITH of New Jersey, and Mr. TAYLOR of North Carolina.

H.R. 1840: Mr. DOOLITTLE and Mr. WICKER.

H.R. 1856: Mr. LARGENT, Mr. ROTH, Mr. TAYLOR of North Carolina, Mr. DUNCAN, and Mr. POMBO.

H.R. 1898: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 1963: Mr. GOODLATTE.

H.R. 1972: Mr. FOLEY and Mr. SALMON.

H.R. 1986: Mr. PAYNE of New Jersey, Mr. ROMERO-BARCELO, Mr. ANDREWS, Mr. UNDERWOOD, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. EVANS, Mr. BONIOR, Ms. MCKINNEY, Mr. GENE GREEN of Texas, Ms. LOFGREN, and Mr. GEJDENSON.

H.R. 1994: Mr. FORBES, Mr. LIVINGSTON, Mr. FIELDS of Texas, and Mr. ACKERMAN.

H.R. 2013: Mr. FORBES and Mr. ACKERMAN.

H.R. 2019: Mr. PICKETT.

H.R. 2026: Mr. TAYLOR of North Carolina, Mr. MILLER of Florida, Mr. BLUTE, Mr. COSTELLO, Mr. TORRICELLI, Mr. CALLAHAN, and Mr. BERMAN.

H.R. 2039: Mr. KING, Mr. FORBES, Mr. HOLDEN, Mr. MCCOLLUM, Ms. FURSE, and Mr. CANADY.

H.R. 2072: Mr. GRAHAM.

H.J. Res. 48: Mr. HAYWORTH.

H.J. Res. 68: Mr. KLECZKA.

H. Con Res. 47: Mr. ANDREWS, Mr. CONDIT, Mr. PORTER, Mr. LEWIS of Georgia, Mr. MINETA, and Mr. BILIRAKIS.

H. Con. Res. 48: Mr. MOAKLEY, Mr. MINGE, Mr. PALLONE, Ms. PRYCE, Mr. UPTON, Mr. JOHNSON of South Dakota, Mr. FILNER, and Mrs. MALONEY.

H. Con. Res. 51: Mr. PALLONE, Mr. ANDREWS, and Mr. ZIMMER.

H. Con. Res. 79: Mr. DINGELL, Ms. ROYBAL-ALLARD, Mr. ACKERMAN, and Mr. LEWIS of Georgia.

H. Res. 36: Mr. FILNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2092: Mr. BRYANT of Tennessee.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2099

OFFERED BY: MR. DORNAN

AMENDMENT NO. 71. Page 88, line 3, add ''Sec. 519. None of the funds under this Act shall be used for the Senior Environmental Employment Program.''

H.R. 2099

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 72. Page 87, after line 25, insert the following:

SEC. 519. The amount otherwise provided in title I of this Act for ''DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE'', the amount otherwise provided in title III of this Act for ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', and the amount otherwise provided in title III of this Act for ''NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'' are, respectively, increased to a total of $16,961,000,000, reduced by $89,500,000, and reduced by $100,000,000.

H.R. 2126

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for the procurement of Army projectiles, except when it is made known to the Federal official having authority to obligate or expend such funds that such procurement is in compliance with the Competition in Contracting Act.

H.R. 2126

OFFERED BY: MR. CARDIN

AMENDMENT NO. 2: At the end of the bill (before the paragraph designating the short title of the bill), insert the following new section:

SEC. . None of the funds appropriated by this Act may be used in the administration of section 7299a of title 10, United States Code, to carry out a policy with respect to solicitation of offers for ship depot maintenance work that defines the concept of the ''homeport area'' of naval vessels in a way that would preclude a port that is within 160 miles of a naval facility that is the home port of a vessel from being treated as being within the homeport area of that vessel.

H.R. 2126

OFFERED BY: MR. DORNAN

AMENDMENT NO. 3: At the appropriate place in title VIII of the bill (relating to general provisions), insert the following new section:

SEC. . None of the funds made available in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense, except when it is made known to the Federal official having authority to obligate or expend such funds that the life of the mother would be endangered if the fetus were carried to term.

H.R. 2127

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 1: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the funds made available in this title under the heading ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', $9,426,000 is available for carrying out the activities of the Office of Rural Health Policy. Of the amount made available in this title under such heading, $824,092,000 is available for carrying out the program for the Health Centers Cluster.

H.R. 2127

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 2: At the end of title II, after the last section (preceding the short title) the following section:

SEC. . Of the amount appropriated in this title under the heading ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'', $9,426,000 is transferred and made available for carrying out the activities of the Office of Rural Health Policy.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 3: Page 21, strike lines 1 through 7 (relating to OSHA ergonomic protection standards).

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 4: Page 59, line 13, strike the colon and all that follows through ''Act'' on page 60, line 1 (relating to NLRB and salting).

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 5: Page 60, line 1, strike the colon and all that follows through ''evidence'' on page 61, line 2 (relating to NLRB section 10(j) authority).

H.R. 2127

OFFERED BY: MR. POSHARD

AMENDMENT NO. 6: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the funds made available in this title under the heading ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', $9,426,000 is available for carrying out the activities of the Office of Rural Health Policy. Of the amount made available in this title under such heading, $824,092,000 is available for carrying out the program for the Health Centers Cluster.

H.R. 2127

OFFERED BY: MR. POSHARD

AMENDMENT NO. 7: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the amount appropriated in this title under the heading ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'', $9,426,000 is transferred and made available for carrying out the activities of the Office of Rural Health Policy.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 8: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in titles I, II, and III of this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official to whom the funds are made available that—

(1) the individual is not lawfully present in the United States, and

(2) the benefit or assistance to be provided is other than emergency medical assistance, public health immunizations, or short-term emergency, in-kind no-cash disaster relief.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) None of the funds made available in titles I, II, and III of this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official to whom the funds are made available that—

(1) the individual is not lawfully present in the United States, and

(2) the benefit or assistance to be provided is other than emergency medical assistance, public health immunizations, or short-term, in-kind no-cash emergency disaster relief.

(b)(1) Each Federal official receiving funds under title I, II, or III of this Act shall take reasonable actions to determine whether any individual who is seeking any benefit or assistance subject to the limitation of subsection (a) is lawfully present in the United States.

(2) In the case of any filing, inquiry, or adjudication of an application for any benefit or assistance subject to the limitation of subsection (a), no Federal official or agent may discriminate against any individual on the basis of race, color, religion, sex, national origin, age, or disability.

(c) PUBLIC POLICY OF THE UNITED STATES.—The Congress finds:

(1) Federal or State provision of taxpayer-supported non-emergency services of all types to aliens not lawfully in the United States encourages the violation of federal immigration laws and is contrary to the public policy of the United States;

(2) Denial of such services to aliens not lawfully in the United States would operate harmoniously with the Federal immigration laws, and would be an effective method of dealing with urgent demographic and economic problems;

(3) One of the purposes of Federal immigration law is to conserve Federal and State taxpayer resources;

(4) Upholding Federal immigration policy in this way would improve the quality of education, health care, and other services in the States for citizens and aliens lawfully in the United States;

(5) Provision of such services by the Federal Government or the States encourages illegal immigration, imposing severe burdens on the economies of the States that are the principal destinations of aliens not lawfully in the United States, and reduces the amount of funds available for legal residents and citizens of the United States; and

(6) Provision of such services by the Federal Government or the States ultimately imposes serious costs on the Federal Government, by virtue both of the Federal role in providing funds for State health, education, and other services and of the increased demand for Federal funds created by the economic dislocation caused by illegal immigration;

(7) The determination by the Federal Government or any State not to reward illegal immigration with taxpayer services of any type for aliens not lawfully in the United States is fully consistent with the objectives of Federal immigration law and furthers legitimate Federal and State goals.

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Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9:15 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:

Lord God of history, today as the Korean War Veterans Memorial is officially dedicated, we remember with profound gratitude the over 54,000 Americans who died, the more than 8,000 still listed as missing, and the over 100,000 who were wounded in the Korean war. May this day also be an opportunity to honor all those who served our country and the cause of freedom in this war. Never again may they feel they fought in what some have called the ''forgotten war.''

Lord, sharpen our memories so that we can realize again how crucial this war was for the liberation of the South Korean people from communism. Help us to remember that through this war there was an establishment of democracy and a dynamic industrial society. When we reflect on what might have happened to the destiny of South Korea had this battle for democracy not been fought, we enter into this day of memorial with a great sense of debt to those who paid the high price for the freedom of a people who at that time, could not defend themselves. May this day overcome the world's neglect of what these Americans endured, and at last, affirm what they achieved. Inscribe on our hearts what is inscribed on the 8-ton granite slab of this memorial in the Washington Mall:

> Our Nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.

Lord God of hosts, be with us yet, lest we forget—lest we forget. Amen.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDENT pro tempore. The clerk will report the bill.

The assistant legislative clerk read as follows:

> A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms amendment No. 1854, to prohibit the use of amounts made available under this act for the promotion or encouragement of homosexuality or intravenous drug use.

Helms amendment No. 1855, to limit amounts appropriated for each of fiscal years 1996 through 2000 under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995.

Helms amendment No. 1856, to ensure that Federal employees will not be require to attend or participate in AIDS or HIV training programs.

Helms amendment No. 1857, to limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer.

Kassebaum amendment No. 1858, to prohibit the use of funds to fund AIDS programs designed to promote or encourage intravenous drug use or sexual activity.

The PRESIDENT pro tempore. Under the previous order, the able Senator from Nevada is recognized.

Mr. REID. Mr. President, under the order that has previously been entered, how much time does the Senator from Nevada have?

The PRESIDENT pro tempore. Fifteen minutes.

Mr. REID. Mr. President, my oldest child, my only daughter, married a young man from North Carolina, a fine young man, someone that our whole family has accepted. He has been great to my daughter and to the whole family. We are very proud of both of them.

We have learned that when your child marries, other people automatically come into the family. As a result of my son-in-law coming into our family, his parents came into our family as well, a wonderful couple, Melvin and Mattie.

Mr. President, we got to love and appreciate both of them, and all the time that we knew Mattie, my daughter's mother-in-law, she was very ill. She was dying of cancer, and had been suffering for a long period of time.

Finally, Mattie passed away. Melvin and Mattie had been married 40-plus years. Then, after a few years had passed, Melvin and a woman that he had known his entire life—she was a widow, he was a widower—married.

This relatively elderly couple on their honeymoon recognized that Beulah, the new wife, was ill. She did not know what was wrong, but she was very sick. And after having a significant number of medical tests, it was learned that his new wife had AIDS. It was determined she had contracted the disease from her former husband. He had had open-heart surgery and was given tainted blood. So this angelic man, Melvin, who had spent many, many years caring for his very sick wife dying of cancer, now faced another tragic situation—his new wife was dying of AIDS. You see, Mr. President, anyone that gets AIDS dies. It is a terminal disease. It is only a question of how long. Beulah suffered significantly, and recently passed away.

Mr. President, the reason I relate this story to my colleagues here in the Senate is that AIDS affects everyone. It does not affect a specific community. It does not affect a specific ethnic group. It does not affect just young men. It does not affect only young women. It has some effect on all of us. Really, Mr. President, that is what the Ryan White legislation is all about. It recognizes that AIDS is an epidemic that is sweeping the country. It recognizes that victims with AIDS need special help as a result of the disease.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Ryan White, the young man whose name is affixed to this legislation, had a disease called hemophilia. As we know, this is a disease where the human body is unable to stop bleeding. These young people who have this disease need large amounts of blood in the form of transfusions. Ryan White, as a boy, was given tainted blood and wound up with the AIDS virus and ultimately full-blown AIDS. He suffered tremendously, as anyone who has this disease does.

Mr. President, Ryan White lived to be 18 years of age. To add to this sad story, Ryan White also suffered significant, severe discrimination. Why? Because he had this disease—AIDS. He struggled merely to attend public schools. Eventually, he succeeded in getting a court order which allowed him into the school, but he was then ostracized by his peers. People lied about him. They claimed he spit on people and bit people. There were even accusations that he was a homosexual, with all of the connotations relating to that, and many other hateful and spiteful things that this young man had to endure.

His mother fought hard for her boy. She wanted him to have a normal childhood. Through her perseverance and her constant fighting to bring this disease to the forefront, we passed the Ryan White bill.

This CARE Act is a cornerstone of Federal funding for AIDS-specific care. There is bipartisan support, as there should be, for this reauthorization. We do not know exactly how many Americans are infected with the HIV virus. We do know it is over a million. There is not a place you can go in the United States that does not have a story to tell about AIDS.

A recent poll was taken that shows more than 70 percent of Americans believe that funding should either be increased or remain the same for AIDS-related causes. There has been some talk, Mr. President, on the Senate floor that too much money is being spent on people with AIDS. I have a number of answers to anyone who would make such a statement. First, any medical research that is done, whether it is for AIDS, cancer, diabetes, lupus, any disease you want to mention, helps us all, because it is through medical research that breakthroughs come that help us in understanding disease generally.

For example, Mr. President, the billions of dollars spent on star wars has not resulted in a defense to stop incoming missiles, however, significant scientific advancements were made as a result of doing work on that project. Laser technology has advanced a thousandfold as a result of that research. The same applies, in my estimation, to research on AIDS-related diseases. If we better understand the cause of AIDS, if we better understand and reach some conclusion as to better ways to treat AIDS, and perhaps someday cure AIDS, there would be all kinds of side effects, positive in nature, as a result of the research done on AIDS. I do not believe, Mr. President, that we are spending too much money on this disease.

The CARE Act is a model of local control, planning authority and funding decisions rest with State and local governments. The CARE Act programs provide health care and support services to more than 300,000 people with the HIV virus. The Ryan White CARE Act, enacted in 1990, has, in effect, disaster relief to help America's hardest hit cities with AIDS.

This act provides for Federal resources to States and localities to assess their needs and design effective strategies to meet them.

There are four titles to the CARE Act. Title I provides for primary care. Another title deals with a consortia of local providers, with prescription drugs, and insurance continuation. Title III provides for early intervention, and categorical grants to private and nonprofit entities already providing primary care. Title IV provides for coordinated comprehensive care for children, and families among other things.

This legislation, Mr. President, is an important step to relieve people and their immediate families and neighbors from the problems that relate to people who are suffering from HIV/AIDS. Having people with HIV involved with the CARE Act reduces further transmission of this disease.

Having said that, we save money as a result of people being treated properly that have AIDS. It also reduces inappropriate use of emergency rooms and inpatient hospitalization.

I believe that prevention is the best way to save money. With the Ryan White Act, we are spending money now in order to save money in the future. So we should not be shortsighted in our actions. The programs we have already established have reduced inpatient care costs, increased access to care for undeserved populations and improved quality of life for those infected by the epidemic.

The AIDS epidemic is getting worse. It was originally centered in large urban areas. Now it is truly national. It affects rural America.

Without funding through this act, the AIDS epidemic in some communities will simply become unmanageable.

Mr. President, Reno, NV, a relatively small community, has a real problem with treating people with this disease. Like all communities, we do not know exactly how many people have this disease, but at our early intervention clinic we have a caseload of about 275 people—again, Mr. President this is at an early intervention clinic.

The reason this clinic is important, Mr. President, and there are a number of reasons, but one reason is that it saves Nevada money. At this facility, people can come and receive advice, counsel, and treatment, therefore, avoiding unnecessary hospitalization. Through avoiding emergency visits alone, we save thousands and thousands of dollars.

The success of this early intervention clinic was so impressive that two Reno hospitals made grants of $50,000 each to the clinic in 1993 to support HIV and related direct patient care. It would save the hospital money in the long run to keep the clinics open.

Mr. President, Nevada has the 11th highest per capita reported HIV cases in the Nation. The overwhelming majority of HIV-infected Nevadans live in the Las Vegas area. Las Vegas is in region 9, which ranked fifth in the number of HIV cases. The majority of these infected individuals receive their medical care at the University Medical Center in Las Vegas. UMC spends millions of dollars each year of taxpayers' money on AIDS treatment.

The Ryan White legislation, Mr. President, will save the people of the State of Nevada money as a result of early intervention.

The Ryan White legislation, Mr. President, is something that we should all support. It is important legislation.

This disease affects almost every American. It has affected this Senator. It has affected many other people who work in these Chambers. I think it is important that we understand that when we help people who are sick, no matter what disease they have or why they have it, helping them is the right thing to do. It is the right thing from a moralistic standpoint, as well as the right thing to do from an economic standpoint. We save the taxpayers of this country money by providing appropriate and proper care. I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is my understanding under the unanimous-consent agreement, at this time I was allocated an hour to bring forth an amendment. I do not intend to bring that amendment forward.

I have been discussing this with the chairman of the subcommittee and ranking member of the committee and also with other cosponsors of this amendment, which deals with the export activity, drug, pharmaceutical, and device companies, and would address what I think is an absolutely essential need to reform our export activities so that our drug, our biological, and device companies are not put at the significant disadvantage relative to the international marketplace, and so they are not shipping abroad jobs, technology, and research which is what is occurring today.

This amendment, which would correct that problem and make our pharmaceutical, biologic, and device companies more competitive and give them the opportunity to produce goods here, sell them abroad in a reasonable manner, and to do their research here, rather than shipping them abroad, is a critical amendment.

I have received a commitment, and I am very appreciative of this from the chairman and ranking member of the committee, that this matter will be taken up at a markup in committee next Wednesday, as I understand it. That is very satisfactory to me.

I think that will give Members a chance to have a full airing at the committee level and, hopefully, bring legislation to the floor which will address this issue, which I do feel needs to be addressed in the short term rather than the long term.

With that background, I will not be offering my amendment. I yield back my time.

Mr. KENNEDY. Mr. President, I express appreciation to the Senator from New Hampshire for proceeding this way. It will permit the Human Resources Committee to have an opportunity to consider an extremely important and significant change in terms of our export policy, in terms of medical devices, and other pharmacological products.

It is a very, very important issue. At the present time, for example, we are able to export to the 21 countries that have the technological and scientific basis. If those countries have approved those particular products, we can export to those. But this would open up export to a wide range of different countries that do not have that kind of scientific basis.

We have to take note that we have Americans that will be living in those countries, that will be traveling in those countries, that will be perhaps consuming these various products. I think we want to make very, very sure that the type of product that will be exported from the United States is going to be safe and efficacious. We have seen too many instances in the past, even when products have been utilized in foreign countries and found to provide a very substantial and significant health hazard, they have still been exported to other countries and endangered the health and the well-being of children, expectant mothers, and others.

We want to be very, very sure that we are going to be part of a world system in terms of competitiveness, but also that if the products are going to be exported from the United States, that they are going to need, I think, some minimal standards either established here or established in other countries that have the scientific capability and capacity.

As I mentioned, 21 countries do have that. To even provide the degree of flexibility to the FDA, if they make a judgment that they believe other countries have that kind of expertise and they feel it is warranted and justified, to be able to export those, I think we ought to be able to consider that.

There are some very, very important public policy issues involving not only the economic issues in terms of export market, but also health issues in terms of products that are made here in the United States.

I am grateful to the Senator from New Hampshire. This will give Members an opportunity in the period of time in the next several days to see if we cannot find some common ground. There are some ideas and suggestions that we have that I think can move us very substantially toward the goal of the Senator from New Hampshire. It would do it in a somewhat different way.

I welcome the opportunities to explore those over the period of these next several days and see if we cannot have the discussion of those and consideration of those in the committee next week, and then move that whole process through in a timely way.

I appreciate the willingness to proceed in this way. I think we will get a better product and, hopefully, one that can have the broad support of the Members.

Mrs. KASSEBAUM. Mr. President, I, too, am appreciative of being able to work this out. We will put this legislation on the committee markup calendar for next week.

I am a cosponsor of the legislation that has been introduced by the Senator from New Hampshire. I know that Senator GREGG has some very strong and very constructive views on FDA reform, as many Members do. We are working toward a comprehensive approach including the specifics of the export policy. I think this is a very positive direction for Members to go.

I appreciate all parties concerned, including Senator KENNEDY and the other members of the Labor Committee, for being willing to put, this legislation on the markup calendar.

Mr. President, we are trying to confirm that all Members are notified that the vote schedule will probably be a bit earlier than we had anticipated, since the FDA amendment has been worked out. I think we are trying to arrange for 10 o'clock, but this has not yet been finalized.

Mrs. MURRAY. Mr. President, I rise today in strong support of S. 641, the Ryan White CARE Reauthorization Act of 1995. I am proud to join 63 of my colleagues from both sides of the aisle in cosponsoring this bill, and I thank our distinguished majority leader, Senator DOLE, for bringing the measure to the floor.

The AIDS epidemic is one of the most serious public health crises the world has ever faced. AIDS is now the leading cause of death of Americans between the ages of 25 to 44. Even more startling to me, AIDS is the second highest cause of death among women across our country. In addition, AIDS cases among people of color are on the rise and rural populations are witnessing sharp increases of reported AIDS cases.

We all know that AIDS has devastated the gay and hemophiliac communities. Yet, surveillance data from the Centers for Disease Control show the rates of increases in AIDS cases are highest among women, adolescents, and persons infected through heterosexual contact. In my home State of Washington, 37 of our 39 counties have reported cases of AIDS.

The National Center for Health Statistics projects that deaths due to AIDS will increase 100 percent over the next 5 years. Clearly, the epidemic is not abating.

Mr. President, I believe the Federal Government has an important role to play in combating the AIDS epidemic. But I also believe we—as parents, neighbors, and human beings—have an obligation to care for those living with HIV/AIDS. As more adolescents, our Nation's children, become infected with the AIDS virus, we must ensure they have access to adequate HIV-related treatment and services.

When I see that adolescents are one of the fastest growing populations of people with HIV/AIDS, I get particularly concerned. I am the mother of two teenagers. I know AIDS is an issue they are very worried about. I want to do all I can to assure them that as a nation we are facing up to this crisis, and that perhaps one day they can raise their kids in a world that is no longer threatened by AIDS.

One of the first trips I took as a U.S. Senator was to the pediatric AIDS ward at the National Institutes of Health. I was both heartened by the progress made by the researchers, and heartbroken by the unimaginable loss of life that is inevitable in the coming decade.

I still have vivid memories of that trip to NIH.

I remember the face of a young boy, barely in his teens, although physically he was the size of a 6-year old. His whole young life and that of his family's were consumed with trying to outwit this terrible disease. Tragically, he died a short time later, but I am determined to ensure that we do all we can and not turn our backs on our children. They are our future and they deserve better.

The Ryan White CARE Act is one of the best programs to care for people living with HIV-infection. Our constituents have told us how much they have come to rely on the services funded through the Ryan White CARE Act.

Maybe we need to reflect for a moment on what these services mean to a person living with AIDS. Because of the lifesaving resources the Ryan White Act provides, people living with HIV/AIDS have access to mental health counseling, transportation to medical appointments, companion care, and the delivery of a nutritional meal. In other words, the Ryan White CARE Act gives people with AIDS a most precious gift—a little peace of mind.

I am proud of the people who are fighting on the frontlines of this epidemic in my State. Without Ryan White funding, organizations like the Northwest AIDS Foundation and the Chicken Soup Brigade would not be able to continue their life-sustaining work.

Let me repeat that. Without funding from the Ryan White Act, people who

are too sick to leave their homes could not count on a home-delivered meal, nor would they have access to HIV-related counseling and treatment services. It seems to me that ensuring the value of dignity in someone's last days is not too much to ask for in this greatest of countries on Earth.

And, let us not forget, the Ryan White CARE Act saves us money. Ryan White-supported volunteer programs and case management programs are cost-effective alternatives to hospitalization and institutional care. Early intervention care services keep people living with HIV healthy and working far longer. And Ryan White services help prevent the spread of HIV by increasing people's awareness and understanding of the disease.

Sooner or later, every Member of this Chamber will be personally touched by the shadow of AIDS.

I already know what it feels like to have a good friend call and sadly confirm he has been diagnosed with HIV. My very good friend and former colleague in the Washington State Senate, Cal Anderson, has been living with AIDS for several months. I served with Cal before coming to this body, and I feel honored to be able to call him my friend. Cal is one of the most determined, respected, and strongest people I know. He has not let his health get in the way of his drive and commitment to serving the people of our State, and I want to let him know how much I admire his courage and his wisdom.

This is a disease that affects us all, Mr. President. Finger-pointing and moralizing have no place in this debate. The AIDS virus does not choose its victims, and it does not seek to punish them either. None of us shall tolerate the suggestion that people who get AIDS are disgusting and reprehensible. All I know is that people with AIDS are sick—and they need our help and our compassion.

Mr. President, the time to act is now. I urge all of my colleagues to support swift and final passage of the reauthorization of the Ryan White CARE Act.

Mr. KERRY. Mr. President, The Ryan White CARE Act is about people. It is about community and caring and, fundamentally, it is about our response to a public health crisis, and the fairness with which we deal with such crises. It is about community and what we stand for as a nation. It is about adequate education and the prevention of a deadly disease. It is about Government's rightful role in protecting the health of Americans. And it is about life and hope, health and caring.

It is the function of this body to debate issues on principle, and there will always be issues that will philosophically divide us, but illness and human suffering is not a wedge issue; and it should not be debated based on our fears and our anxieties. I sincerely hope that, in discussing AIDS education, prevention, and funding we do not engage in a debate about cultural differences or lifestyles, but about illness, disease, and the devastating impact of the HIV virus on our fellow citizens.

I would hope that the fight against AIDS, like the fight against cancer or heart disease would unite us, and strengthen our resolve as a community, because HIV knows no cultural bounds, and spares no gender, color, creed, or national origin. I wish that this Senate could unanimously support legislation—without divisive amendments—that addresses, a devastating disease with tragic consequences that has torn families and friends apart.

Mr. President, in this debate let us not drift too far afield from what this legislation would do. We are simply talking about outpatient medical care to those who suffer the HIV virus. We are talking about supporting services to families and individuals living with the HIV virus and AIDS. We are talking about education and prevention. We are talking about altering funding formulas to reflect the geographic and demographic reality of where the problem is and who needs the help.

We are simply talking about fairness, about doing all we can to help victims and families who have struggled with HIV. We should not divert our attention from intolerance of the suffering HIV causes to intolerance of those who suffer.

In conclusion, beyond the specifics of this important legislation, I see the Ryan White CARE Act as a test of our leadership in the U.S. Senate, and as a symbol of our commitment to the fundamental concept of community that holds us together as a diverse nation, strengthened by our differences.

I yield the floor.

Mr. DODD. Mr. President, I rise in strong support of the Ryan White Reauthorization Act of 1995. I would like to thank the chair of the Labor and Human Resources Committee, Senator KASSEBAUM, and the ranking member, Senator KENNEDY, for all the hard work that they have put into this bill.

AIDS continues to be a serious public health problem in this country. It has become the leading killer of U.S. adults between the ages of 25 to 44. Since it was first identified in the early eighties, nearly 500,000 cases of AIDS have been reported. More than 40 percent have been diagnosed in the last 2 years. Clearly, the situation is getting worse, not better. And as much as we would all like to see this crisis just go away, it will not. AIDS is rippling through every one of our States—from rural hamlets to major cities. It is a national problem that requires a national response.

The disease strikes and kills Americans in the prime of life—the most productive members of our society. The median age at time of infection is 25 years of age.

The spread of HIV and AIDS among young adults is particularly alarming. According to the Centers for Disease Control, young adults from 20 to 29 years of age account for almost 20 percent of diagnosed AIDS cases. Given the typical lengthy period between HIV-infection and diagnosis with AIDS, it is likely that these young people became infected as adolescents. And in 1993, the largest increases in reported AIDS cases occurred among young people between the ages of 13 to 19 and 20 to 24. Additionally, the number of pregnant women and children born with the disease continues to grow with the epidemic.

My State of Connecticut is hard hit by the epidemic, where the problem continues to grow. More than one-sixth of our total AIDS cases were reported in 1994 alone.

The epidemic has hit my State's poorest cities the hardest. Ninety percent of the AIDS cases in Connecticut are concentrated in the New Haven and Bridgeport metropolitan areas and in Hartford County. In Hartford, AIDS is the leading cause of death among youth. Pediatric AIDS cases are twice the national average. Female AIDS cases are also twice the national average. Hartford will receive title I funds in the coming year to help it cope with this crisis.

In New Haven, 3,355 cases had been diagnosed through December 1994, and an estimated 8,039 were infected with HIV. In Bridgeport, there are between 3,400 and 4,000 cases of HIV infection, 16 percent in the age group 15 to 24.

The Ryan White CARE Act provides vital funds to help States, cities, individuals, and families cope with the epidemic's impact. Title I of the act provides dollars to metropolitan areas disproportionately affected by the epidemic. The funds go to health care and support services to prevent hospitalization and improve the lives of individuals living with HIV infection and AIDS. Title II provides funds to States for the delivery of health care and services, the development of community-based consortia, and services such as health insurance continuation and HIV medication reimbursements. Title III B supports early intervention services on an outpatient basis. Title IV provides grants for services for women and children.

The strength of the Ryan White Program is made clear by the broad bipartisan support for the bill. It was initially passed in 1990 with the sponsorship of Senators KENNEDY and HATCH and signed into law by President Bush. It now enjoys the support of more than 60 Members from both sides of the aisle.

The services paid for under this act are desperately needed by the health care providers and institutions that work on the frontlines of this illness and by the individuals and families that live with the disease. I urge my colleagues to support this reauthorization bill.

Mr. HARKIN. Mr. President, I rise to share my strong support for S. 641, the Ryan White CARE Reauthorization Act of 1995. The AIDS emergency is far from over. In fact, it is only getting

worse. Now more than ever, we need the Ryan White CARE Act.

The Ryan White Act is a vital source of health services for people with AIDS. Often, it is the only source of help available. AIDS victims commonly suffer from discrimination and social isolation, leaving them with no one to turn to when they get sick.

Also, they often lose their health care coverage, so they must rely on public assistance for care. That is where the Ryan White Act comes in. It is there to lend a hand in times of crisis when there is nowhere else to turn to.

For those who think that AIDS is no longer a major crisis in the United States, I have a wake-up call for you: the AIDS epidemic is at its height. According to the Centers for Disease Control and Prevention, AIDS has now grown to become the No. 1 killer among American males aged 25–44. In 1992, there were approximately 48,000 new AIDS cases in the United States. Last year, that number grew to more than 80,000. We should all be alarmed.

Some would like us to believe that AIDS is a disease that affects only homosexuals and drug-users. Some people still refer to AIDS as a ''gay disease.''

But, Mr. President, that invective which we hear is also a virus. It is the virus of ignorance, the virus of indifference, the virus of intolerance spreading a dangerous message. And we have to put a stop to that virus, too.

AIDS is not a ''them'' disease. It is an ''us'' disease. Every American—regardless of color, creed, gender, or sexual orientation—is at risk for AIDS.

Recently, in some parts of the country, the rate of AIDS incidence has shown signs of leveling off in the homosexual population. Unfortunately, at the same time, the heterosexual AIDS epidemic is rising at an alarming rate. Growing numbers of women are contracting AIDS. Also, teenagers in the United States now have one of the fastest growing rates of infection.

While AIDS continues to have a disproportionate impact on urban areas, it is cropping up in our suburban and rural areas as well. Iowa has reported over 650 cases since the epidemic began. You don't have to travel far to run up against this deadly disease—it's right in our own backyard.

In Iowa, we have four Ryan White CARE consortias in operation around the State. They receive no funding from the State, nor do they get city or county funds for program costs or direct services. Without the Ryan White Act, these organizations would be unable to function, and many Iowans with AIDS would be left out in the cold.

I recently received a letter from Kirk Bragg, director of the AIDS Project of central Iowa. In his letter, he gives an excellent example of the kind of care Ryan White provides in our State. Let me share it with you:

> Five months ago we received a call for help. Bob R. has AIDS and HIV-related dementia. His parents attempted to care for him at home, but could not cope with the demands of his illness and his confused mental condition. In desperation, they drove to Des Moines and left Bob at the front entrance of Broadlawns Medical Center.
>
> Bob's parents, we found, were not bad people—they simply had reached the end of their emotional and financial rope.
>
> A social worker from Broadlawns called our agency, and we picked Bob up and took him to our office. In less than 24 hours, we found Bob a place to live, purchased vitally needed medications, connected him with volunteer support, and provided ongoing case management that continues to help Bob avoid harmful decisions.
>
> Today, five months later, Bob's condition has stabilized.
>
> He has re-established his relationship with his parents, and he has the medications, care, and counseling he requires. His life is not easy, and his disease is not cured, but one more human life was pulled from the abyss.
>
> The Ryan White CARE Act made this all possible.

In closing, Kirk had one final note to share that I would like to pass on to my colleagues. He says:

> Tell the Senators who oppose this legislation that we who are working in the fields have come to believe that AIDS poses a moral question that must be answered—how our society cares for the sick and despised is, in reality, a test of our national character and our national will. If Americans truly care for each other, we care for all our people.

Kirk is right—this legislation is a test of our national will and our national character. Unfortunately, time is running out. The longer we wait on this bill, the more dangerous the situation becomes.

On September 30, the Ryan White CARE Act will expire unless we move forward with reauthorization. Also, the appropriations process is well underway in both Houses, which means that we need move quickly to ensure that the new act is firmly in place so that it gets full and fair consideration for funding.

On behalf of the thousands of Americans who suffer from AIDS and their families, I strongly urge my colleagues to support passage of S. 641.

This act is a life-line for those with AIDS. Let us act now before it is too late.

DENTAL PROVISIONS OF THE RYAN WHITE CASE

Mr. HATCH. I am pleased to see the consolidation of most all of the Federal AIDS programs under the Ryan White AIDS CARE Act, as I believe that this will enhance the coordination of the services that we provide. I am concerned, however, that S. 641 fails to include a very important education and service program—the HIV/AIDS dental program.

Mrs. KASSEBAUM. The Senator is correct.

Mr. HATCH. As the Senator knows, dental care is consistently identified as one of the unmet needs of most AIDS patents. In fact, the need for dental care has been used to illustrate the importance of reauthorizing the Ryan White CARE Act.

Mrs. KASSEBAUM. That is correct. Health officials in Kansas tell me that the dental needs of persons with HIV disease differ from those of people without chronic diseases—while many Americans visit the dentist primarily for preventive care, I understand that some patients with AIDS experience mouth lesions and pain so devastating that they see their dentist more often than their physician.

Mr. HATCH. Receiving treatment for oral diseases is often difficult for HIV/AIDS patients because many are uninsured and, in addition, most dental services are not reimbursed under Medicare and are seldom covered by Medicaid. As a result, dental schools and hospitals provide a safety net for many of these uninsured patients, but risk serious financial problems in doing so.

In fiscal year 1995, over 73,000 patients nationwide were cared for through this program; over $14 million in unreimbursed dental care was provided, for which the Federal Government reimbursed approximately 49 percent.

It is my understanding that the House Commerce Committee included this program in its Ryan White reauthorization bill, and that the House Appropriations Committee has continued funding for the program in its fiscal year 1996 bill. I do not want to hold up the progress of this bill, so I am not offering an amendment today, but I hope that we can find a way to reauthorize the AIDS dental program in the Ryan White CARE Act as it moves forward in conference with the House.

Mrs. KASSEBAUM. I certainly appreciate the comments of the distinguished Senator.

As you know, in the health professions bill which cleared the Committee on Labor and Human Resources earlier this year, we consolidated this program with others. This would allow the Secretary to determine if AIDS dental training programs are really needed. I understand the Senator from Utah's concerns, but, this is an issue which I will reexamine in the context of the health professions bill.

Mr. HATCH. Mr. President, I rise to comment on an agreement reached earlier among my colleague from New Hampshire, Senator GREGG and the distinguished floor managers for this bill, Senator KASSEBAUM and Senator KENNEDY. Senator GREGG agreed to withdraw his amendment this morning and the measure will be considered at a markup at the Labor Committee next Wednesday. I am very pleased by this outcome and wish to express my appreciation to Senator GREGG for his leadership on this issue.

The Gregg amendment closely parallels S. 593—the FDA Export Reform and Enhancement Act of 1995. The amendment allows the free export of drugs and medical devices not approved by the FDA for use in the United States to member countries of the World Trade Organization, if certain safeguards are satisfied.

Before this markup takes place, I plan to work closely with Senator GREGG and other Members to make sure we have a bill which is acceptable to the committee.

This amendment builds upon the bipartisan 1986 legislation that I sponsored to allow export of pharmaceuticals to certain specified countries. It is clear to me that this list is too rigid and outdated.

The 1986 law identifies 21 countries, but some of the countries omitted from the list may surprise my colleagues. For example, absent from the list are Israel, Greece, Brazil, and Russia. It strikes me a little ironic that in the conduct of foreign affairs we are always cautioned about meddling in the internal affairs of other countries such as Israel and Russia, but the law, the relatively pedestrian Federal Food, Drug, and Cosmetic Act, in effect deems these nations as incapable of managing their own affairs.

As Dr. Michael King, vice president for science and technology at Merck, said at the recent Aging Subcommittee hearing on my bill:

* * * the drug export laws have tilted the playing field against locating manufacturing jobs in the Untied States.

At the July 13 hearing, medical device manufacturers took the same view. Mr. Arthur Collins, chief operating officer of Medtronic, the world's largest manufacturer of medical devices, headquartered in Minneapolis, said:

* * * every week that the current policy continues to be implemented, more American jobs are lost through the relocation of manufacturing overseas and the loss of market share to foreign competitors. The jobs being lost are technologically oriented, and in addition to being highly paid, they represent high levels of skills and education that will produce further innovation in the future. Action must be taken quickly to stem this decline.

I plan to continue to work hard on this legislation since it means jobs for Americans and can help us maintain our leadership in medical technology. This will result in improvement to the public health both here in America and abroad. This is good legislation and I believe that we can and should work together to address any legitimate concerns that are raised and adopt this measure.

On one final point, I knew that there are some in this body who have concerns about the possibility of this legislation resulting in dumping of unsafe products in the Third World and about the potential for less than scrupulous behavior under the bill.

I commend my colleagues' attention to the comments provided to the Labor and Human Resources Committee by the Massachusetts biotech company Genetics Institute, Inc., official, Dr. John Petricciani. I should note that before joining the private sector, Dr. Petricciani spent over 20 years as a commissioned officer in the United States Public Health Service. He was Director of the FDA Center for Biologics and also was head of the World Health Organization's biologicals unit for several years. He completed his career within the Public Health Service as the Deputy Director of the National AIDS Program Office.

Permit me to read a few excerpts from Dr. Petricciani's comments:

The real issue here is one of benefit and risk. Do the benefits to foreign countries in the current law outweigh the risks imposed on the U.S. in terms of draining jobs and capital investment in research, development, and manufacturing? As has been pointed out by others, one of the results of that drain is the earlier availability of products in Europe and elsewhere than in the U.S. If we were discussing electronics or automobiles, I would not be as concerned because the American people are not being placed at a meaningful disadvantage by such delays.

However, the issue here is medical products that can make a very big difference in the health of the American people. The current law is resulting in new products being introduced first in foreign countries, where U.S. firms are forced to manufacture them. I believe that we are paying far too high a price in terms of delayed availability of new products in the U.S. for the theoretical benefit being provided to developing countries.

I would also like to point out that if a U.S. company really wanted to export a product that would be unacceptable in the U.S., all they would have to do is manufacture it outside the U.S. and export it to a developing country.

I think that Dr. Petricciani says it very well. This legislation is sound trade policy and is consistent with the public health. So while I recognize the concerns of those who might criticize this legislation, I hope that they will consider this perspective before they decide their position on this bill.

Mr. D'AMATO. Mr. President, I rise to support the swift approval of S. 641, the Ryan White CARE Act reauthorization.

The Ryan White program is a key element of the safety net for persons with HIV-AIDS—funding critical medical care, support services, and prescription drug assistance to prolong and improve the lives of those living with this disease.

This program is particularly important to New York, which, unfortunately, continues to be the epicenter of this deadly epidemic. Of the 442,000 AIDS cases reported to the U.S. Centers for Disease Control as of December 1994, 83,000—or almost 19 percent—occurred in New York State, and 72,000—about 16 percent—occurred in the New York City metropolitan area. In New York City alone, an estimated 200,000 individuals are thought to be infected with HIV. Tragically, since 1988, AIDS has been and continues to be the leading cause of death for men and women aged 25–34.

Ryan White has provided critical support to help mitigate the horrible impact of this epidemic in my State. The following are just a few of the positive effects resulting from the first 3 years of Ryan White funding in New York State, according to an analysis by the New York State AIDS Institute:

First, the proportion of hospital admissions for patients in early stages of HIV disease were significantly reduced compared to control hospitals not receiving Ryan White funds. On average the proportion of early stage patients at Ryan White funded sites was 24 percent lower than at control sites at hospitals with primary care funded by Ryan White.

Second, as a result of reduced utilization of inpatient services at the 19 hospitals funded by Ryan White to provide primary care, estimated gross savings were achieved in excess of $25 million a year.

Finally, it has been estimated that without CARE Act-funded programs, HIV-related Medicaid expenditures in New York would have been 71 percent higher. This represents a cost-savings of over $300 million. According to New York's AIDS Institute, the CARE Act-funded reimbursement pools for primary care and home care saved approximately $3 for every $1 invested.

It is critical to remember that, by helping people with HIV to remain healthy and productive for as long as possible, the Ryan White CARE Act is helping us save both lives and money.

The Ryan White CARE Act has proven effective in meeting the needs of States and communities affected by the HIV epidemic, and it deserves to be reauthorized without delay.

Mr. HATFIELD. Mr. President, since its original passage in 1990, I have been a strong supporter of the Ryan White CARE Act. In the early 1980's as we saw the rapid spread of AIDS throughout our Nation, it became apparent that HIV and AIDS treatment and care services were lacking. This bill has made a significant difference in building an infrastructure of critical care services for those suffering from this horrible disease.

We all know the chilling facts—AIDS is now the leading cause of death of young Americans ages 25 to 44. The prevalence of the disease among women is rising dramatically. In my own State of Oregon, we have seen more than 2,900 AIDS cases since 1981. Nearly 1,000 of these cases were reported in 1993 and 1994. In addition, there are currently an estimated 6,000 to 10,000 Oregonians infected with HIV. We can now say that nearly every Oregon county is affected.

As chairman of the Appropriations Committee in the early 1980's, I was able to play a role in providing the first Federal AIDS funding. We were able to take these first steps in the absence of an AIDS authorization bill until the 100th Congress, when the first authorization bill was passed. Despite the dim fiscal realities we face this year in the Appropriations Committee, I remain committed to assuring that funding for health care programs and medical research, including the important HIV and AIDS programs authorized under this bill, are funded to the greatest extent possible.

Mrs. KASSEBAUM. 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.

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

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

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senator from Florida, Senator MACK, be added as an original cosponsor of amendment numbered 1859 to S. 641, and that he also be added as a cosponsor to S. 641, the Ryan White CARE Act.

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

Mrs. KASSEBAUM. 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. COATS. 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. COATS. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for 5 minutes.

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

The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 1079 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COATS. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I will be very brief because I know we are about ready to vote. I did not want to let this time go by without expressing my strong support for the Ryan White Act, and I am proud to be an original cosponsor.

As many of my colleagues have already pointed out, we need to pass this bill as written with an authorization for adequate funding. The statistics are clear. AIDS has become one of the most difficult and complicated public health threats in recent memory. The incidence of AIDS and the need for the Ryan White CARE, far from abating, are increasing. Some today have asked: Why AIDS? Why the Ryan White CARE Act? What is so important about this program?

Well, it has already been said but it bears repeating, that AIDS is now the leading killer of men and women ages 25 to 44. This virus is challenging our health care system in ways it has not been challenged before as it moves through the population with terrifying speed and deadliness.

It is estimated that over 1 million Americans are currently infected with HIV. A quarter of a million Americans have already died from this disease. Far from going away, this virus is spreading through geographic and demographic regions that we might previously have considered unaffected.

When the Ryan White CARE Act was first passed with wide bipartisan support 5 years ago, we clearly recognized the need for addressing this emerging epidemic through a national health program. This bill is not about homosexuality. This bill is not about abstinence. This bill is about judgment. This bill is about providing health care to people who are suffering from a disease.

We designed the CARE Act to do equally two important things: to provide help and health services to those already living with AIDS, as well as to take the pressure off our critical care units and emergency rooms by utilizing early intervention techniques with AIDS and HIV patients. It is cost effective. The Ryan White CARE Act funds community-based organizations to provide needed outpatient care at the local level in the most cost-effective and efficient ways possible for the populations that need help the most.

One study even indicated that a person receiving outpatient managed care spends 8 fewer days in a hospital than a person not receiving such care. This would indicate a cost savings of over $22,000 per person.

I think it is important to outline what these funds do and do not do. Dollars from the CARE Act go to increasing the availability of critical outpatient primary care services, providing support services and improving the quality of life of those living with HIV. In Vermont the CARE Act money is primarily used to provide pharmaceuticals to people with HIV and AIDS who need drugs but cannot afford them.

Successful outpatient care keeps people out of the hospital, improving their quality of life, while saving the system money. When early interventions and primary care are used successfully, the health care system saves untold dollars in unused emergency health care services. From a purely fiscal perspective, we cannot afford not to fund these programs.

The funding these community based organizations receive goes to care and services. It does not go to advertisements in the Washington Blade. It does not go to brochures about prevention. The dollars that we authorize in this bill help sick people, people from all walks of life, all demographic groups, to get the health care and other services that they need to live with this deadly disease.

During our committee consideration it became clear that the AIDS epidemic is spreading. It is no longer confined to certain populations or certain geographic locations, but is now clearly affecting rural as well as urban areas, women and children as well as men.

Any of us who previously felt confident and untouched by HIV because AIDS affected other people must now reexamine those assumptions. Soon we will all have friends whose lives have been touched by this disease. I had the honor of hosting one of my friends, David Curtis, at a Labor Committee hearing on this bill.

David Curtis and I have known each other for over 30 years. David is a lawyer, around my age, in fact we clerked together. He's from a similar background to my own, and I would venture to guess, similar to that of many of my colleagues. David Curtis has AIDS.

As a person living with AIDS he told our committee of the debilitation of this disease, how he can no longer drive over half an hour without stopping to rest, how he has been forced to sharply curtail his practice of law. As former chair of the largest AIDS service organization in Vermont he also told of the difficulties of providing services to people who live tens and sometimes hundreds of miles apart and how CARE Act funding helps make it possible for people to get access to health care, services, counseling, and pharmaceuticals that otherwise would not be available.

The Ryan White CARE Act helps people like David, people living with HIV and AIDS, not only in Vermont, but all over the country, to get the help they need. The face of AIDS is changing, it is affecting the people I know and the people we all know. We must all remember during this debate that the disease could easily affect us or someone we care about.

If we and our loved ones are affected, I know we will want adequate resources to be available to help with prescription drugs, health care, and support services. The Ryan White CARE Act is an assurance that help will be available. So for my friend, David Curtis and the millions of other Americans affected by HIV, I hope my colleagues will join me in supporting the Ryan White CARE Act as reported out of the Labor Committee.

Mr. President, I yield the floor.

Mrs. KASSEBAUM. Mr. President, I appreciate the statement and the cosponsorship of the Ryan White CARE Act. Senator JEFFORDS, a member of the Labor and Human Resources Committee, has been a thoughtful contributor to the Committe in crafting this legislation.

AMENDMENT NO. 1860

(Purpose: To limit amounts expended for AIDS or HIV activities from exceeding amounts expended for cancer)

Mrs. KASSEBAUM. Mr. President, I ask that amendment No. 1860 be called up, and I ask for the yeas and nays for that amendment as well as amendment No. 1858 in the proper ordering of the listing of amendments.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1860.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

Mrs. KASSEBAUM. I ask for the yeas and nays on both amendment No. 1860 and amendment No. 1858 when they fall in the proper order of our voting this morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Mr. President, it is my understanding that we are prepared to begin the voting on the amendments. And as was agreed to last night in the consent agreement, we will take them in the order as we listed them last night. The first will be an amendment of Senator HELMS, No. 1854. This amendment prohibits the use of funds under the act for the direct or indirect promotion of homosexuality or intravenous drug use. The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator is correct.

VOTE ON AMENDMENT NO. 1854

The PRESIDING OFFICER. The question is now on agreeing to the amendment No. 1854 to S. 641.

The yeas and nays are 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.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—54

Abraham	Dole	Hollings
Ashcroft	Domenici	Hutchison
Baucus	Dorgan	Inhofe
Bond	Exon	Johnston
Breaux	Faircloth	Kempthorne
Brown	Ford	Kyl
Bumpers	Frist	Lott
Burns	Glenn	Lugar
Byrd	Gramm	Mack
Coats	Grams	McCain
Cochran	Grassley	McConnell
Conrad	Gregg	Murkowski
Coverdell	Hatch	Nickles
Craig	Heflin	Pressler
DeWine	Helms	Pryor
Rockefeller	Shelby	Thompson
Roth	Smith	Thurmond
Santorum	Stevens	Warner

NAYS—45

Akaka	Graham	Moseley-Braun
Biden	Harkin	Moynihan
Bingaman	Hatfield	Murray
Boxer	Inouye	Nunn
Bradley	Jeffords	Packwood
Bryan	Kassebaum	Pell
Campbell	Kennedy	Reid
Chafee	Kerrey	Robb
Cohen	Kerry	Sarbanes
D'Amato	Kohl	Simon
Daschle	Lautenberg	Simpson
Dodd	Leahy	Snowe
Feingold	Levin	Specter
Feinstein	Lieberman	Thomas
Gorton	Mikulski	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1854) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that all remaining votes in the voting sequence be limited to 10 minutes in length.

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

VOTE ON AMENDMENT NO. 1855

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1855. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from 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 32, nays 67, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—32

Ashcroft	Grams	McConnell
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Craig	Inhofe	Simpson
Dole	Kempthorne	Smith
Faircloth	Kyl	Thomas
Frist	Lott	Thompson
Gramm	McCain	

NAYS—67

Abraham	Dorgan	Leahy
Akaka	Exon	Levin
Baucus	Feingold	Lieberman
Biden	Feinstein	Lugar
Bingaman	Ford	Mack
Boxer	Glenn	Mikulski
Bradley	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murkowski
Bumpers	Hatch	Murray
Byrd	Hatfield	Nunn
Campbell	Heflin	Packwood
Chafee	Inouye	Pell
Cohen	Jeffords	Pryor
Conrad	Johnston	Reid
Coverdell	Kassebaum	Robb
D'Amato	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
DeWine	Kerry	Simon
Dodd	Kohl	
Domenici	Lautenberg	
Snowe	Stevens	Warner
Specter	Thurmond	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1855) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1856

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1856. 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.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—99

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Smith
DeWine	Kerry	Snowe
Dodd	Kohl	Specter
Dole	Kyl	Stevens
Domenici	Lautenberg	Thomas
Dorgan	Leahy	Thompson
Exon	Levin	Thurmond
Faircloth	Lieberman	Warner
Feingold	Lott	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1856) was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The distinguished minority leader is recognized.

COMMENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE. Mr. President, it is with great pleasure and respect that I announce that Senator ROBERT C. BYRD has now become the first U.S. Senator in history to cast 14,000 votes.

[Applause, Senators rising.]

Mr. DASCHLE. Mr. President, I know I speak for all Senators in congratulating him on this unprecedented accomplishment. I note that this is only his latest in a most distinguished career. Senator BYRD's remarkable voting

record began on January 8, 1959, when he cast his very first vote in the Senate. Fittingly, it was a vote on Senate procedure.

During his next 13,999 votes, he has served as the secretary of the Senate Democratic Conference, the Senate majority whip, the Senate majority leader, the Senate minority leader, and President pro tempore. This record of Senate service means that Senator BYRD has held more leadership positions in the Senate than any other Senator in history.

He has cast more votes than any other Senator. It was on April 27, 1990, that he cast his 12,134th Senate vote to surpass Senator William Proxmire. Recognizing that monumental vote, the current majority leader, Senator DOLE, remarked that:

> When another person writes the history of the Senate, they will look back on this era and they will note the significance of this giant in the Senate, Robert C. Byrd.

Indeed, they will, Mr. President, because this Senate giant from West Virginia has been an active participant in so much of our Nation's history. He has served in the Senate under nine Presidents, through assassinations and resignations. He has been an integral part of the high drama and history of the second half of the 20th century, including the cold war, the civil rights movement, Vietnam, Watergate, Iran-contra, and the collapse of the Soviet Union.

Today, we pause to recognize this extraordinary leader for the milestones in his legislative career, and they are many.

They include being one of only three U.S. Senators in American history to be elected to seven 6-year terms; being the first sitting Member of either House of Congress to begin and complete the study of law and obtain a law degree while serving in Congress; being the first person to carry every county in the State of West Virginia, 55 of them, in a contested Statewide general election; being the only person in the history of West Virginia to serve in both chambers of the State legislature and both Houses of the U.S. Congress; obtaining the greatest number, the greatest percentage, and the greatest margin of votes cast in Statewide contested elections in his State; being the first U.S. Senator in West Virginia to win a Senate seat without opposition in a general election; and serving longer in the Senate than anyone else in West Virginia history.

He wrote his incomparable four-volume history of the Senate, an award-winning study that has brought our understanding of the history and workings of this subtle and complex institution to new heights.

This is quite a record for a poor boy from the hills of West Virginia, who was raised by foster parents in a coal company house and who had to walk 3 miles to catch a bus in order to attend school, who rose from collecting scraps for hogs to become a gas station attendant, a produce salesman, a meat cutter, a welder, and a grocery store owner.

Mr. President, Senator BYRD will cast more votes, we hope he will write more books, and we know he will help make more history, but to me his greatest feat will always be the dignity he has brought to this institution every day the Senate is in session and the way he has served and the way he shares his reverence for this institution with all of his colleagues. I am pleased and very proud to be one of them.

So today, Mr. President, we congratulate Senator BYRD not only for today's historic vote but for his remarkable career of which today's feat is symbolic.

I should also note that in a few months our esteemed colleague on the other side of the aisle, Senator STROM THURMOND, who is only a few votes behind Senator BYRD, will also reach this particular milestone, and I look forward to recognizing his achievement as well.

Today, however, is Senator BYRD's day and the Senate Democrats and Senate Republicans alike join together in honoring and celebrating Senator BYRD's historic feat, becoming the first U.S. Senator in history to cast 14,000 votes.

So I send a resolution to the desk on behalf of Senator DOLE, Senator ROCKEFELLER, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

> A resolution (S. Res. 157) commending Senator Robert Byrd for casting 14,000 votes:
>
> Whereas the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;
>
> Whereas he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);
>
> Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;
>
> Whereas he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;
>
> Whereas he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it
>
> *Resolved,* That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.
>
> SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

Mr. DOLE. Mr. President, I will not oppose the resolution.

I would like to say just a word because I think in addition to casting the most votes, 14,000, he remembers each vote. With his extraordinary memory, there is no doubt in my mind he can go back and tell you what the 30th vote was and the 3,000th vote and probably the day it happened and what we were doing at the time.

As has also been pointed out, during his 36 years in the Senate he has held more titles and more leadership positions than any other Senator in history. And also he has his role, as Senator DASCHLE alluded, of historian. And no one knows more. In fact, I tell stories as I go around that with what Senator BYRD knows about this place and all he knows about Roman history, I have tried to get C-SPAN to get me college credits if I carefully listened to him on Roman history. But that is the truth, and he has written the volumes of books, and he understands it.

His third role is as champion of the interests of the people of West Virginia. When there were rumors last year that our former colleague, George Mitchell, might become commissioner of baseball, I speculated that if Senator BYRD would become commissioner, all the teams would have been moved to West Virginia.

Now, that may or may not have happened, but behind that joke is the fact that Senator BYRD works 24 hours a day, 7 days a week, 365 days a year helping the people of West Virginia.

Finally, amidst all of his duties and responsibilities, Senator BYRD also fills the role of friend. And I have noticed my colleagues on both sides will go up and sit next to Senator BYRD during a vote or after a vote and talk to Senator BYRD about parliamentary procedure. Although we come from different parties and we have had different views on some issues from time to time, Senator BYRD has always remained my friend and I think of every Senator on each side of the aisle. I know we all feel the same way.

The final chapter on Senator BYRD will not be written for a long, long time. I have no doubt that as a leader, historian, a champion of his State and a friend, Senator BYRD has set standards that will always be remembered.

The PRESIDING OFFICER. The junior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, when I think of my senior colleague from West Virginia, there are really two qualities that come to mind. One is his constancy of purpose and secondly is his devotion to the people of West Virginia.

I have always felt that if a person in public life follows his moral compass, he or she will do what is, in fact, right. Senator BYRD knows instinctively what is right for the people of West Virginia as well as for the people of our country.

And for my colleagues who have not had the pleasure of being in West Virginia when Senator BYRD is there, either campaigning for office or just simply talking with his constituents, it is a truly remarkable experience to watch him communicate with them. It is a bond that I have never seen before between any person and a group of people. He reminisces, he talks about the future. Yes, he talks about Roman history. But what he does is he brings people to him and makes them important as if they count in a State where every day is a fight for survival and makes

them feel that in him they have a champion who will never let them down.

On that I will close, because he never will let them down. There is nothing that he will not do to help the people of West Virginia while staying constant to his responsibilities to the people of the United States of America. I am extremely proud to be his junior colleague.

It is interesting that he noted this one time, I think not to me but to a newspaper, that I have never referred to Senator BYRD as ''BOB'' or ''ROBERT.'' I have only referred to him in the 10 years we have served together, and before that when I was Governor, as ''Senator BYRD,'' or ''Senator.'' And quite often, ''sir.'' And I have found that that has served me well. But more importantly, I have found that that came very naturally. It is simply an intuitive feeling of respect on my part for what, as Senator DOLE said, a poor boy from West Virginia can do to help so many.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I know that my staff has been keeping up with my votes because I was surprised today when Senator DASCHLE and Senator BOXER and others came up and congratulated me. I wondered what for. For 11 years now I have not missed a vote. My voting record is 98.7 percent for the 36½ years I have been in the Senate. That does not count the votes I cast when I was in the House.

Senator DOLE made reference to my recollection of votes. I recall two votes that I would change if I could vote them over. One was the vote on the 1964 Civil Rights Act. I voted against that act. I felt at the time that it was unconstitutional. I stood in the Senate following my receipt of a law degree, cum laude, at American University, and based my opposition on the Constitution. And there were such men in the Senate as Sam Ervin, and Richard Russell, Lister Hill, Allen Ellender, John McClellan, Norris Cotton, George Aiken, Everett Dirksen. These were, in my judgment, giants. And they were constitutional scholars. But I since have regretted that vote.

I also have since regretted my vote to deregulate the airlines because of what has happened subsequently by way of airline service to West Virginia. It deteriorated. And it is very costly to travel back and forth to West Virginia by airline. I cannot now remember any other votes that I regret. But we all cast votes that we may regret sooner or later.

I am very grateful, Mr. President, for the comments that have been made here by our majority leader, by our minority leader, and by my colleague from West Virginia with whom I am proud to serve. He serves with grace. He always treats me with great courtesy and deference. I never called Richard Russell ''Richard.'' I never called him ''Dick.'' I always spoke to him—he was the only Senator I always spoke to him as ''Senator.''

I am not decrying the fact that most Senators call me ''ROBERT'' or ''BOB.'' But my West Virginia colleague's reference in regard to the way he addresses me recalls my feeling that way about Senator Russell. Senator Russell was a great Senator. He had only married once, and that was to the Senate. And he was a scholarly man. He had good judgment. At least I always thought so. He understood the rules and the precedents. And I admired him for that. And I learned in watching Senator Russell that if one knows the rules and the precedents, there are times when he can hold the Senate in his hand—in his hand.

Few Senators bother to study them. I will not speak further on that. But we ought to all know more about the rules and we ought all to defend the rules as we should defend the Constitution. I shall not belabor these remarks.

I am grateful to serve in the U.S. Senate. I think of Majorian, that prince who was made emperor of the west in 457 A.D. who said upon being made emperor, ''I still glory in the name of Senator.'' To me, the office of U.S. Senator is the highest office that the American people can give. Senators may convict a President or any officer or a Supreme Court Justice, if impeached by the House. The President cannot take away the seat of any Senator. Presidents come and go. We have had great ones and we have had some that were not so great. And the same can be said of Senators. But Senators stay if they give their best.

I have thought about Senator Russell's reference to Robert E. Lee when he quoted Lee as saying, ''Duty is the sublimest word in the English language.'' That has been my credo. I have never sought to be loved by my colleagues. I have only sought to do my duty and to do it as I see it. I know I am often wrong. I realize at times that I misspeak. I say things in reference to other Senators that I afterwards wish I had said differently.

I said something to Senator DOLE a while back I wish I had said a bit differently. But once the word is spoken, it cannot be retrieved.

Let me close by stating that I wish we had a greater demonstration of civility in the Senate. It has lost its old civility. I am sorry that it has become more politically partisan. We are all politically partisan. I am, but we have become too politically partisan in this Senate, and it grieves me to see this. It grieves me to see the growing disorder in this Senate, and I often say to other Senators, ''It wasn't that way when I came here.''

We ought to be a little more civil and remember that each has his own viewpoint and that there is something—actually there are many things—that are above political party. Political party is important to me. It has been now for 50 years next year, but it is not the most important thing. There are many things more important than political party, and Washington warned us against factions and parties. I do not ask anyone to pattern after me, but there are a good many things I place above party, and the United States Senate is one of them.

I close by thanking all of my colleagues and for asking them to overlook my idiosyncrasies and my sharp words at times when I use them. I often ask God to make me more considerate of others. There are times when I regret that I speak too hastily, but we are all human.

So let me just close by thanking my colleagues for their service every day to their people, for all Americans. We love our country. I love the Senate. I shall remember, in closing, what William Ewart Gladstone, who was Prime Minister of Great Britain four times, said about the United States Senate. He referred to the Senate as ''that remarkable body, the most remarkable of all the inventions of modern politics.''

I hope and pray that these few words today will cause me to look at myself a little closer and will cause every one of us to look at the Senate with greater pride. There have only been 1,826 Senators, and you are one of them, and you are one of them, and you are one of them, and you are one of them. What a chosen group! The American people, over these years since 1789, have chosen 1,826 men and women, or they have been appointed, and each of you is one of those 1,826. That ought to be a source of pride.

I am not running for justice of the peace. I am not running for sheriff. I am not running for Governor. I am not running for President. All of these are important offices. But as Majorian said, ''I still glory in the name of Senator.''

[Applause.]

Mr. WARNER. Mr. President, I wish to join other colleagues in the historic, well-deserved recognition of Senator BYRD of West Virginia. The leadership covered in precise detail his extraordinary record of achievements as a leader of the body.

I can add only one view which is widely shared. That is, Mr. BYRD is truly recognized as a gentleman in the finest Senate tradition.

Further, I shall always view him as a family man, everlastingly grateful to the support given through all these years by his wife, Irma. His career was a family partnership.

I look forward to many more years of service together.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

So the resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 157

Whereas the Honorable Robert C. Byrd has served with distinction and commitment as a

U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Senators are welcome to cosponsor the resolution throughout the day.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1854

Mr. LEVIN. Mr. President, I voted against the Helms amendment.

I am, of course, concerned about and opposed to use of funds authorized to be appropriated under this bill to promote any sexual activity, whether homosexual or heterosexual. I will support the proposal of the manager of the bill, the chairman of the Labor and Human Resources Committee, Senator NANCY KASSEBAUM which will have the effect of prohibiting the use of Federal funds for any such activity.

The amendment offered by Senator KASSEBAUM more accurately addresses the need to make clear the Senate's opposition to the use of Federal funds to promote sexual activity—heterosexual or homosexual—without endangering the purposes of the legislation.

The amendment I support and I expect will pass simply states:

None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

AMENDMENT NO. 1857

The PRESIDING OFFICER. Under the previous order, the Senate now resumes consideration of amendment No. 1857, offered by the Senator from North Carolina, on which there is 10 minutes designated for debate equally divided. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Parliamentary inquiry, we are on amendment No. 1857; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. KASSEBAUM. Mr. President, this is a funding equity measure. If I may comment for a moment as one who opposes this amendment. What it would do would be to prohibit discretionary spending for AIDS and HIV activities in excess of discretionary spending for cancer activities.

Mr. President, I yield to the Democratic leader.

Mr. DASCHLE. 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.

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

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

Mrs. KASSEBAUM. Mr. President, if I may just say this. I believe we have 10 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

The Senate will please come to order.

Mrs. KASSEBAUM. It is my understanding that there are 10 minutes, equally divided, under the agreement.

I suggest that amendment No. 1857 would prohibit discretionary spending for AIDS and HIV activities in excess of discretionary spending for cancer activities. No one would deny the importance of moneys for cancer activities. However, I will be offering an alternative amendment, No. 1860, in the sequence later.

I oppose amendment No. 1857 that is being offered, because it compares only discretionary spending amounts and does not take into account entitlement spending under programs, such as Medicare and Medicaid. The inclusion of entitlement spending dramatically shifts the equation. Relatively few AIDS and HIV activities are financed through entitlement programs, while substantial entitlement spending is directed toward cancer. I think this is an important difference and one that I would hope everyone will take into consideration.

I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I thought that we had an understanding that we would just go to a vote. How much time do I have?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes.

Mr. HELMS. Mr. President, I hope Senators will look at this amendment very carefully. The pending amendment would ensure that any and all Federal funds authorized and appropriated for HIV/AIDS would not exceed that which is appropriated for cancer. These are not my figures. These came from the Congressional Research Service report to the Congress dated March 9, 1995. Copies of this will be on the table for any Senator who wants to study it.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks eighth in the number of deaths caused. It is of interest, Mr. President, that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding for any other disease—heart disease or cancer.

Heart disease, which kills more than 720,000 Americans each year, receives $805 million in Federal funds. Cancer, which kills 515,000 Americans, receives $2.3 billion. Mr. President, more people are dying from heart disease, cancer, stroke, lung disease, accidents, pneumonia, and diabetes than die from AIDS. Yet, AIDS receives more of the taxpayers' money.

Something is amiss and needs to be corrected. This amendment will do it.

Today, on the average, the Federal Government spends about $91,000 per AIDS death, and only about $5,000 per cancer death. So, in a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS receives more Federal funding, it is time that Congress establishes some new, equitable, and fair priorities.

That concludes my remarks. If I have any more time remaining, I yield it back.

Mrs. KASSEBAUM. Mr. President, I would just like to say that we must take into account both discretionary and mandatory spending. When you do that, HIV/AIDS receives $5.4 billion, cancer receives $15 billion, and heart disease receives $34 billion.

I believe it is very important for us to take into consideration both the discretionary and the mandatory spending. I think that when we assess total Federal spending, it gives a more accurate picture. The funds for support services, for patients with cancer and heart disease come largely through mandatory spending. This fact is not represented by the chart shown by the Senator from North Carolina.

I yield whatever time is left to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the membership will pay attention to what the Senator from Kansas has stated. Basically, when you compare apples and apples and oranges and oranges, you have that kind of result, where you have substantial additional spending in the areas of cancer and heart disease.

The Senator from North Carolina has taken a very selected area in terms of the spending and tried to use that as the comparison. I think that all of us understand that we should not be trying to rob one particular kind of research or treatment. All of us are interested in the treatment of cancer and HIV. The proposal we have before us, I believe, deals with that.

Mr. HELMS. Mr. President, I reclaim my time to defend my position.

The PRESIDING OFFICER. The Senator has that right.

Mr. HELMS. The Senator referred to apples and apples. But he is talking about apples and oranges. The administration's numbers prove the disparity. They knock down the argument that the distinguished Senator from Kansas offered and that the distinguished Senator from Massachusetts supports.

Even using their skewed approach which combines discretionary and mandatory spending, the numbers prove there is still a disparity. Heart disease receives $38 billion in Federal funds. The number of people suffering from heart ailments is 20 million. The funds per patient—Federal funds, mind you—are $1,900. That is per heart patient.

Cancer is $17.5 billion of Federal funds. The number of people who have cancer in America is 8 million. The funds per cancer patient is $2,187.

Look at HIV/AIDS, if you want to talk about fairness: $7 billion. The number of people who have it is 1.4 million. And the Federal funds per patient is $5,000. If you want fairness, the $5,000 is not it.

Mr. President, this amendment will insure any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed Federal funds authorized and appropriated for cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth in the number of deaths caused. It is of interest, Mr. President, that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding with any other disease. Heart disease, which kills more than 720,000 Americans each year, receives $805 million in Federal funds. Cancer, which kills 515,000 Americans, receives $2.3 billion.

Mr. President, more people are dying from heart disease, cancer, stroke, lung disease, accidents, pneumonia, diabetes, and suicide than die from AIDS; yet AIDS receives more of the American taxpayers' money. Something is amiss and needs to be corrected.

Today, on average, the Federal Government spends about $91,000 on every person who dies of AIDS, and only about $5,000 on every person who dies of cancer. I suggest most Americans agree that this discrepancy is simply neither fair nor equitable.

Mr. President, in a nutshell, the pending amendment will being a measure of equity to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS receives more Federal funding, it is time that Congress established some new equitable priorities.

Mr. President, I ask unanimous consent that a letter to me by the President of the Family Research Council be printed in the RECORD.

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

FAMILY RESEARCH COUNCIL,
Washington, DC, July 27, 1995.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: On behalf of the 250,000 families which are presented by the Family Research Council, I commend your efforts to reform the Ryan White Care Act [S. 641].

I am proud to endorse your amendments and encourage the rest of the Senate to join you in redirecting federal AIDS spending toward more effective approaches.

One of the biggest problems with the Ryan White Act is its lack of accountability. Under the Health Resources Administration, 146 large grants are disbursed to state and local programs and further divided up into countless subgrants. Unlike most federal funds which are accounted for, these subgrants use the money without reporting where or to whom the money has been allocated.

In addition to a lack of financial accountability, millions of dollars for AIDS victims is being spent to normalize and promote the homosexual lifestyle. Many of these efforts are being directed toward school children. The Gay Men's Health Crisis, a recipient of Ryan White funds, produced graphically illustrated brochures which were given to students in New York City. The brochures are replete with shocking vulgarity and urge kids to wear condoms and latex gloves while engaging in perverse sexual activity. They recommend singular and group masturbation.

Congress should reconsider AIDS education which now emphasizes condoms and has been shown in countless studies to be ineffective. Programs seeking funding renewal should be required to show evidence that they have reduced HIV transmission. Current formulas for funding should be reexamined. For example, money ought to go where it is needed most, which is, increasingly, to under-served minority communities.

Congress should take advantage of this opportunity to examine the allocations of federal AIDS dollars. Instead of bowing to the demands of homosexual activists, Congress should reexamine the use of Ryan White funds and take steps to overhaul AIDS spending.

AIDS is a tragedy that has been politicized for too long. The American people, as well as the victims of this terrible disease, deserve better.

Thank you for your hard work and your commitment to making individual responsibility the touchstone of public policy.

Sincerely,

GARY L. BAUER,
President.

Mr. HELMS. I reserve the balance of my time in case there is more argument, because I can go on and on about this.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. I yield back any remaining time I may have.

Mr. HELMS. Mr. President, I wish to reiterate that in case any Senator wants to examine the arithmetic, here it is. I will say again that the administration's figures prove the disparity that I have been talking about.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment, No. 1857, offered by the Senator from North Carolina.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—15

Bond	Hollings	Nickles
Cochran	Inhofe	Shelby
Faircloth	Kyl	Smith
Grams	Lott	Thomas
Helms	McConnell	Thurmond

NAYS—84

Abraham	Exon	Lieberman
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McCain
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Bradley	Graham	Murkowski
Breaux	Gramm	Murray
Brown	Grassley	Nunn
Bryan	Gregg	Packwood
Bumpers	Harkin	Pell
Burns	Hatch	Pressler
Byrd	Hatfield	Pryor
Campbell	Heflin	Reid
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cohen	Jeffords	Roth
Conrad	Johnston	Santorum
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Lautenberg	Thompson
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1857) was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I suggest there are three more votes that we will have. There will be two amendments that I will offer and then final passage. I will speak briefly on the two amendments that I have offered. I do not know if the Senator from North Carolina would like to respond.

AMENDMENTS NOS. 1858 AND 1860

The PRESIDING OFFICER. The question occurs on amendment 1858.

Mr. KENNEDY. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mrs. KASSEBAUM. My amendment, No. 1858, is an alternative to the one that was put forward earlier by the Senator from North Carolina and approved by the Senate. My amendment prohibits funds under the act from being used to directly promote or encourage intravenous drug use or sexual activity, both homosexual or heterosexual. It assures that funds are used

for treatment and support services only, not for prevention activities.

This amendment is targeted to making sure that CARE Act funds are used for what they were designed for. Specifically that is for the treatment and support services for patients and families afflicted with AIDS.

I would like to also address my second amendment, No. 1860, which addresses the issues of funding equity. My amendment is an alternative to one that was put forth by the Senator from North Carolina, that was just rejected. This amendment provides that Federal spending for AIDS and HIV activities may not exceed spending for cancer activities, taking into account both discretionary and entitlement spending.

These are the two amendments that we will be considering; first 1858 and then 1860.

I will be happy to reserve the remainder of my time but I am prepared to yield it back.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, Senators at least should be aware of which amendment we are voting on now.

Will the Chair state that, and will Senator KASSEBAUM describe that amendment? Because she talked about two amendments and I do not want Senators to be confused.

Mrs. KASSEBAUM. The first amendment is 1858, which would prohibit funds from being used to promote or encourage intravenous drug use or sexual activity, both homosexual or heterosexual.

Mr. HELMS. Right.

I thank the Senator and I thank the Chair.

Mr. President, the Kassebaum amendment that will be voted on next will gut, and is intended to gut, the Helms amendment that just passed the Senate by 54 to 45. The intent of the Kassebaum amendment is to take any teeth out of the amendment that the Senate has already approved.

With all due respect to Senator KASSEBAUM, and I do respect her, her amendment is vague. It deletes the definition of activities that promote homosexuality. That is exactly what the homosexual activists want to happen to this amendment.

I say no, and I hope the Senate will say no to this gutting amendment by the distinguished Senator from Kansas.

Mr. President, the promotion, the advocacy of homosexuality does nothing to help the innocent victims of AIDS, like Ryan White, whose name is being exploited in this legislation.

Every Senator who voted for the Helms amendment No. 1854, should vote against the Kassebaum amendment which is next to be voted on.

I reserve the remainder of my time. I will be glad to yield it back.

Mrs. KASSEBAUM. Mr. President, I yield back any remaining time, and I ask unanimous consent that the votes be 10-minute votes.

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

Is all time yielded back?

Mr. HELMS. I yield back the remainder of my time.

VOTE ON AMENDMENT NO. 1858

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and 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.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—76

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Frist	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Bradley	Gregg	Nunn
Breaux	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pryor
Burns	Hutchison	Reid
Byrd	Inouye	Robb
Campbell	Jeffords	Rockefeller
Chafee	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kempthorne	Sarbanes
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Lautenberg	Thomas
Dole	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	
Exon	Lugar	

NAYS—23

Ashcroft	Grassley	Nickles
Brown	Heflin	Pressler
Coats	Helms	Shelby
Cochran	Hollings	Smith
Coverdell	Inhofe	Stevens
Faircloth	Kyl	Thompson
Gramm	Lott	Thurmond
Grams	McConnell	

NOT VOTING—1

Bennett

So the amendment (No. 1858) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, in light of the preceding vote on the funding equity issue, I am very appreciative of the Senator from North Carolina who said he would not object to our voice voting No. 1860, which is an amendment of mine which provides that Federal spending for AIDS and HIV activities may not exceed spending for cancer activities, taking into account both discretionary and entitlement spending, and I ask for the approval of that amendment.

Mr. KENNEDY. I ask unanimous consent that the order for the rollcall be vitiated, Mr. President.

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

VOTE ON AMENDMENT NO. 1860

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1860 offered by the Senator from Kansas.

The amendment (No. 1860) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, before the Senate passes the Ryan White CARE Act reauthorization bill, my colleague Senator BRADLEY and I would like to engage in a colloquy with the ranking member of the Labor and Human Resources Committee.

Mr. BRADLEY. The bill before us, S. 641, contains a new formula for distributing title I and title II funds. As a result of this formula change, New Jersey's title I cities will receive over $50,000 less next year than they would have under the original formula. In the year 2000, New Jersey's title I cities will receive almost half a million dollars less than they would have under the original formula. At the same time, the revised formula results in several other States receiving significant increases in the total amount of Ryan White funding they receive. For example, Minnesota will more than double its title I and title II funding under the revised formula, Nevada's funding will increase by 116 percent, and Vermont's will increase by 141 percent.

Mr. LAUTENBERG. Mr. President, I recognize that States such as Minnesota and Nevada have more residents with AIDS now than they did when this bill was originally passed. But at the same time that the AIDS epidemic has been spreading across the country, it has continued to worsen in New Jersey. Between 1993 and 1994, the total number of AIDS cases reported in New Jersey increased by 53 percent. New Jersey currently has the fifth-highest number of AIDS cases in the United States, and the third-highest number of pediatric AIDS cases. Cutting New Jersey's funding so deeply at a time when the epidemic is growing so rapidly in the State is not fair to the thousand of New Jersey residents who are HIV–positive.

Mr. BRADLEY. Therefore, Senator LAUTENBERG and I would like to ask our two colleagues if they would work hard in conference to obtain a formula which would decrease the reductions in funding to New Jersey.

Mr. KENNEDY. I will do everything I can to urge the conferees to revise the formula to reduce the reductions in funding to New Jersey.

Mr. LAUTENBERG. Senator BRADLEY and I would like to thank the chairperson and ranking member. Since we have received assurances that

they will strive to decrease the amount of funding reductions which New Jersey will receive as a result of the formula revisions, I ask unanimous consent that I be added as a cosponsor of S. 641.

Mr. BRADLEY. I appreciate my colleagues' assurances. Even with these assurances, I still expect that this bill will hurt the State of New Jersey. However, I recognize that at some point compromises must be made or else the future of the entire Ryan White Program may be at risk. Therefore, having received these assurances, I plan to support this bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Let me indicate to my colleagues that after this vote, we will have a period for the transaction of morning business to extend about 45 minutes. At the expiration of morning business, we hope to have—maybe not—an agreement, but we will go to the gift ban proposal at about, hopefully, 1:30.

Mr. CHAFEE. Mr. President, I would like to ask the leader one quick question. They are going to dedicate the war memorial at 3 o'clock. What is the leader's plans for that?

Mr. DOLE. We will not recess but we will protect Senators. I know there are about 11 Senators who wish to attend that ceremony, and we will not have votes during that time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, Mr. BUMPERS, is recognized.

CHANGE OF VOTE

Mr. BUMPERS. On rollcall No. 334, I mistakenly voted ''yes'' on what I believed was a motion to table. I ask unanimous consent that I be recorded as ''no.'' It will not change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

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 assistant legislative clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—97

Abraham	Breaux	Cohen
Akaka	Brown	Conrad
Ashcroft	Bryan	Coverdell
Baucus	Bumpers	Craig
Bennett	Burns	D'Amato
Biden	Byrd	Daschle
Bingaman	Campbell	DeWine
Bond	Chafee	Dodd
Boxer	Coats	Dole
Bradley	Cochran	Domenici
Dorgan	Johnston	Packwood
Exon	Kassebaum	Pell
Faircloth	Kempthorne	Pressler
Feingold	Kennedy	Pryor
Feinstein	Kerrey	Reid
Ford	Kerry	Robb
Frist	Kohl	Rockefeller
Glenn	Lautenberg	Roth
Gorton	Leahy	Santorum
Graham	Levin	Sarbanes
Gramm	Lieberman	Shelby
Grams	Lott	Simon
Grassley	Lugar	Simpson
Gregg	Mack	Snowe
Harkin	McCain	Specter
Hatch	McConnell	Stevens
Hatfield	Mikulski	Thomas
Heflin	Moseley-Braun	Thompson
Hollings	Moynihan	Thurmond
Hutchison	Murkowski	Warner
Inhofe	Murray	Wellstone
Inouye	Nickles	
Jeffords	Nunn	

NAYS—3

Helms	Kyl	Smith

So the bill (S. 641), as amended, was passed, as follows:

S. 641

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 ''Ryan White CARE Reauthorization Act of 1995''.

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Section 2601 (42 U.S.C. 300ff–11) is amended—

(1) in subsection (a)—

(A) by striking ''March 31 of the most recent fiscal year'' and inserting ''March 31, 1995, and December 31 of the most recent calendar year thereafter''; and

(B) by striking ''fiscal year—'' and all that follows through the period and inserting ''fiscal year, there has been reported to and confirmed by, for the 5-year period prior to the fiscal year for which the grant is being made, the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome.''; and

(2) by adding at the end thereof the following new subsections:

''(c) POPULATION OF ELIGIBLE AREAS.—The Secretary may not make a grant to an eligible area under subsection (a) after the date of enactment of this subsection unless the area has a population of at least 500,000 individuals, except that this subsection shall not apply to areas that are eligible as of March 31, 1994. For purposes of eligibility under this title, the boundaries of each metropolitan area shall be those in effect in fiscal year 1994.

''(d) CONTINUED FUNDING.—A metropolitan area that has received a grant under this section for the fiscal year in which this subsection is enacted, shall be eligible to receive such a grant in subsequent fiscal years.''.

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff–12(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''include'' and all that follows through the end thereof, and inserting ''reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.''; and

(ii) by adding at the end thereof the following new sentences: ''Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.'';

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

''(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''area;'' and inserting ''area based on the—

''(i) documented needs of the HIV-infected population;

''(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

''(iii) priorities of the HIV-infected communities for whom the services are intended; and

''(iv) availability of other governmental and nongovernmental resources;'';

(ii) by striking ''and'' at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting '', and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; ''; and

(iv) by adding at the end thereof the following new subparagraphs:

''(D) participate in the development of the Statewide coordinated statement of need initiated by the State health department;

''(E) establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflict-of-interests; and

''(F) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.'';

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(E) by inserting after paragraph (1), the following new paragraph:

''(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

''(A) health care providers, including federally qualified health centers;

''(B) community-based organizations serving affected populations and AIDS service organizations;

''(C) social service providers;

''(D) mental health and substance abuse providers;

''(E) local public health agencies;

''(F) hospital planning agencies or health care planning agencies;

''(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

''(H) nonelected community leaders;

''(I) State government (including the State medicaid agency and the agency administering the program under part B);

''(J) grantees under subpart II of part C;

''(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

''(L) grantees under other Federal HIV programs.''.

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking ''Not later than—'' and all that follows through

''the Secretary shall'' and inserting the following: ''Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall''; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking ''and'' at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

''(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

''(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need.''; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

''(2) PRIORITY.—

''(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this section to any qualified applicant that demonstrates an ability to spend funds efficiently and demonstrates a more severe need based on prevalence of—

''(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other diseases determined relevant by the Secretary, which significantly affect the impact of HIV disease in affected individuals and communities;

''(ii) AIDS in individuals, and subpopulations, previously unknown in the eligible metropolitan area; or

''(iii) homelessness.

''(B) PREVALENCE.—In determining prevalence of diseases under subparagraph (A), the Secretary shall use data on the prevalence of the illnesses described in such subparagraph in HIV-infected individuals unless such data is not available nationally. Where such data is not nationally available, the Secretary may use the prevalence (with respect to such illnesses) in the general population.''.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting '', in accordance with paragraph (3)'' before the period; and

(ii) by adding at the end thereof the following new sentence: ''The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).''.

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended by adding at the end thereof the following new paragraph:

''(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

''(A) with respect to fiscal year 1996, 98 percent;

''(B) with respect to fiscal year 1997, 97 percent;

''(C) with respect to fiscal year 1998, 95.5 percent;

''(D) with respect to fiscal year 1999, 94 percent; and

''(E) with respect to fiscal year 2000, 92.5 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.''.

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting '', substance abuse treatment and mental health treatment,'' after ''case management''; and

(ii) by inserting ''which shall include treatment education and prophylactic treatment for opportunistic infections,'' after ''treatment services,'';

(B) in subsection (b)(2)(A)—

(i) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities,''; and

(ii) by striking ''and homeless health centers'' and inserting ''homeless health centers, substance abuse treatment programs, and mental health programs''; and

(C) in subsection (e)—

(i) in the subsection heading, by striking ''AND PLANNING;

(ii) by striking ''The chief'' and inserting: ''(1) IN GENERAL.—The chief'';

(iii) by striking ''accounting, reporting, and program oversight functions'';

(iv) by adding at the end thereof the following new sentence: ''An entity (including subcontractors) receiving an allocation from the grant awarded to the chief executive officer under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.''; and

(v) by adding at the end thereof the following new paragraphs:

''(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.''.

''(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.''.

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff–15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting '', in accordance with subsection (c) regarding a single application and grant award,'' after ''application'';

(ii) in paragraph (1)(B), by striking ''1-year period'' and all that follows through ''eligible area'' and inserting ''preceding fiscal year'';

(iii) in paragraph (4), by striking ''and'' at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting ''; and''; and

(v) by adding at the end thereof the following new paragraph:

''(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.'';

(B) in subsection (b)—

(i) in the subsection heading, by striking ''ADDITIONAL'';

(ii) in the matter preceding paragraph (1), by striking ''additional application'' and inserting ''application, in accordance with subsection (c) regarding a single application and grant award,'';

(iii) in paragraph (3), by striking ''and'' at the end thereof; and

(iv) in paragraph (4), by striking the period and inserting ''; and'';

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

''(c) SINGLE APPLICATION AND GRANT AWARD.—

''(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

''(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.''.

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff–16) is amended—

(A) by striking ''may'' and inserting ''shall'';

(B) by inserting after ''technical assistance'' the following: '', including peer based assistance to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,''; and

(C) by adding at the end thereof the following new sentences: ''The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.''.

(b) CARE GRANT PROGRAM.—

(1) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff–23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)'' after ''nonprofit private,''; and

(ii) in paragraph (2)(A)—

(I) by inserting ''substance abuse treatment, mental health treatment,'' after ''nursing,''; and

(II) by inserting ''prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery,'' after ''monitoring,'';

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before ''care'' ''and youth centered''; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking ''served; and'' and inserting ''served;'';

(II) in subparagraph (B), by striking the period at the end; and

(III) by adding after subparagraph (B), the following new subparagraphs:

''(C) grantees under section 2671 and representatives of organizations with a history

of serving children, youth, women, and families with HIV and operating in the community to be served; and

''(D) representatives of community-based providers that are necessary to provide the full continuum of HIV-related health care services, which are available within the geographic area to be served.''; and

(C) in subsection (d), to read as follows:

''(d) DEFINITION.—As used in this part, the terms 'family centered care' and 'youth centered care' mean the system of services described in this section that is targeted specifically to the special needs of infants, children (including those orphaned by the AIDS epidemic), youth, women, and families. Family centered and youth centered care shall be based on a partnership among parents, extended family members, children and youth, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care.''.

(2) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by striking subsection (c) and inserting the following new subsections:

''(c) STANDARDS FOR TREATMENT PROGRAMS.—In carrying out this section, the Secretary shall—

''(1) review the current status of State drug reimbursement programs and assess barriers to the expended availability of prophylactic treatments for opportunistic infections (including active tuberculosis); and

''(2) establish, in consultation with States, providers, and affected communities, a recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

In carrying out paragraph (2), the Secretary shall identify those treatments in the recommended minimum formulary that are for the prevention of opportunistic infections (including the prevention of active tuberculosis).

''(d) STATE DUTIES.—

''(1) IN GENERAL.—In implementing subsection (a), States shall document the progress made in making treatments described in subsection (c)(2) available to individuals eligible for assistance under this section, and to develop plans to implement fully the recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

''(2) OTHER MECHANISMS FOR PROVIDING TREATMENTS.—In meeting the standards of the recommended minimum formulary developed under subsection (c), a State may identify other mechanisms such as consortia and public programs for providing such treatments to individuals with HIV.''.

(3) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

''(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title;'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

''(3) the public health agency administering the grant for the State shall convene a meeting at least annually of individuals with HIV who utilize services under this part (including those individuals from traditionally underserved populations and subpopulations) and representatives of grantees funded under this title (including HIV health services planning councils, early intervention programs, children, youth and family service projects, special projects of national significance, and HIV care consortia) and other providers (including federally qualified health centers) and public agency representatives within the State currently delivering HIV services to affected communities for the purpose of developing a Statewide coordinated statement of need; and''; and

(D) by adding at the end thereof the following flush sentence:

''The State shall not be required to finance attendance at the meetings described in paragraph (3). A State may pay the travel-related expenses of individuals attending such meetings where appropriate and necessary to ensure adequate participation.''.

(4) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff–28(c)) is amended—

(A) in paragraphs (3) and (4), to read as follows:

''(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. An entity (including subcontractors) receiving an allocation from the grant awarded to the State under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.

''(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

''(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

''(i) usual and recognized overhead, including established indirect rates for agencies;

''(ii) management oversight of specific programs funded under this title; and

''(iii) other types of program support such as quality assurance, quality control, and related activities.'';

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4), the following new paragraphs:

''(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

''(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.''.

(5) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff–29) is amended—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting before the period the following: '', including technical assistance for the development and implementation of Statewide coordinated statements of need''.

(6) GRIEVANCE PROCEDURES AND COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff–21) is amended by adding at the end thereof the following new sections:

''SEC. 2621. GRIEVANCE PROCEDURES.

''Not later than 90 days after the date of enactment of this section, the Administration, in consultation with affected parties, shall establish grievance procedures, specific to each part of this title, to address allegations of egregious violations of each such part. Such procedures shall include an appropriate enforcement mechanism.

''SEC. 2622. COORDINATION.

''The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. The Secretary shall periodically prepare and submit to the relevant committees of Congress a report concerning such coordination efforts at the Federal, State, and local levels as well as the existence of Federal barriers to HIV program integration.''.

(c) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff–51(b)) is amended—

(A) in paragraph (1), by striking ''grant agrees to'' and all that follows through the period and inserting: ''grant agrees to—

''(A) expend the grant for the purposes of providing, on an out-patient basis, each of the early intervention services specified in paragraph (2) with respect to HIV disease; and

''(B) expend not less than 50 percent of the amount received under the grant to provide a continuum of primary care services, including, as appropriate, dental care services, to individuals confirmed to be living with HIV.''; and

(B) in paragraph (4)—

(i) by striking ''The Secretary'' and inserting ''(A) IN GENERAL.—The Secretary'';

(ii) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities'';

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

''(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.''.

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff–52(b)(1)(B)) is amended by inserting '', or a private for-profit entity if such entity is the only available provider of quality HIV care in the area,'' after ''nonprofit private entity'';

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff–54) is amended by adding at the end thereof the following new subsection:

''(c) PLANNING AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to

exceed $50,000 for each such grant, to public and nonprofit private entities that are not direct providers of primary care services for the purpose of enabling such providers to provide HIV primary care services.

''(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

''(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that would provide HIV primary care services in rural or underserved communities.

''(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''$75,000,000'' and all that follows through the end of the section, and inserting ''such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.''.

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(A) in paragraph (2), by striking ''and'' at the end thereof;

(B) in paragraph (3)—

(i) by striking ''5 percent'' and inserting ''10 percent including planning, evaluation and technical assistance''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end thereof the following new paragraph:

''(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.''.

(d) GRANTS.—

(1) IN GENERAL.—Section 2671 (42 U.S.C. 300ff–71) is amended to read as follows:

''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Director of the National Institutes of Health, shall award grants to appropriate public or nonprofit private entities that, directly or through contractual arrangements, provide primary care to the public for the purpose of—

''(1) providing out-patient health care and support services (which may include family-centered and youth-centered care, as defined in this title, family and youth support services, and services for orphans) to children, youth, women with HIV disease, and the families of such individuals, and supporting the provision of such care with programs of HIV prevention and HIV research; and

''(2) facilitating the voluntary participation of children, youth, and women with HIV disease in qualified research protocols at the facilities of such entities or by direct referral.

''(b) ELIGIBLE ENTITIES.—The Secretary may not make a grant to an entity under subsection (a) unless the entity involved provides assurances that—

''(1) the grant will be used primarily to serve children, youth, and women with HIV disease;

''(2) the entity will enter into arrangements with one or more qualified research entities to collaborate in the conduct or facilitation of voluntary patient participation in qualified research protocols;

''(3) the entity will coordinate activities under the grant with other providers of health care services under this title, and under title V of the Social Security Act;

''(4) the entity will participate in the Statewide coordinated statement of need under section 2619 and in the revision of such statement; and

''(5) the entity will offer appropriate research opportunities to each patient, with informed consent.

''(c) APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(d) PATIENT PARTICIPATION IN RESEARCH PROTOCOLS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Office of AIDS Research, shall establish procedures to ensure that accepted standards of protection of human subjects (including the provision of written informed consent) are implemented in projects supported under this section. Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

''(2) RESEARCH PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall establish mechanisms to ensure that research protocols proposed to be carried out to meet the requirements of this section, are of potential clinical benefit to the study participants, and meet accepted standards of research design.

''(B) REVIEW PANEL.—Mechanisms established under subparagraph (A) shall include an independent research review panel that shall review all protocols proposed to be carried out to meet the requirements of this section to ensure that such protocols meet the requirements of this section. Such panel shall make recommendations to the Secretary as to the protocols that should be approved. The panel shall include representatives of public and private researchers, providers of services, and recipients of services.

''(e) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may use not to exceed five percent of the amounts appropriated under subsection (h) in each fiscal year to conduct training and technical assistance (including peer-based models of technical assistance) to assist applicants and grantees under this section in complying with the requirements of this section.

''(f) EVALUATIONS AND DATA COLLECTION.—

''(1) EVALUATIONS.—The Secretary shall provide for the review of programs carried out under this section at the end of each grant year. Such evaluations may include recommendations as to the improvement of access to and participation in services and access to and participation in qualified research protocols supported under this section.

''(2) REPORTING REQUIREMENTS.—The Secretary may establish data reporting requirements and schedules as necessary to administer the program established under this section and conduct evaluations, measure outcomes, and document the clients served, services provided, and participation in qualified research protocols.

''(3) WAIVERS.—Notwithstanding the requirements of subsection (b), the Secretary may award new grants under this section to an entity if the entity provide assurances, satisfactory to the Secretary, that the entity will implement the assurances required under paragraph (2), (3), (4), or (5) of subsection (b) by the end of the second grant year. If the Secretary determines through the evaluation process that a recipient of funds under this section is in material noncompliance with the assurances provided under paragraph (2), (3), (4), or (5) of subsection (b), the Secretary may provide for continued funding of up to one year if the recipient provides assurances, satisfactory to the Secretary, that such noncompliance will be remedied within such period.

''(g) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED RESEARCH ENTITY.—The term 'qualified research entity' means a public or private entity with expertise in the conduct of research that has demonstrated clinical benefit to patients.

''(2) QUALIFIED RESEARCH PROTOCOL.—The term 'qualified research protocol' means a research study design of a public or private clinical program that meets the requirements of subsection (d).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

(2) CONFORMING AMENDMENT.—The heading for part D of title XXVI of the Public Health Service Act is amended to read as follows:

''PART D—GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES''.

(e) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

''PART F—DEMONSTRATION AND TRAINING

''Subpart I—Special Projects of National Significance

''SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

''(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

''(2) the innovative nature of the proposed activity; and

''(3) the potential replicability of the proposed activity in other similar localities or nationally.

''(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

''(1) address the needs of special populations;

''(2) assist in the development of essential community-based service delivery infrastructure; and

''(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

''(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

''(1) individuals and families with HIV disease living in rural communities;

''(2) adolescents with HIV disease;

''(3) Indian individuals and families with HIV disease;

''(4) homeless individuals and families with HIV disease;

''(5) hemophiliacs with HIV disease; and

''(6) incarcerated individuals with HIV disease.

''(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

''(1) programs that support family-based care networks critical to the delivery of care in minority communities;

''(2) programs that build organizational capacity in disenfranchised communities;

''(3) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

''(4) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

''(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.''.

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff–28(a)) is repealed.

(f) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

''Subpart II—AIDS Education and Training Centers

''SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.''.

(2) AMENDMENTS.—Section 776(a)(1) (42 U.S.C. 294n(a)) is amended—

(A) by striking subparagraphs (B) and (C);

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

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease;''; and

(D) in subparagraph (B) (as so redesignated) by adding ''and'' after the semicolon.

(3) TRANSFER.—Subsection (a) of section 776 (42 U.S.C. 294n(a)) (as amended by paragraph (2)) is amended by transferring such subsection to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff–13(a)(3)) is amended to read as follows:

''(3) AMOUNT OF GRANT.—

''(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

''(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

''(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

''(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

''(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to—

''(I) the first year during such period, .06;

''(II) the second year during such period, .06;

''(III) the third year during such period, .08;

''(IV) the fourth year during such period, .10;

''(V) the fifth year during such period, .16;

''(VI) the sixth year during such period, .16;

''(VII) the seventh year during such period, .24;

''(VIII) the eighth year during such period, .40;

''(IX) the ninth year during such period, .57; and

''(X) the tenth year during such period, .88.

''(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.''.

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff–28(b)(1) and (2)) are amended to read as follows:

''(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

''(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

''(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

''(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

''(ii) an amount determined under paragraph (2); and

''(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

''(2) DETERMINATION.—

''(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

''(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B; and

''(ii) the percentage constituted by the sum of—

''(I) the product of .50 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

''(II) the product of .50 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

''(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

''(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

''(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.''.

''(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(G) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

''(I) with respect to fiscal year 1996, 98 percent;

''(II) with respect to fiscal year 1997, 97 percent;

''(III) with respect to fiscal year 1998, 95.5 percent;

''(IV) with respect to fiscal year 1999, 94 percent; and

''(V) with respect to fiscal year 2000, 92.5 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will

receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.''.

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71) is amended by adding at the end thereof the following new section:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000. Of the amount appropriated under this section for fiscal year 1996, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

''(b) DEVELOPMENT OF METHODOLOGY.—

''(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages referred to in subsection (a) to account for grants to new eligible areas under part A and other relevant factors. Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

''(2) FAILURE TO IMPLEMENT.—If the Secretary fails to implement a methodology under paragraph (1) by October 1, 1996, there are authorized to be appropriated—

''(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

''(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.''.

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff–13)—

(A) in subsection (a)(2), by striking ''2608'' and inserting ''2677''; and

(B) in subsection (b)(1), by striking ''2608'' and inserting ''2677'';

(2) in section 2605(c)(1) (42 U.S.C. 300ff–15(c)(1)) is amended by striking ''2608'' and inserting ''2677''; and

(3) in section 2618 (42 U.S.C. 300ff–28)—

(A) in subsection (a)(1), is amended by striking ''2620'' and inserting ''2677''; and

(B) in subsection (b)(1), is amended by striking ''2620'' and inserting ''2677''.

SEC. 7. CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

SEC. 8. SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

SEC. 9. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

SEC. 10. PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term ''to promote or encourage, directly or indirectly, homosexuality'' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related ''at-risk'' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

SEC. 11. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term ''Federal employee'' has the same meaning given the term ''employee'' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 12. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

''SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

SEC. 13. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1995.

(b) ELIGIBLE AREAS.—

(1) IN GENERAL.—The amendments made by subsections (a)(1)(A), (a)(2), and (b)(4)(A) of section 3 shall become effective on the date of enactment of this Act.

(2) REPORTED CASES.—The amendment made by subsection (a)(1)(B) of section 3 shall become effective on October 1, 1997.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my appreciation to the chairman of our committee, Senator KASSEBAUM, for her leadership on this extremely important piece of legislation. It is one of the first major reauthorizations of a program that offers such hope for so many of our fellow citizens.

This is an important day for the Senate and I think for our country. It is an indication of strong bipartisan support, overwhelming support in the Senate, for a program that will provide a degree of hope for hundreds of thousands of our fellow citizens who are afflicted by this epidemic.

This program has been successful in the past. Its need has been documented. It is an expression of compassion for those who are ill to try to make sure that their suffering will be relieved in a significant and important way.

I think it is an extremely important piece of legislation. All of us are grateful to our leaders for scheduling this—Senator DOLE, Senator DASCHLE. I am particularly appreciative on our side of Senator DASCHLE for his strong support and for his continued efforts to make sure that we were going to get an early consideration of the legislation.

I would like to take a moment of the Senate's time to express a strong appreciation for personnel support. I think I speak for the Senate in thanking the members of our staffs who have toiled long and hard and have worked diligently and with very considerable knowledge about this subject matter:

Michael Iskowitz and Seth Kelbourne in my own office. Mike Iskowitz was here with the passing of the first Ryan White legislation and has followed it extremely closely and is very much involved in the strengthening and improvements to this legislation. I am grateful to both of them.

Marty Ross and Jim Wade worked very closely with us, and I am grateful for the common spirit that was so evident by the staff, not only our own staff but the work that was done by many of our other colleagues who participated and involved themselves as well.

I am grateful as well for the various AIDS organizations that came together to run this program effectively. I am mindful that Jeanne White, Ryan's mother, when we first passed this legislation a number of years ago, was in the gallery for that occasion. All of us who continue to work on this program are mindful that it is named after Ryan, her son. Ryan's mother is a strong supporter of this legislation. I think all of us thank her for her continued interest.

There have been many people, not only in the Senate, but also in the House, where this is moving along with bipartisan support, and across the country who have urged the passage of this. I think the overwhelming support from all different political viewpoints that came together in support is really a reflection of the genuine sense of compassion and sense of decency and caring that is really the Senate and our colleagues at their best.

So I thank all those who participated, and I am grateful for their support. We will do everything we can to carry forward in the conference and bring strong legislation back to the Senate.

Mr. President, I am extremely pleased with the action taken by the U.S. Senate. By voting 96 to 3 in favor of the Ryan White CARE Act reauthorization of 1995—the Senate has sent a strong message of hope to hundreds of thousands of Americans living with AIDS.

In communities across this country, the Ryan White CARE Act programs represent America at its best. The Senate demonstrated the capacity to put people before politics and act in the public interest. Today's action will make a world of difference for individuals and families in need.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the virus. AIDS itself has now become the leading killer of all young Americans ages 25 to 44. Its is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

Nearly 500,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

The epidemic is a decade and a half old—but almost 40 percent of the AIDS cases in the country have been diagnosed in the last 2 years. One more American gets the bad news every 6 minutes. And since we began the debate last Friday—we have lost another 500 of our fellow citizens to AIDS.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS.

The epidemic has cost this Nation immeasurable talent and energy in young and promising lives struck down long before their time. And in the pages of history our response to this plague—and the challenges it presents—will surely document what we stood for as a society.

America can take satisfaction that in these difficult times we have the ability to do things right. In the case of the CARE Act—we have.

The act contains a series of carefully crafted components that together have reduced in-patient hospitalization and emergency room visits. It has allowed more than 350,000 Americans with HIV disease this year to live longer, healthier, and more productive lives. In a very real way, the CARE Act has saved money and saved lives.

While much has changed since 1990, the brutality of the epidemic remains severe. When the act first took effect, only 16 cities qualified for emergency relief. In the past 5 years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community has avoided the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow

citizens. These realities challenge us to move forward together in the best interest of all people living with HIV and all Americans. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach. But we have not forgotten its roots. While new faces and new places are affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance, it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation.

We have sought common ground. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands. The Senate put aside political, geographic, and institutional differences to face this important challenge squarely and successfully.

Although the resources fall short of meeting the growing need, the act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS.

The act is about more than Federal funds and health care services. It is also about the caring American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what is taking place in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS.

Since the beginning, the CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that tradition continues and 64 Senators joined Chairman KASSEBAUM and me in presenting this bill to the Senate—and 96 Senators supported its passage. It does not get much clearer than that.

This is an important day for people living with HIV and AIDS and all Americans. We must do more to provide care and support for those trapped in the epidemic's path. And with this legislation, we will.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will just add in support of what the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, has said in acknowledging the support of the leaders, both the majority leader and the minority leader in the Senate, who have been instrumental in helping us move forward with this legislation and final passage.

Mr. President, I am pleased that the Senate has just concluded its action on the Ryan White CARE Reauthorization Act of 1995. As a result of this act, many individuals and families in this country who suffer from the HIV virus will continue to receive compassionate treatment and support services.

As you know, I have not been alone in my support for this legislation. I wish to thank my 65 Senate colleagues who are cosponsors of this legislation. In particular, the ranking member on the Committee on Labor and Human Resources, Senator KENNEDY, has been instrumental in the development and eventual passage of the reauthorization bill.

The development of this legislation has been difficult at times, requiring the personal commitment of many individuals from various organizations. Without mentioning each, I wish to acknowledge their efforts.

Finally, I thank Labor Committee staff who developed and helped orchestrate the passage of this act. In particular, I wish to acknowledge the dedication of Michael Iskowitz and Seth Kelbourne on Senator KENNEDY's staff and Doctors Marty Ross and James Wade on my own staff.

MORNING BUSINESS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that there now be a period for morning business, not to exceed 45 minutes, with Senators permitted to speak for up to 5 minutes each.

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

SHOULD THERE BE FEDERAL FARM PROGRAMS

Mr. LEAHY. Mr. President, for the past decade most of the debate on farm programs has centered around the question of ''how much should we spend on farm programs?'' Now the debate has shifted to whether there should be any programs that provide benefits to farmers. I take the floor today to address this issue.

Let me begin my statement by asking three questions, giving three quick answers, and then explaining why I have come to these conclusions.

Question: Do the historic justifications for farm programs make sense today?

Answer: No.

Question: Should there be any Federal program in which tax dollars are transferred to farmers?

Answer: Yes.

Question: Should farm programs be phased out or continued?

Answer: The next month will decide.

Let us start with the third question—to which I answered, ''the next month will decide.'' It is the heart of this question that the Senate must face this year.

There are two tests that farm programs must meet to merit continued funding.

First, will continued farm program funding mean more food for the hungry; and second, will continued farm program funding mean better management of our natural resources.

Unfortunately the jury is still out on whether the 1995 farm bill will meet these two tests.

Why? First, because some farm groups have proposed taking food from the needy to subsidize wealthy farmers. Second, because some farm groups are trying to repeal a decade of legislation that has brought harmony between agricultural and environmental policies.

Let me make my position clear—very clear. If farm programs become the enemy of the hungry and the environment, I will not support them. Indeed, I will join those on the floor who want to dismantle them.

Now a few words of background.

TIMES CHANGE

A long time could be spent explaining why farm programs need to be changed. It comes down to this. When the Agricultural Act of 1949 was written, 42 percent of rural Americans were farmers and farmers were 15 percent of the U.S. population. Rural Americans were generally poorer than most Americans. An income support program that helped farmers, helped rural America. Today farmers are only 2 percent of the American population and the average farmer is wealthier than the average American.

At one time regulations that required farmers to idle land also helped stabilize some food prices. By and large, there is now very little consumer benefit from the land idling aspects of farm programs. Today land retirement programs function only to control the budgetary costs of the program.

Farm programs are no longer an effective means to promote economic growth in rural America. Farm programs no longer stabilize consumer prices.

NEEDY REQUIRE ALLIES

The other primary justification for the farm programs, has been that they were part of the political arrangement that provided political support for feeding programs. Urban Congressmen supported farm programs in return for rural support of nutrition programs. While every program should stand on its own merits, in a democracy, the needy require allies more than anyone else. Even an unholy alliance makes sense if it helps us to meet our moral obligation to end hunger in America.

Unfortunately earlier this year, during the Senate Budget Committee's consideration of the budget resolution, the farm groups united in an effort to cut nutrition programs in order to increase farm program payments. If this

effort produces a major shift from nutrition to farm programs, I will not be able to support farm programs.

UNIQUE NATURAL RESOURCE CHALLENGES

So, should there be any Federal program in which tax dollars are transferred to farmers?

The answer is yes—for two reasons.

First, because farmers face unique problems with natural disasters.

Second, because farmers have a unique role in meeting widely held national natural resource objectives.

First, farmers face unique problems with natural disasters. Droughts, floods, and disease cause catastrophic losses that can bankrupt even the most efficient farmer. Without Government assistance, the private sector cannot provide adequate and affordable insurance to help farmers manage production risk. Thus, a subsidized crop insurance program makes sense.

Second, farmers play a unique role in managing our natural resources. Farms and grazing lands make up 50 percent of the continental United States. It is impossible to successfully regulate such a vast area, even if one wanted to—which I do not. To successfully address natural resource management on private lands, farmers must be part of the solution. The taxpayers are willing to pay farmers to protect drinking water, preserve lakes and rivers, and to be stewards of the soil.

In the 1985 and 1990 farm bills, farm programs were harmonized with environmental objectives. For example, no longer were farmers paid to destroy wetlands. Instead, farm programs began to protect wetlands.

Today some farm groups favor destroying this harmony. They even go so far as to say that farm conservation should only be funded if there is money left after farm subsidies and exports subsides are paid for.

This may make sense to a farmer or a grain exporter. It does not make sense to the public. There is no reason a farmer should be richer than a machine shop owner. There is no reason that the taxpayer should help huge grain exporters control market shares.

So this is the time for testing.

Will farm programs become just another special interest trying to take the last few dollars from the Federal Government before the bank goes broke?

Will farmers accept the challenge of living up to their historic responsibility of feeding the poor and gradually transform farm programs into natural resource management programs?

Wallace Stevens once wrote:

After the final ''no'' there comes a ''yes,''
And on that ''yes'' the future of the world depends. . . .

The next month will decide whether the final answer will be a ''yes'' on which the farmer and the taxpayer can depend.

I am somewhat dismayed to see the pattern that has grown up over the past decade so suddenly become shattered. This pattern farmers, consumers, and environmentalists working together on the farm bill. Each realized that they would not get every single thing they wanted, but working together, they would better represent the interest of farmers, ranchers, environmentalists, consumers, the hungry, and those who could afford to buy food in this country.

You will find some who want to shatter that kind of coalition, who want to grab their own special interests immediately, almost on ''The devil take the hind most.'' Well, that is not going to happen because some are going to stand up and speak for the ''high'' most.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

WELFARE REFORM

Mr. THOMAS. Mr. President, we had arranged, prior to this morning, for the freshman focus to have some time during morning business. Now we have that opportunity. I would like to take that time that was allocated.

As you know, there are some unique insights that are brought to this body by people who are elected, those who have just come through an election who, I think, are perhaps more attuned and more aware of what the electorate, at least in our view, was talking about.

So the purpose of our freshman focus has been to bring that sort of insight to this body. And, frankly, I think we are a little more impatient. We would like to see things move a little faster than the ''blinding speed'' we have encountered over the past 6 months. We want to talk a little about fundamental change.

The issue that will come before us soon, hopefully, will be that of welfare reform—one of the fundamental changes that obviously needs to be made. I think it is fair to say that, for whatever reason, over the last 25 to 30 years, there has not been a willingness on the part of the Congress to really take a look at fundamental change, to take a look at programs to see, in fact, if they are effective in terms of carrying out the purpose of the statutes; whether or not they are efficient in terms of providing results for the dollars that have been spent; or whether the delivery system has worked well; whether or not there is an opportunity to bring programs, Government, and decisions closer to people by involving the States. Rather, we have had this growth of Federal Government without much consideration of alternatives.

We will soon be entering into the year 2000, a new century. We need to ask ourselves what kind of a government do we want to pass on to our kids and grandkids with respect to spending and with respect to the budget? We will be considering, in the next 2 months, an increase in the debt of $5 trillion. We will be asking ourselves what are the priorities? What should the Federal Government be doing with what is inevitably a finite amount of money? We will have entitlements to the extent that, in 5 years, we will have nothing to spend except in the entitlement programs. I do not think we want to find ourselves there.

So we have an opportunity now to look at some fundamental change. We have done that, I think. I must say that my observation is generally that the folks on the other side of the aisle have resisted almost everything that has come up here. Always there is this idea that, yes, we are for it, whether it be unfunded mandates, line-item veto, or balanced budget. But when we get into it, we find that there is an effort to maintain the status quo. That is frustrating. I think it is frustrating for us, and I clearly believe it is frustrating for the voters in this last election.

It seems to me that one of the measurements of good Government is whether there is a response—if there is a response to public outcry for change. And I think there has been. So we find ourselves now, I think, with the opportunity to take a look at welfare, to look at a program that everyone agrees is useful, and that we should help people who need help to get back into work and back into the private sector.

But let me share just one frustration. We seem to be engaged in a little bit of a game here of perception. Each time we talk about how do we do something better, the argument goes on back to whether you are going to do it or not. You know, we talk about Medicare. There is not a soul that I know of in here who does not want to continue and strengthen Medicare. The choice is not doing away with Medicare or not funding Medicare. The choice is how do you do it? The same is true with welfare. Nobody wants to do away with the opportunity to help people who need it, but we need to find a way to do it in such a way that there are incentives to move off of the program and get back into the private sector, where there are restrictions and limits to the cost, and to develop programs that have some flexibility.

Certainly, our needs in Wyoming are different from those of my friend from Pennsylvania. That is what we are seeking to do.

So, Mr. President, we have strong feelings about it—I suppose no stronger than anyone else—simply because we are freshmen. But maybe we do feel a little of the frustration a little more easily. Maybe we grow impatient a little more easily, and sort of suffer from the movement here. In any event, I think we have great opportunities.

One of the Senators who has done more work in this, I think, than most anyone I know and is very knowledgeable, is the Senator from Pennsylvania. I am glad to see him here on the floor.

WELFARE REFORM

Mr. SANTORUM. I thank the Senator from Wyoming for his comments and again for his leadership in bringing the freshmen to the floor on a regular basis

to talk about the issues that are important to us. I rise to talk a little bit about welfare reform.

I want to start by congratulating the senior Senator from West Virginia for his tremendous service in the U.S. Senate. I was in the chair at the time and did not have an opportunity to congratulate him personally, but I listened very carefully to the words that he spoke in receiving the congratulations from the Senate. His talk about the civility of the Senate struck me as a pertinent comment as to what goes on here.

I share those concerns, that the body should be a civil body, and that we should be able to have a civil discourse as to the issues of the day. I also understand that there are certain periods in history where there occurs a fundamental realignment of thinking, where ideas of great magnitude clash that causes, at times, an uncivil reaction to those who are engaged in this ideological struggle.

I think we are at the beginning of one of those times here in America and here in the U.S. Senate. Time will tell whether the election of last year, when we were all elected freshmen, and the changes that were brought here in the U.S. Senate, will be the beginning of a realignment politically in this country and ideologically in this country—a new way of governing in the United States.

We do not know that. I suspect, and in fact, I hope, that is the case. We do not know that. I think there are many here who believe that is what is going on. Not really that different than what happened in the 1960's or what happened in the 1930's during the New Deal where we had a fundamental shift of the role of Government, and people here came with very different views of the way Government should operate.

At times, because of the passion which we feel for our positions, and the distance between one side and the other, things can get a little hot and heated. I hope that we pay attention to what the Senator from West Virginia has said, and try to keep our civility, our level of civility, and our respect for our colleagues and their thoughts—although we may disagree—keep that in mind.

I do not think there is any issue that shows the fundamental difference that is going on in this country, as far as the direction of Government in our lives, than the issue of welfare.

I have been working on that issue, as the Senator from Wyoming knows, for the past 3 or 4 years. I worked on it in the House of Representatives, the chairman of the task force that wrote the House Republican bill last year that by and large passed the House of Representatives this year.

To look at what happened in the debate on welfare in the past 2 or 3 years is an enormous change. Even the bills now being put forward by the leadership on the other side have dramatically moved from the status quo positions that were being offered just a year or two ago by the President.

I am encouraged by that. I think it does show a difference between how we believe on this side—or many believe, not all—to solve problems; how we have been doing it over the long period of years; and how we have been doing it, really, since the 1960's.

We have been doing it with Government perhaps out of Washington, DC, where we attempt to provide for people who are less fortunate, with some Federal direct grant, cash, food stamps, housing, or whatever; but it is run out of Washington. It is administered out of here.

Sure, there are local agencies that actually pass the money through, but all the decisions are made here, and then implemented down at the lower level where the individual just sort of receives the end product, which is usually a check, a stamp, or something tangible—usually not an exchange, other than qualifying because you are low income. There is no work required, no sense of duty or obligation to the people who have provided to give back. In fact, there is discouragement in many cases.

Many believe that is fundamentally flawed. That a system that provides or seeks to provide for the poor, that does not expect anything in return, is a system that is doomed to failure. I think we have seen that it not only results in the failure of that individual in their ability to turn their lives around and come back, but it causes the destruction of the community, the family and the like when you say to someone that, because of their poverty, they are unable to provide for themselves or give or contribute back to society.

That is what, unintentionally, indirectly, has occurred in our welfare system. That is the debate that will occur here in the U.S. Senate, I hope, in the next couple of weeks. We will have a bill on the floor, I am hoping the last week we are in session.

We have been working, and I give a lot of credit to Senator PACKWOOD who has done an absolutely outstanding job in working and trying to pull together the Republicans, with a bill we can come together and move forward with, that is dramatic and in sync with the principles I outlined.

I want to commend Senator DOLE who has been fostering that dialog; Senator GRAMM for staking out a responsible position on the issue and trying to form the debate.

We have a lot of good debate going on over here on this side of the aisle right now but the debate is not about dollars and cents. It is not about how much money we can save on welfare. It is not about how we can punish anybody. It is about one thing. That is, how do we give people who have less opportunity today, more opportunity, so they can live the American dream. That is what it is all about. That is what this welfare reform will be about. That is what our plan is going to be about.

I am encouraged by that. I look forward to the debate. I think it will be a great one here on the floor of the Senate. I want to thank, again, the Senator from Wyoming for reserving this time. I yield the floor.

GUATEMALA

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

The newspapers today are reporting conflicting information about the CIA inspector general's initial investigation into CIA involvement in murder and human rights abuses in Guatemala. This is an important topic, Mr. President. Following our hearing on this topic in the Intelligence Committee yesterday, I feel obligated to tell the Senate about this investigation and my concerns with it.

This is an important topic because it centers on trust, the trust related to secrecy.

We the effected policymakers—The President and Congress—ask the CIA to collect information covertly. Sometimes we also ask the CIA to undertake covert action in support of U.S. policy, covert action which is supposed to be deniable. To accomplish these tasks, we permit them to operate in an environment of secrecy.

However, with secrecy comes trust. We trust they will not abuse secrecy by using it to cover mistakes or actions which contradict the U.S. law or American values. To be sure they will not, Congress set up the oversight committees to check what CIA is doing, in particular, in secret.

We check by looking and asking. When we ask, we trust the answer we are getting is true. The law says it must be true, and that the two oversight committees must be kept fully and currently informed.

Were we so informed about the CIA's human rights record in Guatemala? Clearly, the answer is no. That being the case, the question then occurs, did CIA employees intentionally withhold information from Congress with the intent to deceive or mislead Congress? That is the core remaining issue in my mind.

Let me review where the investigation process stands right now, so colleagues, perhaps, have a better understanding, if asked, about the reports in the paper yesterday and today.

The report presented yesterday to the Intelligence Committee, the report of CIA IG Fred Hitz, is the first of six reports ordered by President Clinton on the Guatemala-United States human rights relationship.

A second CIA IG report on the cases other than the murders of Michael Devine and Efrain Bamaca will be completed by the end of August.

A Defense Department report on defense relationships in Guatemala will be ready at about the same time.

A State Department report on these cases will be ready in mid-August.

A Justice Department report is in final draft and could be out this week.

All these reports will be reviewed by the President's Intelligence Oversight Advisory Board, which is committed to reporting the results of its own investigation to the President by October 1.

So there is more information coming. The reports in the press are not the final chapter. We, the Congress, are the jury, and the jury is still out.

Let me review what we do know:

First, we know the CIA IG is doing its investigative job well. Fred Hitz' investigators have uncovered new data and organized it with great coherence. It is only because of their complete presentation of the cases that we, Senators, are able to isolate and ask the hard questions.

Second, we know the oversight task of Congress is made more difficult by attitudes of resistance at CIA.

Third, we know the trust which we grant with the right to secrecy is at risk.

Last, we know the CIA effort in Guatemala probably was not worth the loss to the Agency and the United States of being associated with these cases.

But there are some key facts we do not yet know. We do not know yet whether or not the withholding of information was a violation of law.

There is no question information was withheld from Congress. Was the withholding done with the intent to mislead Congress?

There is a question of what happened to the victims? Who killed Michael Devine and the other American victims? Who killed Efrain Bamaca?

Indeed, I think it is important that colleagues understand the investigation ordered by the President is not directed to answer those particular questions but directed, instead, to discover whether our agencies had any involvement with it.

The last question is whether or not the U.S. Government agencies contributed to or abetted any of these crimes, even indirectly. All this is done with the purpose of trying to discover what we can do to prevent events like this in the future. It is not just a simple exercise. It is an exercise that must go forward successfully if the people are to trust that the right of secrecy, the granting of secrecy is deserving of that trust.

In his initial report, Inspector General Hitz has recommended structural changes and cultural changes in the Agency, and Director Deutch has responded forcefully. The changes will come: the structural soon, the cultural over time, because Director Deutch's concept of management accountability will permit no less and because Fred Hitz's display of the facts is so clear and complete.

But the questions of why these events occurred, and what CIA officials at the time intended as they wrote reports to Congress and responded to congressional inquiries—these questions are unanswered. It falls to us, Congress, to apply our judgment and experience to answer them. No one at CIA or elsewhere in the administration can do it for us.

This investigation is about trust in the way we collect intelligence. Sometimes we concentrate so exclusively on the problems in the intelligence community that we forget why we are doing this.

Very simply, there is valuable information out there in the world that is someone's secret. This information is not publicly available. The intelligence community collects that information and combines it with other, perhaps publicly available information, to turn it into understanding.

That way, they can do what they get paid for: getting the right information to the right person at the right time so as to improve that person's chances of success.

Worth asking is who is that person, the recipient of the right information?

First, we have the national policy customer, seeking success in a policy decision. It is the President, the National Security Council, the Secretaries of State, Defense, Treasury. And it is the Congress, too, as we ponder policy decisions, the latest of which for all of us, has been the situation in Bosnia.

It is the military, seeking success in battle, or in protecting our forces, or in preparing a operations plan, or making a weapons acquisition decision. It is the Chairman of the Joint Chiefs, it is a pilot or squad leader in a dangerous overseas deployment, and all the military in between. The intelligence support to these customers cannot be too good, and I know that is Director Deutch's commitment, too.

Next, it is law enforcement, seeking success in arresting a terrorist who has killed Americans or in preventing drugs from coming to this country.

Next, we have economic customers like the Secretary of Commerce and Secretary of Agriculture as they seek success in insuring fair trade practices around the world toward American products and services.

Intelligence ought to be an essential contributor to success in all these areas—we certainly pay enough for it.

We should task intelligence, resource intelligence, and grade intelligence on the basis of threats, and we should rank order the threats:

First, we should task intelligence to know most about the threats that could take away America's freedom and independence.

Second, we should task intelligence against the threats to American lives, with higher priority to the threats that can kill many Americans, such as the nuclear weapons still in Russia, and lower priority to the threats that can kill fewer of us.

These are difficult things to do, to establish these kinds of priorities. But it does fall to us to establish these threats, otherwise it will be difficult for us to make assignments to the intelligence community as to what we, indeed, need in order to make good decisions.

Third, we should task intelligence against the threats that can take away American livelihoods, the threats to our jobs and our way of life.

The new threat environment is a challenge for all of us who came up in the world of one large superpower threat.

Information technology poses another challenge: the sheer amount of information has increased geometrically, but our human capacity to know has expanded more modestly. Through the noise of information overload, the intelligence community must deliver that key secret fact, and make it useful to the customer. So effective dissemination is a challenge.

The technology of collection poses yet another challenge.

It is expensive, the lead times are long, and the targets may change before we are done.

Most important, with satellites we very often have significant uncertainties about whether or not a launch will be successful, or the lifespan of the satellites themselves. We need significant amounts of efforts in research and development to explore new technologies, but we also need to pay our employees and run our current operations, and money, we all know, is tight.

We need to explore dual use of intelligence technologies because if the private sector buys some of these things for their own different purposes, the unit cost to the intelligence agency will decrease. But we have to ensure we don't lose sensitive sources and methods in the process.

Secrecy poses yet another challenge. With the passage of the Soviet threat, a threat that could extinguish our national life, secrecy is less acceptable and should be fundamentally challenged.

We still need some secrecy. We could not otherwise collect and safeguard other people's secrets.

But we should challenge blanket secrecy wherever we find it, and we should support Director Deutch's declassification efforts.

Secrecy connotes trust, Mr. President, as I said at the beginning. We trust people, when we grant that trust, to do the right thing in secret. To me, that is the core issue in the Guatemala case and I hope my colleagues will avail themselves of the opportunity to look at the inspector general's report. The facts are quite disturbing and, I believe, precipitate the conclusion that, though we may not have been intentionally misled, the agency is going to have to change its behavior in order for us to be able to continue to trust that they are following our laws.

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

Mr. FRIST. Mr. President, I ask unanimous consent that I be permitted 10 minutes to speak in morning business.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

WELFARE REFORM

Mr. FRIST. Mr. President, I rise to continue the discussion that was begun several minutes ago by my freshman colleagues on the status of welfare in this country today.

Mr. President, since the Government launched the war on poverty in 1963, more than $5 trillion have been invested in the fight. Yet, clearly, poverty is still winning.

Individual dependence upon the State has increased with every Government intervention. Not only are there more people living in poverty today than ever before but, thanks to welfare, whole generations of Americans have lived and died without ever owning a home, holding down a steady job, or knowing the love and support of both a mother and a father.

In the world of welfare, benefits replace work, checks replace fathers, and the Government is the family of first resort.

Illegitimacy has been subsidized on a grand scale, and like other federally subsidized program, it has grown beyond our wildest imaginings, with the number of children now born out of wedlock now topping 30 percent.

Mr. President, the only thing great about the Great Society is its great size, its great cost, and the great power it holds over the lives of people, who are not only bound to poverty but left without hope.

In my home State of Tennessee, I can testify to the fact that the current welfare system has failed Tennesseans.

In Shelby County where Memphis is located, one out of every four families receives a monthly check from the Federal Government. With taxpayer-subsidized teen pregnancy, and deadbeat dads refusing to accept responsibility for their children, most of those newly entrapped children will have little chance of escaping a lifetime of poverty.

Yet, we continue to measure the depth of our compassion by the number of people who are dependent upon a Government Check.

Mr. President, it is time we started measuring compassion by the number of people who are independent, who have hope, and who experience the dignity of work.

It is time we stopped subsidizing illegitimacy and the kind of self-destructive behavior it spawns, and instead encourage responsibility.

It is time we faced up to the fact that the so-called war on poverty is in fact a war on people.

Mr. President, as a physician, I know how crucial it is to match the treatment to the sickness. The wrong medicine can kill, even when prescribed with good intentions.

By continuing to subsidize a system that penalizes people for working, for being responsible for their families, we only ensure that the war on people will continue.

The time has come to look to individuals and to State and local governments, who work closely with ailing communities and who know better than we, what medicine to prescribe, and how to begin the true healing of the conditions of poverty.

Mr. President, I recently met with a group of law enforcement professionals, from throughout the State of Tennessee, who came to advise me on practical, concrete ways to turn communities around.

These men and women, whose cumulative experience in law enforcement exceeds 500 years, are frustrated by Federal programs that provide welfare benefits to convicted felons. They are frustrated by Federal rule of evidence that hamstring their efforts to stop the flow of drugs and the violence that results.

They believe parents should be held accountable for the actions of their children, and they want the authority and the resources to take back our public spaces and make them safe for all Americans.

Mr. President, I call upon the American people to listen to their hearts and to hold fast to their vision. Despite the din of rhetoric in support of the status quo, the American people know that they elected us to do the very thing we are now trying to do.

They asked us to return control of their lives and their Government to local communities.

They asked us to spend their money wisely. They asked us to change incentives, and create a welfare system that promotes work, that strengthens families and that provides an opportunity for all Americans to succeed.

They asked us to do these things because they are compassionate, and we know they are holding us, and our proposals, to a high standard of compassion.

But compassion means that we create a genuine safety net for those who, because of circumstances beyond their control, are truly in need.

Mr. President, the original intent and design of the welfare system was to provide a temporary means of support for those struggling between jobs, or facing insurmountable difficulties. Yet, today's welfare families remain on the rolls for an average of 13 years, counting repeat spells.

Obviously, somewhere along the way, we have lost sight of the purpose of welfare.

For the sake of the children, we must restructure the system. And the first step is to require that those who can, go to work and become self reliant.

Mr. President, in my practice as a transplant surgeon in Tennessee, I witnessed the effects of our misguided welfare system every day.

One out of every three of my transplant patients was below the poverty level. Some tried—and they tried hard—but could not get a job. Some did not want to work. But almost all felt trapped by the current welfare system which pulls families apart.

Caring for these individuals, I heard the same stories, again and again. Young teenage single mothers would explain that the Government would pay them $50 more a month if they moved out of their parents' home, away from their family—and away from the only support system they had to pull themselves out of the welfare trap.

Mr. President, the current welfare system slams shut the window of opportunity. Children trapped in the vicious welfare cycle need answers, and they need them now.

By consolidating programs, we can reduce the costs of bureaucracy and get the money to our children. By giving States the flexibility they need to address their unique problems, we empower them to address the specific needs of our children. By empowering people and communities, we strike a blow at the root of violence and crime and give the streets back to our children. Finally, by creating incentives that promote responsible parenting and individual achievement, we give children hope.

Mr. President, there is a bright side to our current fiscal situation. We have been forced to reevaluate a faulty system.

We have been given the opportunity to regroup, to restructure, and to find new ways of helping those in need.

Those of us who are committed to change have behind us the full force of the American people. Those who argue against these changes have nothing on their side but the dismal history of the past 30 years.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

FAMILY PLANNING

Mr. SPECTER. Mr. President, I have sought recognition to call attention to the numerous legislative efforts which are now pending which challenge the constitutional right of a woman to choose. And I have decided to do so in light of the action by the House Appropriations Committee last week in eliminating funding for family planning. It had always been my view that whatever political persuasion or position of political spectrum, that the issue of family planning was one where most Americans, if not virtually all Americans, could agree.

When we talk about welfare reform—and there is no doubt about the necessity for welfare reform in America—we are dealing with many children who come into this world where the parents, many married couples, are not equipped to handle them at that stage of their lives both financially and emotionally. And the welfare payments are enormous when we talk about teenage pregnancy, which may be the greatest domestic social problem America faces today, or certainly one of the biggest. Society spends an estimated $34 billion on behalf of families in which the first

birth occurred when the mother was a teenager.

When we look at the problem of low-birthweight babies, which constitutes a human tragedy when children are born the size of my hand, weighing as little as 12 ounces, they are human tragedies because they carry scars for a lifetime. Frequently those lifetimes are not very long, but are very expensive to society, costing in the range of $200,000 a child and thousands more each year. It cost society multiple billions of dollars, whereas family planning saves additional costs in medical care. I think this should be agreed upon by everyone.

A few weeks ago, we had a contentious debate in this Chamber about Dr. Henry Foster, and although some may disagree, my view was that Dr. Foster was rejected because he had performed abortions, a medical procedure permitted under the Constitution of the United States.

We now find the legislation offered by the House moving along the track which would deny Federal funding for a woman in a Federal prison who is a victim of rape. What is that woman to do if the Federal Government, which has her incarcerated and is in charge of her sustenance, prohibits funding for a child which is born to her while she is in prison?

What I decided to do, Mr. President, in order to dramatize this situation, which I think is fairly characterized as a wholesale assault on a woman's right to choose—it is not what I decided to do, as the distinguished Presiding Officer knows, but what my staff decided to do. They brought me the idea.

The line which I have submitted here on the situation where there is the dismantling of a woman's right to choose from A to Z is that there is a nationwide campaign under way to dismantle a woman's right to choose. Antichoice forces, frustrated by their failed attempts to achieve a constitutional amendment to ban choice, are urging Congress to impose burdensome obstacles to reproductive health services for women. These changes are far-reaching and will have a devastating impact on women's health.

To show the scope of this effort, my staff and I have compiled the list of actions from A to Z by antichoice forces. This I suggest is a prescription for gridlock.

There is nothing in the Contract With America on abortion. The results of the 1994 election, I submit, were to deal with the key Republican core values of reducing the size of Government, of limiting expenses, of reducing taxes, and not to be engaged in divisive social issues.

In these charts, in a dramatic way, we have listed these issues from A to Z starting with:

A. Amend the Constitution to abolish a woman's right to choose.

B. Banning Federal funding for abortions for women in Federal prisons.

C. Cutting off title X family planning funds to organizations providing abortions with non-Federal dollars.

D. To deny Federal funding for United States representatives to attend the U.N. Fourth World Conference on Women.

E. Eliminate United States funding for international family planning assistance provided by the United Nations Population Fund.

F. Forbid the Legal Services Corporation from handling abortion-related legislation.

G. Gag medical providers at title X family planning clinics to prevent them from discussing abortions as a legal medical option for women facing an unintended pregnancy.

H. Hand over to the States the decision as to whether low-income rape or incest victims are eligible for Medicaid-funded abortions.

I. Impose restrictions on human embryo research.

J. Jeopardize the protections afforded by the Freedom of Access to Clinic Entrance (FACE) Act.

K. Kill nominations of pro-choice Government officials, like Dr. Foster.

L. Limiting the sale and production of RU–486.

M. Mandate that Federal employees insurance exclude abortion coverage, even where the employees pay for it for themselves.

N. Notify parents if minors seek ''sensitive'' health services such as contraception at title X family planning clinics.

O. Overrule the decision of a graduate medical education accrediting organization to require most OB/GYN residents to be trained in abortion procedures.

P. Promote the appointment of Federal judges opposed to choice.

On that, Mr. President, I have long opposed a litmus test and have supported Justice Scalia, Chief Justice Rehnquist, and Justice O'Connor where their views differ from mine.

Q. Quash the ability of the District of Columbia to use its own revenue to fund abortions for poor women—a right of every other jurisdiction in the United States.

R. Restrict fetal tissue research, an issue which passed overwhelmingly in the Senate when some 80 Senators joined together where it was shown at the hearings that the research was very important for many very serious illnesses.

S. Slashing the funding for domestic and international family planning programs.

T. Terminating funding for family planning programs that either provide abortions with non-U.S. funds or advocate a position on abortion.

U. Undermining the ability of military women stationed overseas to access abortion services by prohibiting military hospitals from performing the procedure, even if paid for with private funds.

V. Violating the right of a doctor and patient to determine whether a certain late-term abortion procedure is appropriate and necessary.

W. Whitewash the true political agenda—eliminating access to abortion for all American women.

X. X-out title X, the cornerstone of Federal family planning programs.

Y. Yielding to the antichoice agenda that rolls back the reproductive rights of American women under the Constitution.

Z. Zeroing out the tax deduction for expenses incurred for pregnancy termination.

Mr. President, I have sought to dramatize the many measures which are underway at the present time. I personally am very much opposed to abortion, but I do not think it is a matter for the Federal Government to regulate. I have supported abstinence programs, especially for teenagers, that emphasize avoiding premarital sex and have supported tax breaks for adoption because I think that is the proper course. But I do not think it is the business of the Government to regulate abortions. I think that our colleague, Senator Barry Goldwater, articulated it correctly when he said we ought to keep the Government off our backs—less regulation—out of our pocketbooks—lower taxes—and out of our bedrooms—the constitutional right of the woman to choose.

The conservative point of view is that the least government is the best government, and I would say that the constitutional protection of a woman on her right to choose ought to be maintained.

Mr. President, I ask unanimous consent that a card listing from A to Z these restrictions be included in the CONGRESSIONAL RECORD.

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

DISMANTLING A WOMAN'S RIGHT TO CHOOSE . . . FROM A TO Z

Amend the Constitution to abolish a woman's right to choose.

Ban federal funding for abortions for women in federal prisons.

Cut off Title X family planning funds to organizations providing abortions with non-federal dollars.

Deny federal funding for United States representatives to attend the United Nations Fourth World Conference on Women.

Eliminate United States funding for international family planning assistance provided by the United Nations Population Fund.

Forbid the Legal Services Corporation from handling abortion-related litigation.

Gag medical providers at Title X family planning clinics to prevent them from discussing abortion as a legal medical option for a woman facing an unintended pregnancy.

Hand over to the states the decision as to whether low-income rape or incest victims are eligible for Medicaid-funded abortions.

Impose restrictions on human embryo research.

Jeopardize the protections afforded by the Freedom of Access to Clinic Entrances Act.

Kill nominations of pro-choice government officials.

Limit the sale and production of mifepristone (RU–486).

Mandate that federal employees' insurance exclude abortion coverage.

Notify parents if minors seek ''sensitive'' health services such as contraception at Title X family planning clinics.

Overrule the decision of a graduate medical education accrediting organization to require most ob/gyn residents to be trained in abortion procedures.

Promote the appointment of federal judges opposed to choice.

Quash the ability of the District of Columbia to use its own revenue to fund abortions for poor women—a right of every other jurisdiction in the United States.

Restrict fetal tissue research.

Slash funding for domestic and international family planning programs.

Terminate funding for international family planning programs that either provide abortions with non-U.S. funds or advocate a position on abortion.

Undermine the ability of military women stationed overseas to access abortion services by prohibiting military hospitals from performing the procedure, even if paid for with private funds.

Violate the right of a doctor and patient to determine whether a certain late-term abortion procedure is appropriate and necessary.

Whitewash the true political agenda—eliminating access to abortion for all American women.

X-out Title X, the cornerstone of Federal family planning programs.

Yield to the anti-choice agenda that rolls back the hard-won reproductive rights of American women.

Zero out the tax deduction for expenses incurred for pregnancy termination.

Mr. SPECTER. I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

The period for morning business is extended for leader time.

Mr. DOLE. Leader time was reserved, right?

The PRESIDING OFFICER. The Senator is correct.

KOREAN WAR MEMORIAL

Mr. DOLE. Mr. President, in June 1950 the Communist North Korean Army invaded the Republic of Korea in an all-out effort to extinguish the light of freedom.

Although America was weary of war, we came to Korea's defense and joined with many other nations to repel this unprovoked assault.

From the start of the war until the Korean armistice was signed in July 1953, almost 1½ million Americans stood shoulder to shoulder in the fight for freedom.

Inchon, the Chosin Reservoir, Old Baldy, Pork Chop Hill—all were the locations of famous battles, and all bore witness to American courage and sacrifice in the face of unspeakable hardship.

And at the war's end, over 54,000 Americans had made the ultimate sacrifice. More than 100,000 were wounded. And over 8,000 were missing in action.

One of those who made the ultimate sacrifice was Ens. Jesse Brown, America's first black naval aviator. And his story bears repeating.

In December 1950, Ensign Brown was a member of Fighting Squadron 32, aboard an aircraft carrier somewhere off Korea. He flew 20 close air-support missions, providing cover for our outnumbered marines at the Chosin Reservoir. The battle was fierce; our men on the ground were in a desperate situation.

On December 4, 1950, Ensign Brown's aircraft was hit while making a strafing run against the enemy. With tremendous skill, he managed to crash land on a rough, boulder-strewn slope. He survived the crash, waving to his friends as they circled overhead.

They knew he was in trouble, however, when he remained in the cockpit when smoke began to billow from the wreckage. Finally, a fellow member of the squadron could stand it no longer. As the others attacked and held off advancing enemy troops, Lt. Thomas Hudner ignored the dangers of the mountain terrain and enemy troops, and made a deliberate wheels-up landing.

He ran to Ensign Brown's plane, now erupting in flames, and found his friend alive, badly injured, and trapped in the cockpit.

Lieutenant Hudner shoveled snow with his hands to keep Jesse from the flames, burning his own hand badly in the process.

Finally, a Marine helicopter arrived. Lieutenant Hudner, joined by a crewman from the helicopter, struggled desperately to get Jesse out.

Unfortunately, Ens. Jesse Brown died on that slope in Korea.

As President Eisenhower said, Jesse Brown and all those who fought in Korea proved ''once again that only courage and sacrifice can keep freedom alive upon the Earth.''

Unfortunately, as time passed by, the courage of our soldiers and the rightness of our cause seemed to be forgotten, as the Korean war was buried in the back pages of our history books.

This week, however, with the dedication of the Korean War Memorial here in Washington, DC—in fact, at about 3 o'clock today—Americans join together to pay a long-overdue tribute to the men and women who sacrificed in this so-called forgotten war.

As inscribed at the site, the Korean War Memorial honors the ''sons and daughters who answered the call to defend a country they never knew and a people they never met.''

The haunting images of 2,400 soldiers and the rugged figures of a combat patrol remind us of the Americans and of their allies from 21 other nations who responded when freedom was threatened.

The lessons of the Korean war are clear: There are no quick and easy fixes to preserve freedom. And there is no substitute for American leadership.

Mr. President, it is with great pride that we honor the sacrifice and the legacy of our Korean war veterans. Let us proudly remember their sacrifice and build on the legacy they earned.

EXTENSION OF MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that morning business be extended until 2:15 p.m., with Senators permitted to speak for not more than 5 minutes each, unless they get consent, of course.

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

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are still waiting. We have people negotiating on the so-called gift ban. We hope to have some report by then. We would like to complete action on that today. I hope we can complete action on that today.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

KOREAN WAR MEMORIAL

Mr. KYL. Mr. President, since I will be taking the chair in 5 minutes, I will confine my remarks. Let me begin by complimenting the majority leader with his very fine remarks just delivered with respect to the Korean War Memorial. He spoke eloquently, and I think his remarks really typify what all of us remember and feel now about that war and the people who represented our country in that conflict. I want to compliment the majority leader on what he has just said.

GIFT BAN

Mr. KYL. Mr. President, I would like to make a few remarks about the gift ban, which we will be going to shortly, because there will not be adequate time to describe our feelings with respect to this and, therefore, I thought I would take a moment right now.

It seems to me we need to act, we need to act fairly quickly in order to improve the law that deals with the kind of gifts that Members of the Senate can receive.

There are three particular reasons why we need to do this. In the first place, undue influence is a factor. While I cannot think of a situation in which a Senator's vote has been bought by a lobbyist, the fact of the matter is that taking gifts creates undue influence. It needs to stop. I think reforms in this area will stop it.

Second, there is a perception in the public that the Senate takes a lot of gifts. While it is not necessarily true, the fact any gifts are received helps to contribute to that perception. We need to deal with that perception problem and not taking gifts, or at least any kind of significant gifts, will help deal with that.

And third, taking things because of our position becomes a way of life for some Members. In some cases, there is absolutely nothing wrong with it. A very elderly Indian woman who had been standing at a meeting for over 1 hour out in very cold temperatures in northern Arizona one day when I was finished, and when I began to walk away, slipped a ring, a turquoise ring into my hand and then quickly melted away into the crowd. I understood the significance of that, and I will never forget that as an expression on her part of appreciation of what I was attempting to do and nothing more than that.

So some gifts can be very touching, and they are as important to the giver as they are to the receiver.

By the same token, some gifts become a way of life. I am going to step on some of my colleagues' toes when I say this, but, frankly, there are things permitted by the rules today that we simply ought not to permit. The legislation that is being crafted now, I hope, will prevent this kind of activity from occurring and, as a result, will deal both with the problem of undue influence and the problem of public perception.

I speak of one example, and that is attendance at charity events. Mr. President, you know charities love to have us in attendance. They love to put our names on the invitation list, on the honorary committee. It lends credence and credibility. We all support charities in that way. We will attend the dinner to lend our support and attend the charitable event.

Obviously, the group will many times ask us to come as a guest of theirs. We do that and we do it willingly and, obviously, that does not buy anything in terms of votes. That would continue to be permitted.

But the other kind of participation in charitable events is not so benign. That is the charitable golf tournament or other things as well, but I will use the golf tournaments.

As I say, I will step on some people's toes. The fact of the matter is, when someone flies us a couple of thousand miles away to a resort community to play golf because our presence there somehow makes it a more attractive event for the people who are paying money to attend but we get the free evening and the meal and the drinks and all the rest of it and the free golf game and, frequently, a free putter, whatever, that goes beyond simply lending our name and presence to an event that has a charitable purpose.

I think it is wrong and, therefore, I support the kind of reform which would preclude us from accepting recreational benefits in conjunction with our participation in these kinds of charitable events.

Again, Mr. President, I am just singling out this one example to illustrate the difference between the kind of things that have historically been felt to be OK and we do not think anyone would criticize us for doing, supporting a charity, and, on the other hand, those kinds of things which have crept into the Senate business over time to give us benefits that the general public does not have.

Most people do not get invited to charitable events and given a free putter and a free trip and free meals and, most important, the free golf game. The tee costs of this are significant.

So the rule I support says if you want to participate in a charitable event, be our guest, but you have to get there on your own and you have to pay your own costs for participating; they cannot give that to you. If they want you to attend the dinner with them, fine, but you cannot go there for the purpose of getting some benefit that ordinarily people do not get, such as a free golf game and a free trip to a resort community.

That is the kind of thing which, frankly, gives us a bad name, and it may or may not, in some cases, lead to the argument that there has been undue influence created as a result of the people who are actually paying for the event.

So, Mr. President, I think my time has expired. I simply want to begin this debate by saying we will have some tough choices, but we have to enact reforms. It is the only way that we will prevent undue influence, on the one hand, and, second, end some of the perception problems that the Senate has, and at the end of the day our Government can exist and function only so long as the people have confidence in it, and that means confidence in the people who represent them. Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

CONGRATULATIONS TO SENATOR BYRD

Mr. DORGAN. Mr. President, I want to add my congratulations to those of my colleagues for Senator BYRD today. He was celebrated for casting his 14,000th vote in the U.S. Senate. I know this is a time when it is popular sport to denigrate both the body politic and politicians. But we ought to understand that our country for nearly 200 years has been served by a wonderful array of statesmen and women who have often provided decades of service to preserve and strengthen our democracy.

When I hear these days of the slick ideas that some people put forward in order to solve the political dilemmas in our country, whether it is term limits or some other quick fix, I am reminded of the history of our country. I am reminded of the history of service by Clay, Calhoun, Webster, Goldwater, Humphrey, Taft, yes, BYRD, and DOLE, and so many others, who come and serve, often with great distinction, and contribute a great deal to our country.

It is not purely an accident that our country has become a world power, a country that tackles problems most other countries will not even admit exist, a country that is incredibly self-critical from time to time, but nonetheless a country that has progressed in many areas beyond most countries in the world. It is not an accident.

It results, I think, partly from the genius, inventiveness, and risk-taking ability of those in the private sector in a capitalistic system, who advance this country's interests. But it also results from the judgment and compassion and wisdom of the line of leaders that stretches back 200 years, leaders who were willing to serve in the public sector and help create a democratic form of Government that works—and works better than any in the previous history of the world.

So I wanted, today, to stand and commend and pay tribute to Senator BYRD. I did not know much about him. I did not know what to think about him, frankly, before I came to the Senate. I obviously knew about him, read a lot about him, and watched him work. But I have had an opportunity now to study more closely his contributions to this Senate, and he, in my judgment, has created a lasting legacy of great significance to this body. He, of course, has many years yet to serve. But let me join Republicans and Democrats today in saying congratulations to someone who has devoted so much time to performing his duty for our country.

LIFTING THE ARMS EMBARGO IN BOSNIA

Mr. DORGAN. Mr. President, I want, for a brief moment, to comment about the vote yesterday on lifting the arms embargo on Bosnia. I did not speak at great length on the issue, but I was enormously troubled by it. We have voted on this a number of times in the past, and I have always resisted lifting the arms embargo, not because I did not want it to be lifted; I did, but I felt it inappropriate for us to do so unilaterally.

Yesterday, finally, I decided to vote to lift the embargo. As I said, I was enormously troubled by that vote. It was a difficult decision to make. But I felt it was a necessary decision to make. We cannot, it seems to me, sit by week after week and month after month and watch what is happening in Bosnia to innocent victims of that war. This is a war in which one side is heavily armed and the other side is prevented from getting sufficient arms to defend themselves. And I believe that we are doing something that represents the right course in that region of the world.

It is true, I think, that lifting the arms embargo will mean more arms in the region and perhaps an acceleration of the war. That may be true. But it is also true today that the Serbian army is marching in Bosnia, and it is moving into safe havens where the Bosnian Moslems have turned in their heavy weapons. When somebody says, ''Why did the people not defend themselves?'' it is because they could not get weapons with which to do so.

It is clear that the United Nations and UNPROFOR could not keep the peace. It is hard to keep peace where peace does not exist. You presumably can keep the peace if you have peace. But there is no peace in Bosnia.

The question, it seems to me, posed to us yesterday, finally, was, if our allies and the United States cannot and will not be able to provide protection for these Bosnian Moslems, should we not finally decide to give them the weapons with which to protect themselves? To say ''yes'' to that and do something unilaterally, we may very well anger our allies. That is not a wise course. Our allies are important to us. After all, the United States does not have troops on the ground in Bosnia. We have chosen not to want to do that. I support that decision. I think we should not move American troops to Bosnia.

But other countries have. Young men and women from around the world, especially young men from Great Britain, young men from the Ukraine, young men from France, young men from the Netherlands have been on the ground in Bosnia risking their lives. And it is difficult for us to say to our allies, because they have put their troops in harm's way, to say to them, ''Your opinion does not matter to us; you are wrong.'' That is a difficult thing for us to do.

Lifting the embargo may, it seems to me, provide the kind of impetus that could fracture very important relationships that we have. Yet this is not just a geopolitical discussion. This is not some political intrigue or dialog between us and the rest of NATO. This is about whether families in Bosnia has the right to defend themselves against aggressors who are heavily armed.

I told my colleagues once previously that some months ago I was watching on television a story of a young Bosnian woman who had been critically injured with some 21 shrapnel wounds and lay in the hospital in critical condition for some long while. The attack that gave her these critical wounds killed both her parents, spared her brother, but critically wounded her. The story I saw about this young woman moved me so much that I sought to find a way to bring this young woman to America. I am pleased to say she is now in our country. She was granted humanitarian relief. She has been allowed to join her brother in this country.

The day that I met her airplane at Dulles Airport, I will never forget what she said about our country. This young woman, living by herself in a single room, reading by candlelight at night, having lost both of her parents killed in a mortar attack, and her brother having been able to flee, had not herself been given the opportunity to leave as well and come to our country.

With tears in her eyes, she described the horror that was visited upon so many families in her country. She talked of the hope with which she viewed our country, the feelings that she had about being able to live where there was not daily shelling and was not the risk of death and mayhem all around her.

It is probably difficult for any of us in our country to understand the daily life of those whose lives are at risk in Bosnia. Nobody in this country can, it seems to me, look at the carnage that exists and the horror visited upon these people and say, with good conscience, that it does not matter. It matters to the world. It must matter to us. We must find ways, all of us, in the world to care when these things occur and to find ways to try to dampen the fires of war and to try to snuff out the horrors visited upon innocent people all around the world.

I have voted from time to time to send American troops into various parts of the world. I have voted to help fund exercises to respond to various troubles in the world. You cannot take a look at a famine in parts of Africa, where 2 million people risk death, and say it does not matter. You cannot hear somebody who comes back from Africa and says, ''I watched 40-year-old women routinely climb trees to try to pick leaves off trees because it was the only thing to eat,'' and say, ''That just does not matter. That is halfway around the world, and I do not care.''

We must, as a country, care about these things. We must care about the starvation that exists in parts of Africa. We must care about the killing and carnage that exists in Bosnia. That does not mean that we are the world's policeman and must send troops everywhere, but it does mean that we have a responsibility, with others around the world, to try to respond to the winds of hunger that kill 45,000 people a day in this world.

And so we must respond to the ravages of war that threaten so many men, women, and children in Bosnia. I must say the vote yesterday was a very troubling vote for me because I have previously voted not to lift the arms embargo. But there comes a time when there is no choice. We must, it seems to me, in good conscience, give the Bosnian Moslems the opportunity and means with which to defend themselves against the terror of this war.

Mr. President, I yield the floor.

BRIG. GEN. MICHAEL R. LEE

Mr. KOHL. Mr. President, I rise today to honor the remarkable record of public service of Brig. Gen. Michael R. Lee, the commander of the 440th Airlift Wing based on General Mitchell International Airport Air Reserve Station, Milwaukee, WI. General Lee is also responsible for the wing's subordinate groups, the 910th Airlift Group in Youngstown, OH, and the 928th Airlift Group in Chicago.

He began his military career in the Reserve Officer Training Program at Oregon State University. There in 1963 he earned an undergraduate degree in business administration. After receiving his commission he went to James T. Connally Air Force Base in Texas where he completed his navigator training and went on to B–52 crew training at Castle Air Force Base in California. He then served until 1969 as a B–52 navigator at Fairchild Air Force Base in Washington.

While General Lee left active duty in 1969, he continued to serve his country as a pilot in the Air Force Reserve. At Hill Air Force Base in Utah he flew C–124 transports while working as a stock broker. General Lee began to move up through the chain of command taking on more responsibility and demonstrating his strong leadership skills. During his distinguished career he has served as chief of operations plans for the 940th Air Refueling Group in 1977, in 1981 he was transferred to Headquarters 4th Air Force at McClellan Air Force Base, CA, as the director of tactical aircraft.

In 1986 General Lee received his first command as commander of the 914th Tactical Airlift Group in Niagara Falls. He returned to McClellan Air Force Base in 1988 becoming the deputy chief of staff for operations at Headquarters 4th Air Force. He took command of the 445th Military Airlift Wing (Associate), at Norton Air Force Base in California and assumed his current position as commander of the 440th in Milwaukee in April of 1991. Recognizing his leadership skills and ability to earn the respect and best efforts of the men and women who serve under him, Mike Lee was promoted to the rank of brigadier general on August 12, 1992.

General Lee is a highly decorated officer with more than 5,500 flying hours. His tireless service has earned him the Legion of Merit, Meritorious Service Medal with two oak leaf clusters, Air Medal with four oak leaf clusters, and an Air Force Commendation Medal. These honors are well deserved as the 440th, under General Lee's leadership, earned an unprecedented five awards, including Best Air Mobility Wing in 1993 at the Air Mobility Command's Worldwide Airlift Rodeo, and received his second Air Force Outstanding Unit Award in its history.

Perhaps his greatest achievement while he served at the 440th was saving the Air Reserve Station at General Mitchell International Airport, from being closed. Joining forces with the local community and political leaders, the men and women of the 440th succeeded in convincing the Base Closure and Realignment Committee that their base was too valuable to be closed. I had the pleasure of working with him in this effort and was impressed with his hard work, professionalism and his ability to build such a broad coalition of support from across the State on short notice.

Unfortunately for the 440th he will be leaving us to become the commander of the Air Force Reserve 22d Air Force at Dobbins Air Force Base in Georgia. There he will lead more than 20,000 Reservists in 14 States, control over 70 aircraft, 9 reserve wings, and 19 flying squadrons. He will be sorely missed in Wisconsin but he leaves behind one of the most capable and combat ready

forces in the Air Force Reserve. General Lee is moving on to new challenges and opportunities and I wish him, along with his new wife, all the luck in the world, and success in all his future endeavors.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about ''another go,'' as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, Wednesday, July 26, the total Federal debt—down to the penny—stood at $4,941,608,987,271.97, of which, on a per capita basis, every man, woman, and child in America owes $18,758.43.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

RECESS

Mr. HELMS. Mr. President, I believe there is no Senator seeking recognition. On behalf of the majority leader, I ask unanimous consent the Senate stand in recess until the hour of 3 p.m. today.

There being no objection, at 2:09 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

The PRESIDING OFFICER. The Presiding Officer in his capacity as a Senator from the State of Washington notes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask that I be allowed to speak as in morning business.

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

THE 30TH BIRTHDAY OF MEDICARE

Mr. ROCKEFELLER. Mr. President, I wish I could rise only to spend these few moments celebrating a very important birthday of Medicare. It is the way 37 million Americans get their basic health protection. Medicare is turning 30 years old this Sunday. For three decades, Americans have been able to rely on health care benefits in their later years thanks to something called Medicare.

Medicare was not born overnight. It had a long gestation period, ever since President Roosevelt shared his vision in the 1930's of a nation which guaranteed both financial security to its citizens and also health care security.

As we all know, changing anything to do with health care does not happen overnight. It certainly did not happen over the last 2 years of nights or days. And it is hard to do. From the 1930's to 1965, which is a long period in this Nation's history, when President Johnson in fact signed the Medicare bill into law, special interests, parts of the medical community—sadly, large parts of the medical community—and plenty of politicians did everything they could to keep the dream of Medicare from becoming a reality.

Today, however, we have to do more than celebrate Medicare's birthday. The question is whether Medicare will be there for seniors and their families for the next 30 years.

Now, I do not mean to say that Medicare is going to cease to exist. Obviously, it is going to be there in some form. But when I look at a budget resolution that takes $270 billion over 7 years from Medicare and just happens by coincidence to give away $245 billion in tax cuts over that same period, unspecified tax cuts, the alarm bells tend to go off. Medicare was not enacted to be a piggy bank for tax cuts. Medicare is in fact a sacred part of America's vision and America's promise. I think of Geno Maynard, Sue Lemaster, and John and Betty Shumate.

My colleagues obviously do not know who these fine West Virginians are but every Senator represents thousands of people like them. Geno Maynard is 78 years old and lives in Kenova, WV. Sue Lemaster is 83 years old and lives in Follansbee. She is on oxygen all the time. John and Betty Shumate live in Beckley. That is in the coal fields of West Virginia. They are four of about one-third of West Virginians who depend on Medicare for their health.

They all recently told me when I visited them in their homes that they are very worried. I did not tell them to be worried. They are worried. They are scared. The annual income of the average Medicare recipient in West Virginia is less than $11,000—$10,700, to be precise. That is not much money. That is their income from everything they get—Social Security, black lung, whatever it might be, any investments left over, and probably not much of that—$10,700. So they are very worried because cutting Medicare by $270 billion sounds suspiciously to them like they are going to have to pay more for less, and I think they may be right.

This is a very big worry for these four West Virginians as they quite flatly told me because they do not have any more money to spend on health care.

Yes, they could sell their house. West Virginia has high ownership of houses. They could sell their house. I think that is sort of an unreasonable thing to require to get health care in this country when people have worked over the course of their lives.

And then, of course, on average, seniors already spend 21 percent of their incomes on health care expenses. That is three times more than the rest of us. They spend money on benefits that are not covered by Medicare, the largest of which, of course, is prescription drugs. And that does not include eyeglasses and hearing aids and Medigap policies to cover Medicare's cost-share requirements, which can be very hefty.

Mr. President, I would love to have, quite frankly, as a member of the Senate Finance Committee and someone who ranks on the Medicare Subcommittee, I would love to have more details on exactly what the Republican budget will mean for these poor West Virginians. I do not think that is unreasonable. We are talking about a lot of money—$270 billion. I can tell my people that a budget has passed that will cut $270 billion from Medicare, but what does that tell them? That simply gets them, naturally, scared. But where? In what form?

I can tell them that the Republican budget will cut another $182 billion from Medicaid, which hard-working families rely on as the last resort to get into a nursing home. People think of Medicaid often as just representing poor people. You know, not everybody gets to be born a Rockefeller so there are a lot of poor people. A lot of them cannot help it. Some of them could, but most of them cannot. And when they have to go into a nursing home and they do not have any family around, guess who pays 7 percent of the cost of that in West Virginia? Medicaid.

So these cuts are potentially devastating. And as seniors think about them in the raw number, the aggregate number, their imaginations run wild. They sort of think of the worst-case scenario. I do not know whether there is a worst-case scenario or not, but I ought to know. I ought to know as a U.S. Senator on the Finance Committee. I ought to know that. I care about health care.

I can tell them that the experts agree that a total of $450 billion in health care cuts will have to mean less benefits at a higher cost and lower payments to providers and, incidentally, cost-shifting right onto business.

And I can show them that the same budget just happens to put $245 billion into tax cuts. And if you did not have, let us say, all those tax cuts to whomever they are going to go, that would leave really a very small cut for Medicare or maybe a cut for Medicare and a cut for Medicaid, but it would be much, much smaller. And, incidentally, the Republican budget has increased funding for defense.

But until we get more details on where and how these savings are going to be run out of Medicare, this Senator is sort of helpless as to how to give the people I represent any help, any sense

of a roadmap for their own personal futures.

There is no shortage of packaging around the Republican budget. It is the content I am trying to get hold of. My colleagues on the other side of the aisle argue that they are only trying to strengthen Medicare, saving the program, as they put it. Give me a break.

First of all, I watched the very same Senators vote against previous budget packages that included careful steps to keep Medicare strong and keep Medicare affordable. They voted no. Now they are saying, ''Cut.''

Second, taking $270 billion from Medicare while handing out $245 billion in tax cuts does not exactly sound like a way to shore up the Medicare trust fund. I can try on that, but I cannot get very far.

So we have until the year 2002 before the Medicare trust fund is insolvent. We know that. We say that. And we ought to be doing something about that. We should spend our time here working out responsible steps that put every last dime of Medicare savings into that trust fund. You know, the effect of the $270 billion cut on Medicare—people might say, ''Well, that is going to save Medicare.'' Well, there is an argument, Mr. President, as to whether it extends the life of the Medicare trust fund by 3 years, 4 years or 5 years, but not 6, 7, or 8. The optimists hope for 5, the pessimists for 3, but no more. And that is not exactly saving Medicare.

So, the Republican budget is designed to raid, not save, the Medicare Program. I believe that. I firmly, fully believe that. Medicare's money is going to be used to finance tax cuts for the wealthy. It is that simple. I am not amused by that. We have been through that before. That is what the 1980's were all about. Our country did not prosper. In fact, this is not a very amusing subject in any way, shape or form. It has nothing to do with assuring long-term solvency of the trust fund. It has nothing to do with making sure the Medicare Program continues to provide high-quality health care for our country's senior citizens and the disabled. It has everything to do with a Republican contract on America. That is what it is called, Republican Contract With America, and Republican promises to balance the budget in 7 years and hand out tax cuts to the rich. Do you think that is political? Maybe it is. But it also happens to be the truth.

Mr. President, I have introduced a bill to set up a Medicare commission to make recommendations on how to guarantee, in fact, the long-term solvency of the Medicare trust fund. Decisions on the future of the Medicare Program should be made outside of partisan debate on how to balance the budget.

What does a 7-year, arbitrarily picked 7-year balance-the-budget exercise have to do with the future of the Medicare Program? Virtually nothing except in this case everything because they are using Medicare to do that. The budget resolution puts the Medicare Program into a financial straitjacket that does not take into account the health care needs of seniors or the disabled. It ignores the heavy reliance of rural hospitals on the Medicare Program.

Mr. President, there is not a hospital in the State of West Virginia that I can think of that does not depend on Medicare and Medicaid for between 65 to 75 percent of its revenue stream. I cannot think of a single hospital at this moment in West Virginia where something other than Medicare and Medicaid is contributing more than 30 percent or 35 percent or 20 percent or 25 percent to the revenues of the hospital. So you mess around with Medicare and Medicaid, you are messing around with the solvency of hospitals, and particularly rural hospitals.

So what will happen, of course, is that small, rural hospitals will have to shut their doors. My hospital administrators do not speculate on that. They know that. And they can tell you which ones they will be. And it just so happens that one-half of all of the seniors in West Virginia live in rural areas where these hospitals are.

Now, Mr. President, I assume that in September the Finance Committee will get around to submitting its reconciliation plan to the Budget Committee. That means in less than 60 days—in less than 60 days—the Finance Committee will probably have to vote on a plan to take $450 billion from two health care programs that care for the elderly, the poor, poor children, many pregnant women, and the disabled, a plan we have not seen yet. Just read the newspapers. This is, in my judgment, a deliberate strategy to push each and every budget-related bill up against deadlines to threaten the shutdown of the Federal Government, to put pressure on the President and the hope that the fireworks will drown out what it really means to something called ''real people'' in West Virginia and other parts of this great country. And those real people include 37 million folks on Medicare.

I just read—not that I am on the mailing list—an interesting memo from a Republican pollster that tells his audience that seniors are ''PAC oriented'' and ''susceptible to following one very dominant person's lead.''

I guess this is the kind of advice that leads to all kinds of delays in the budget process and the packaging around Medicare that we are most definitely seeing.

So I have joined with all the Democrats on the Senate Finance Committee and all the Democrats on the Senate Budget Committee in a letter to the majority leader asking for a copy of the Republican secret plan to cut Medicare by $270 billion, and to have this before the August recess. Is that an extraordinary or somehow terribly unfair request? That will give us at least a few weeks to discuss the biggest cuts in Medicare's history with something called our constituents, about whom we presume to care.

We need to know what seniors and their families, who count on Medicare to pay their medical care bills, think about these changes and how they will be affected. We have to know that. We have an obligation to know that. It would be a travesty for this contract to enact major massive changes to the Medicare program and not to be able to share any details with seniors, with their families, before the Senate is asked to vote on it.

Then, if all this comes to a reconciliation bill, it is my understanding, and the Parliamentarian can correct me if I am wrong, that we will have a total of 20 hours of debate on the floor of the Senate—20 hours, no more—to discuss thousands of things in the reconciliation bill. I think that is what some people on the other side of the aisle want.

Mr. President, the solvency of the Medicare trust funds is too important to be left to politics as usual.

The Republican suggestion that the Democrats are uninterested in doing what is necessary to put Medicare on sound financial footing does not ring true to me. Going back to the days of President Roosevelt, it was Republicans in Congress who voted against its creation, and it is now Republicans in this country who pose a real threat to Medicare's future. They will keep on saying they are saving Medicare, but raiding Medicare is what they are doing, and that is no way to rescue Medicare.

There is nothing partisan about the West Virginians who turn to Medicare when they retire. I have no idea of the politics of the four people that I mentioned. I have no idea if they are Republicans or Democrats or Independents or unregistered. It makes no difference. I represent them for whatever and whoever they are. In this case, they are older, they are scared and they are human beings. My job is to represent them in the Senate, the only place I can, and that means preserving the meaning and promise of Medicare.

I think, generally speaking, although sometimes some of my colleagues from the other side will tease me, I do not consider myself a particularly partisan Senator. But on this matter, the $450 billion of cuts in Medicare and Medicaid, with $245 billion of tax cuts available for who knows who, I am partisan and I am mad, and I am mad on behalf of my people from West Virginia, which is not the richest State in the country. Nobody in West Virginia gets anything without working hard. Everybody has to fight, and the least they deserve is some truth and some leveling from their Congress.

So I close by saying I hope in this week that Medicare turns 30 that we will be reminded what Medicare's future means to something called the dignity, something called the peace of

mind and something called the quality of life for many millions of older Americans.

I thank the President and yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kentucky.

EXTENSION OF MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that morning business be extended until the conclusion of my remarks.

I say to my friend from Michigan, who I know is concerned about the length of my statement, that it might run slightly past 4 o'clock, and I estimate not much.

Mr. LEVIN. Reserving the right to object, and I will not object. Parliamentary inquiry, Mr. President, what will be pending at the conclusion of the remarks of the Senator from Kentucky?

The PRESIDING OFFICER. The gift reform bill.

Mr. LEVIN. S. 1061.

The PRESIDING OFFICER. S. 1061.

Mr. LEVIN. I thank the Chair.

ETHICS COMMITTEE HEARINGS

Mr. MCCONNELL. Mr. President, on July 14, the Senate Ethics Committee received a letter from the junior Senator from California which threatened that if the committee did not take a specific procedural action in an ongoing case, the Senator from California would pursue a resolution on the floor compelling the committee to take that action. In fact, the letter went so far as to stipulate a deadline for the committee's action, saying, ''I plan to seek a vote on the resolution requiring public hearings unless the select committee takes such action by the end of next week.''

That deadline expired last Friday, July 21. That Friday afternoon, I came to the floor and informed the Senate the committee would not meet that day, nor would it schedule a future meeting that day. I said we would not respond to any attempts to threaten the committee. I assured the Senate that everyone on the committee would like to complete work on the case now before it, but perhaps we needed a cooling-off period, and I assured the Senate that as long as the threat of the Senator from California remained, the cooling-off period would continue as well.

It is now the afternoon of Thursday, July 27. Four long legislative days have come and gone since the artificial deadline expired. It has become evident that the Senator from California has elected not to proceed with her resolution, at least at this particular time. Although we were fully prepared to provide floor time and debate the matter and have a vote, I strongly want to commend the Senator from California for deciding not to move forward. I think it is the right decision for both the Senate and the Ethics Committee at this critical point in our inquiry.

Earlier today, Senator BYRD gave us all a moving speech on the occasion of his 14,000th vote in the Senate. He spoke about the need for more civility in the Senate and less high-profile conflict. I think this latest development indicates that we were all listening.

As I said last Friday, the committee could not in good conscience give in to an ultimatum handed to it, whether by a Senator or, frankly, for that matter, by anybody else. But now that plans for imminent floor action appear to have been suspended, I believe the Ethics Committee will be able to proceed with its work, independent of outside demands, deadlines, and divisiveness.

There has been a lot of discussion on this floor and elsewhere in the past few weeks about precedent. For example, we have heard that it would be unprecedented for the Ethics Committee not to hold a full-scale public hearing in the wake of a major investigation. This assertion is simply erroneous. In fact, the committee elected not to have a full-scale public hearing in the Durenberger case. What occurred was a staged presentation by the committee and the accused Senator only. There were no witnesses, no cross-examination, and no new testimony. In essence, it was a prescripted, prepackaged event.

In the well-known Keating case, the Ethics Committee did hold extensive public hearings but as part of its preliminary fact-gathering process, not as a final airing of collected evidence. This is a critical distinction.

In the Cranston case, in particular, Mr. President, the committee decided that the public proceeding should be held for the purpose of obtaining testimony and evidence, and it decided not to hold a public hearing once the investigation had been completed. In other words, the public phase of the Cranston case was limited to the preliminary inquiry stage, and deliberations over the evidence and penalties were conducted entirely in private.

One can argue whether the committee should have proceeded differently in those cases, but that is exactly what it chose to do. I do not recall anyone complaining about the fact that the committee did not hold full-scale public hearings in the investigative phase of those cases.

One thing, however, is clear: The assertion that it would be ''unprecedented'' for the Ethics Committee not to hold full-fledged public hearings in the wake of a major investigation is simply contrary to the facts.

Naturally, you can give whatever weight you like to precedent. You can ignore it, you can consider it, or you can be bound by it. A few Senators have argued that precedent ought to be controlling on the question of public hearings. But, as I have explained, there is no clear and consistent precedent in this matter.

Nonetheless, there are other precedents that bear directly on the issue of compelling the Ethics Committee to take an action during an ongoing investigation through the mechanism of a floor resolution.

Senator BYRD, just this morning, mentioned the importance of ''knowing the precedents.'' Of course, he was speaking about parliamentary precedents, and no one in this body knows precedents like Senator BYRD. But there are other kinds of precedents that speak clearly to the issue of whether the Ethics Committee should properly be forced by a Senate resolution to do whatever the majority voting for that resolution desires. These precedents are the ones that ought to guide our response to this question, not merely because they are precedents, but because they speak to the integrity of the ethics process in the Senate and, for that matter, the viability of the Ethics Committee itself.

The first precedent, in fact, is the establishment of the Senate Ethics Committee itself to regulate official behavior and prosecute official misconduct. I am personally proud to say that it was the distinguished Senator from Kentucky, John Sherman Cooper, who proposed the resolution that created the committee in 1964. A year earlier, right before 1964, in 1963, the Senate had been confronted with allegations of misconduct involving Bobby Baker, a close advisor to then Vice President Lyndon Johnson, and at that time secretary to the Senate majority. Back in those days, the Committee on Rules and Administration was responsible for examining charges of wrongdoing here in the Senate. And while the matter was taken seriously, the final resolution of the Baker case left the public, as well as many Members of the Senate, deeply dissatisfied. This created an opening for the Senate to reconsider how it would handle cases of official misconduct in the future. And that led to the establishment of the Ethics Committee.

In our view, for the creation of such a committee, Senator Cooper persuaded his colleagues of the need to take misconduct cases out of the regular committee structure, where the party in power obviously has a built-in advantage. Instead, he argued a select committee with equal representation from each party would inspire the confidence of both the Senate and the public. Senator Cooper said right here on this floor:

> First . . . it is to give assurance that the investigation would be complete and, so far as possible, would be accepted by the Senate and by the public as being complete.
>
> Second—

Senator Cooper said this—

> and this is important to all Members and employees of the Senate—it is to provide that an investigation which could touch their rights and their offices, as well as their honor, would be conducted by a select committee which—by reason of its experience

and judgment—would give assurance that their rights and honor would be justly considered.

Senator Cooper went on to say:

It would be better for such investigations to be conducted by a select committee . . . a select committee of the type my substitute amendment contemplates would have the prestige and experience to properly exercise its great authority. . .

The committee—

Referring to the proposed select committee—Senator Cooper said:

would, of course, have the authority, if it found it to be necessary after conducting an investigation, to report to the Senate and recommend such disciplinary action as it found to be necessary.

Now, I have quoted from Senator Cooper's floor statement because it underscores some important points about the precedent of establishing a special committee to handle cases of official misconduct. First, there can be no question that the Ethics Committee was specifically intended to function as an independent body, free from interference by the outside politically charged partisan forces. In fact, that was considered a major and positive innovation at that time.

By design, strict partisan neutrality is preserved by two key features of the Ethics Committee. First, and obviously, it has an equal number of members from each party. Second, a majority vote of the committee members is required to take any affirmative step in all cases and complaints.

The second point that is underscored by Senator Cooper's remarks is that the committee was to be completely entrusted with the authority to investigate cases as it saw fit—the committee—in accordance with its unique experience and jurisdiction.

Third, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage. I repeat, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage.

The only check on the committee's power was the requirement that it report to the Senate and submit any recommendation for disciplinary action to the entire body, which could then approve, disapprove, or amend the Ethics Committee's recommendation. Although the full Senate clearly had an important role to play, its work began only—I repeat only—after the committee's work had ended.

Senator Cooper, and all those who voted for the creation of the Ethics Committee, wanted to establish an ethics process that was not driven by the politics of partisan advantage. And further, they wanted the ethics process to have only limited exposure to the pressures and the publicity of this Senate floor. And so they restricted the full Senate's role in misconduct cases to the disciplinary phase alone. That precedent—the creation of an independent Senate Ethics Committee—speaks directly to the matter of the floor resolution that was to be offered by the Senator from California.

Simply put, such a resolution offered at this critical juncture would shatter the presumption of the committee's independence and authority. It would reverse a 31-year precedent that the Ethics Committee, and not the Senate as a whole, shall conduct investigations of official misconduct as it sees fit.

Such a resolution would tarnish the vision of Senator Cooper and others of an ethics process that could be protected from partisan advantage and the highly charged atmosphere of the Senate floor and the press gallery. A resolution directing the Ethics Committee to take a particular action or changing its rules or procedure in the middle of a case would insert the Senate into a case pending before the Ethics Committee while it is still in the investigative phase.

Now, as I have previously suggested, this approach points us down a steep and dangerous road and disconnects the brakes. Let me just give you one example of what we would have to look forward to if such action were taken on the floor. Just before each election day, like clock work—like clock work—the Senate Ethics Committee receives a rash of complaints filed against Senators who are up for reelection. Most of these complaints are filed by their opponents, who then hold press conferences and demand that the committee take action immediately. The committee's current practice is to simply set those complaints aside until after the election, at which time they receive a full and fair investigation.

Now, the reason for this policy is obvious. While we treat every complaint seriously, we are not about to do anything that would allow the Ethics Committee to become somebody's political pawn.

Now, what would happen if the Senate had approved a resolution like the one proposed earlier by the Senator from California?

If there were a close reelection battle, not only would we have the Senator's opponent calling for immediate action by the Ethics Committee, we would have a resolution out here on the floor requiring the committee to open preliminary inquiries on all complaints received just before the election—just to clear up the record, of course; just to clear up the record.

After all, it would be said that the public has a right to know.

We cannot sweep preelection complaints under the Ethics Committee's rug. As we have been told ad nauseam, the Senate is not a private club.

Now, whether such a resolution actually passed or not would hardly matter. It would hardly matter. The accused Senator would be sufficiently tainted by the debate over the resolution itself. And that is only the beginning.

The precedent which such a resolution would establish is that the Ethics Committee can be treated like a political football, propelled in any direction that happens to suit a majority here in the Senate, and kicked around by any Member who wants to serve their own political or personal agenda.

Since we are concerned about precedents, let me mention another precedent that bears upon the proposed resolution.

In November 1993, the Senate dealt with the very difficult issue of enforcing a subpoena that the Ethics Committee had issued to obtain the personal diaries of Senator PACKWOOD.

In accordance with the rules, the committee came to the full Senate seeking enforcement of its subpoena on the grounds that we believed Senator PACKWOOD's diaries contained information relevant to our ongoing preliminary inquiry.

Now, this unusual step was required by the fact that one Senator had challenged the investigative authority of the Ethics Committee—had challenged that authority.

In that instance, the Senator happened to be the accused.

In essence, the accused Senator wanted to dictate the terms of the committee's investigation to us, the members of the committee. He wanted to tell the committee which procedures it ought to follow with regard to its investigation, and he wanted to unilaterally decide what was relevant and irrelevant to our inquiry.

Basically, the Ethics Committee was not interested in going along with that. So we went to the floor and—fortunately—our position was overwhelmingly sustained by a vote of 94 to 6.

In the course of that 3-day debate, another Senator, entirely within his rights, offered an amendment to our resolution.

That amendment stipulated that the Ethics Committee's factfinding responsibility be subcontracted out, if you will, to a neutral third party. There was an extensive debate over that amendment, most of it centered on what the proposal did to the committee's authority.

The Senate decisively rejected the amendment by a vote of 77 to 23, on the grounds that the Ethics Committee, and no one else, should dictate the procedures and protocols the committee may follow in conducting its investigations.

Although both of those votes involved going against Members of my own party, there was no question in my mind that I had to uphold the committee's prerogative.

It was the right thing to do then, and it is the right thing to do now.

While it takes a different tack, the resolution discussed earlier by the distinguished Senator from California is fundamentally indistinguishable from these previous attempts to subvert the committee's authority and manipulate its procedures, except in one important respect.

The amendment that was offered during consideration of the diary's subpoena was at least part of a proceeding

in which the Senate rules required the Ethics Committee to come to the floor for ratification of its actions.

In that case, the committee had to obtain the full Senate's approval before proceeding further.

To pursue a floor resolution now would interrupt the committee's ongoing work, meddle with its operations, and dictate the terms of its investigation, wholly outside of what the rules allow for the Senate's role in ethics matters.

For that reason, the Senate needs to do the right thing again.

Approval of such a resolution at this point in the process would effectively negate the Ethics Committee's unilateral authority to investigate misconduct. If we change the committee's rules in the middle of the game, it will send an unequivocal and destructive message: If any Member of the Senate does not like what the committee is doing today, they can just offer a resolution to rewrite its rules—on the spot.

It is no exaggeration to say that such a measure, proposed at this stage of our inquiry, would destroy the independence of the Ethics Committee, and that is the beginning of the end of the committee altogether.

Senator BYRD, whom I mentioned earlier in my remarks, is admired for being a distinguished historian of this body.

He spoke eloquently on this very point during the floor debate in November 1993 over the Ethics Committee's subpoena of the personal diaries of Senator PACKWOOD.

Senator BYRD said:

> [L]et us not bring further dishonor to the Senate by refusing to back our own Ethics Committee. . . .
>
> If we turn our backs on our colleagues, three Republicans and three Democrats, who have so carefully investigated this difficult matter, and now ask for our support, we may as well disband the committee.

Many others, from both sides of the aisle, joined Senator BYRD in arguing for the committee's prerogative in investigative matters.

I will quote just one more statement made during that memorable debate, because it is so compelling. This Senator said:

> I am not going to substitute my judgment for [the committee's], because they have sat with this day after day, week after week, month after month.

The speaker went on, strongly exhorting the Senate to ''trust this committee'' and ''stand united with the Ethics Committee.''

Those are compelling words. I could not have said them better myself. The one who spoke those words was the Senator from California—who has now decided, I hope, not to offer the resolution she had planned to bring to the floor earlier.

The precedent established by two overwhelming bipartisan votes on the subpoena matter was that the Senate should not substitute its judgment for the committee's judgment.

It should not attempt to manipulate an ongoing investigation of the committee.

And it should respect the 31-year-old dividing line—established by Senate Resolution 338, offered by Senator John Sherman Cooper, and adopted in 1964—a dividing line, Mr. President, between the exclusive authority of the Ethics Committee to conduct investigations, as it sees fit, and the separate power of the full Senate to take disciplinary action, as it sees fit. That was the precedent of November 2, 1993.

Let me say clearly, in case there is any doubt: the Committee has not yet completed the Packwood matter.

If my colleagues on the committee and I agree on anything, it is that the case has taken much longer than any of us had hoped, planned, or desired.

However, we simply had no choice, given the fact that all of us were committed to the most thorough and fair investigation possible.

I think it is fair to say that no case has ever been so thoroughly investigated in the preliminary inquiry phase than this one.

For those of you who have forgotten—and I do not blame you if you have—the committee opened this case on December 1, 1992, after several women complained of sexual misconduct by Senator PACKWOOD.

We decided early on to conduct the most comprehensive inquiry we could. The staff was instructed to follow every lead and, as a result, the case took several unpredictable turns.

Our inquiry was broadened to include a number of other allegations that surfaced in the course of our fact-gathering. At each stage, we determined to press forward and fully investigate every new indication of wrongdoing that we uncovered.

When the committee issued its bill of particulars on May 17, we asked the staff to give us a report on all the work the committee had done on this one investigation thus far.

Even we were surprised by the massive scale our inquiry had taken: interviews with 264 different witnesses; 111 sworn depositions; as well as a systematic effort to contact every former female employee of Senator PACKWOOD.

To this point, the committee has compiled and reviewed more than 16,000 pages of evidentiary documents. It has issued 44 subpoenas for sworn testimony and documents, including telephone logs, schedules, memoranda, meeting notes, contribution records, and correspondence.

A special investigator detailed to the committee from G.A.O. has logged approximately 650 hours on the Packwood matter.

Committee members and staff have spent more than 1,000 hours of their time in meetings, just on this one case. The vice chairman and I, along with our staffs, have had more than a hundred additional meetings and conferences, again just on this one case.

Given all of that it is amazing that all of us are still on speaking terms with each other.

The dispute over the diary subpoena alone consumed nearly a year of the committee's time.

Not only did we have to seek approval from the Senate, but we also had to obtain a court order to enforce our subpoena, which Senator PACKWOOD—acting within his legal rights—appealed all the way to the Supreme Court.

More than 700 additional hours were spent by the Senate Legal Counsel and Ethics Committee staff preparing and filing legal documents in connection with the committee's extensive diary litigation.

After we won in court and obtained the diaries, the committee's special master spend another 1,000 hours, probably more, reviewing the diary materials and checking entries that had been masked.

In conclusion, Mr. President, this has been the mother of all ethics investigations.

It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other Senators in the past, the committee dismissed both of those cases rather than proceed to an in-depth inquiry.

Thus, the investigation into this case is a precedent in itself, at least for the Senate.

The House, on the other hand, has dealt with a number of ethics matters involving sexual misconduct.

I think it is worth reviewing some of these cases briefly, to see how far we have come in handling such sensitive and sensational charges.

In 1983, for example, Representatives GERRY STUDDS and Daniel Crane were found to have engaged in sexual activity with House pages. Both were censured; both retained all their rights and privileges; no hearings were held.

In 1989, Congressman Jim Bates was accused of sexually harassing many of the female members of his staff.

I will read some excerpts from a Roll Call article on the matter, which appeared on October 2, 1988, because I think it demonstrates how differently the Packwood matter has been handled in comparison to the Bates case just 6 years ago. Here is what the Roll Call article said:

> The staffers knew Bates' behavior was wrong, but, they said, they felt trapped. If they complained to the House Ethics Committee, they said, they risked being labeled traitors or liars. . . .
>
> Former employees who spoke to Roll Call portrayed remarkably similar pictures of life in Bates' office. . . . Nearly all of the women described his daily requests for ''hugs'' so he ''would feel better'' and ''have more energy.'' When the women embraced him, they said he often patted their behinds and thanked them for being good. ''Of course I was disgusted,'' said one woman. ''But it was my first real job on the Hill. You either put up with it or he'll run you out of town.''. . .
>
> One former aide remembered Bates asking her if she would sleep with him if the two

were stranded on a desert island. . . . Another detailed how, in front of a male constituent, Bates embarrassed a female staffer by staring at her breasts and commenting, ''Yes, they do look good, don't they?''. . .

One ex-aide recalled an encounter that still makes her cringe. A female employee was seated at her desk with her legs crossed. . . . In full view of the staff . . . Bates approached the woman, wrapped his legs around her extended leg, began to sway back and forth, grinning, while he inquired about a specific legislative project.

The Roll Call article I have just quoted from revealed multiple incidents of aggressive sexual harassment by Congressman Bates. You would surely expect them to throw the book at him for such gross and repeated conduct.

But Congressman Bates got off lightly: he reveived a letter of ''reproval'' from the House Ethics Committee and was told to ''apologize'' to his victims. In essence, they told him, ''You've been a bad boy; now say you're sorry and try not to do it again.''

The House did not take any disciplinary action; no hearings were held; and no one said a word.

A year later, Congressman Gus Savage was accused of sexually assaulting a Peace Corps volunteer who was supposed to brief him during an official trip.

The Washington Post was tipped off about the incident and interviewed the volunteer. The matter was reported in an article dated July 19, 1989, from which I am going to quote:

[The volunteer] was selected to give the briefing by a supervisor who repeatedly stressed that making a good impression on [Representative] Savage could help the agency win additional funding in Congress. . . .

But she never gave the briefing, which had been scheduled for a few days later. After the Ambassador's dinner, she agreed to accompany Savage and several others. . . .

Savage insisted that the woman ride alone with him in a chauffeur-driven car, according to a U.S. diplomat. During the next two hours Savage aggressively and repeatedly fondled her in the back seat of the embassy car, despite her strong spoken protests and physical resistance.

Further into the article, the Post reports some of the details of the assault:

''As soon as the cars pulled off from the Ambassador's residence, he grabbed me.'' . . . ''He tried to force me to have sex with him. He touched me against my will,'' she said. ''He put his arms around me. He pulled me up against him. He made me—I mean, he forced me, to kiss him—physically forced me, pulled my mouth onto his. He felt my body * * * *. He was trying to lean over, get on [top of] me, in the car.''

[The Peace Corps volunteer] said she ''tried everything I could think of, short of hitting him or hurting him physically, to make him stop * * * *. He kept touching me, after I told him to stop, many times, loudly.'' In addition to pushing [Congressman] Savage's hands away from her thighs, shoulders and face, the woman said, she endured his taunts about her religion and her attitude toward sex * * * *.

Finally, an information officer from the U.S. Embassy * * * escorted [the woman] away from Savage and took her home.

The Post's narrative goes on to say:

The woman said in an interview that she considered the episode an assault, but she chose not to file a formal complaint because she did not want to publicize the incident and risk damaging the Peace Corps * * *. About a week later, she was medically evacuated back to the United States, where she underwent six weeks of intensive therapy designed for victims of sexual assaults, which was paid for by the Peace Corps. Although she had completed less than half of her two-year tour, she never returned to Zaire.

As a father of three precious daughters, I find that kind of conduct reprehensible beyond measure. It almost makes me physically ill to read it aloud. It is disgusting, and it ought to be punished.

Yet the Home Ethics Committee decided merely to issue a report disapproving of Congressman Savage's grotesque actions. The full House did not act at all on any disciplinary measure. There were no hearings of course, and no one said a word.

In each of these horrendous cases, and there are others I could cite, there was a conspiracy of silence accompanying the slap on the wrist and wink of the eye that each offending Congressman received.

In the Washington Post account I just read, Congressman Savage was reported to have said to the woman he was molesting, ''That's the way the world works.''

Sadly, Congressman Savage was right—at least in the House at that time. That was the way the world worked.

Well, that was then—and this is now.

The Senate Ethics Committee has conducted the toughest, most uncompromising investigation of sexual misconduct that has ever been held in the United States Congress. I do not think there is a single witness in this case who would say that we have tried to cover up anything, or that we have treated them less fairly than the accused.

And certainly, no one can accuse the Senate Ethics Committee of the kind of shoddy, cavalier treatment which the House accorded to thoroughly despicable acts of sexual misconduct occurring in just the last 6 years.

And we are not finished yet.

It is easy to be an ethics dilettante. It is hard to serve on the Ethics Committee. It is hard to make the kinds of judgments that you know will have a lifelong impact on the lives of people, both in and outside of this chamber.

But that is what we are called to do, and I know of no member of this Ethics Committee who takes their duty lightly.

In fact, until an ultimatum was forced upon the Committee, it had operated almost entirely in a bipartisan fashion. Decisions were worked out together, with constructive discussions among everyone; and nearly every action the committee has taken in this case has had the unanimous support of all six members, both Democrat and Republican.

It is deeply troubling to me that one of the effects of this highly-publicized ultimatum is that a wedge has been driven through the committee for the first time in this investigation.

I know it is not a permanent rift, because I know the members of this committee too well for that. Frankly, we have been through too much together for that to happen.

But what has happened to the committee and the Senate in the wake of this incident make the argument—better than I ever could—that we absolutely must preserve the separateness and independence of the Ethics Committee.

What has occurred as a result of the ultimatum of July 14th should make it clear to everyone why the Ethics Committee must operate on its own, as it sees fit, and out of the limelight.

And let me just say: I appreciate the concern that has been shown for this case by the Senator from California and I know her motivations are sincere.

Under the Senate rules, she has every right to challenge any recommendation the committee makes to the Senate.

She is certainly free to disagree with our findings of fact, our conclusions, and any proposals we make for disciplinary action.

What is more—and I think it is important for everyone to understand this—she is free to offer any motion she wants on the Senate floor to obtain a result that she believes is better than the one we recommend, if we come up short of the mark in her opinion.

But the rules governing the ethics process authorize the full Senate to act upon a case only—only—when the committee has completed its work and made its report to the floor.

Let me point out who that protects the most, Mr. President. That protects mostly the minority party, because if ethics cases are going to be dealt with on a bipartisan basis here on the Senate floor, I suspect—I could be wrong about this—there would be enormous temptation by the majority to take advantage of the minority.

The Ethics Committee guarantees a bipartisan result. It was crafted intentionally in that way. And clearly, the principal beneficiaries of that are those in the minority party in the Senate who are protected from the potential abuse of the majority in matters of personal misconduct.

Further, if my friend from California sincerely believes the Ethics Committee's rules of procedure—if that is the direction she may go—ought to be changed, then certainly pursue that or any other option.

But it would be a terrible mistake for Members who think there is some merit to an idea to change the rules or to give the committee directions or to take any floor action during the course of our consideration here on the floor because there will be ample opportunity—ample opportunity—at the end

of the process for any Senator to criticize what is proposed, and to do whatever any Senator may feel appropriate in this matter.

To take a premature step before the committee's report would make a mockery of the committee's independence and its authority.

Members of the committee would live in fear that any decision could be the pretext for a loud and nasty floor fight, for a hasty, ill-conceived change to the committee's rules, or any other directives. I hope we will not allow that to happen.

And again, the principal beneficiaries of that not happening are those who are in the minority.

As a result of conversations I have had with many Members—and I must say on both sides of the aisle—I believe the clear majority of the Senate would allow the Ethics Committee to be able to complete its work, get a recommendation to the floor, and then give everybody an opportunity to say whatever they feel about the final product.

Respecting the concern that every Member of this body has that every case of sexual misconduct be fully and fairly investigated, we want to make sure that happens.

I hope the Senator from California will allow the committee to complete its work. I want to thank her for at least withholding this week. I think that was a gracious gesture. I am confident that if we can get back to work, we can finish the job.

So what I would like to do in conclusion today is announce that the committee will be meeting starting next Monday. It is my intention to have a meeting each day—if that is necessary—each day next week, and each day of the next week, in the hope that we can wrap this matter up, make all the critical decisions that need to be made and, if possible, wrap this matter up before the August recess.

I appreciate, Mr. President, the attention of the Senate. Frequently, when various ones of us speak, no one listens. But I hope that at least the staffs in the various offices who handle ethics matters will take a look at the speech that I have given today—it will be in the RECORD for tomorrow—to look at the history of the Ethics Committee; why it was set up; what it was designed to do; why it is best not to begin the process of criticizing its work before it is completed.

I hope we would all proceed with a cooling-off period and let the committee get back to work.

I say in conclusion, Mr. President, again that the committee will get back to work beginning Monday, and it would be my plan to meet each day next week and each day of the week after that, with the hope that we can make substantial progress on this case, which has taken quite some time to reach this stage.

Mr. President, I thank you for the time and thank you for the attention.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

ETHICS COMMITTEE PROCEDURE

Mrs. BOXER. Mr. President, I am pleased that the Senator from Kentucky has announced that the Ethics Committee will be meeting Monday, Tuesday, Wednesday, and I certainly wish to thank Senator BRYAN from Nevada, who took to this floor yesterday and asked for that meeting. I also want to be clear about what my intentions are, because those intentions cannot be stated by any other Senator but this Senator.

First of all, I was very pleased that my colleague from Kentucky did not raise the specter of threats against any other Senator. That is a step forward from where we were last week. But I do feel that since the Senator from Kentucky did not ask this Senator what my intentions were, he really has no idea what I am planning to do in this matter, although he has essentially taken it upon himself to tell the Senate what I am not going to do.

Now, I also wish to thank the Senator from Kentucky for realizing that I have rights as a Senator. He did not need to remind me of that. I am aware of my rights. He said that I had a right to vote for tougher penalties in the Packwood case if I felt that the committee penalties were not tough enough. I know that because I voted for tougher penalties than had been recommended by the Ethics Committee in the House twice on sexual misconduct cases, once against a Democrat and one against a Republican. There was no room for partisanship. And contrary to what the Senator from Kentucky said, Congressman GERRY STUDDS was stripped of his chairmanship. In the next Congress, he ran again, he won and he got back his seniority. But he was stripped of his chairmanship.

So, yes, I understand the rights of Senators very well. And I will absolutely, absolutely make sure that all my rights are protected.

Now, let me make it clear I do plan to offer my amendment on the public hearings issue if the committee does not meet in a timely fashion—and I am very delighted to hear that they are going to meet on Monday; that is a timely fashion—or if after they meet, they do not vote for public hearings.

Let me repeat that. If they do not meet or if after they meet they do not vote for public hearings, I will be offering my amendment.

The Senator says my amendment treads on the Ethics Committee. We have never discussed my amendment, but nothing could be further than the truth. My amendment is very respectful of the Ethics Committee.

Yes, it says that Senate precedents and procedure should be upheld. And the Senator says there is no precedent for public hearings. I beg to differ with him. Senator BRYAN laid that out in this Chamber yesterday. I have laid that out for all to see. Public hearings in cases that reach the final stage of an investigation is the practice of the Senate.

My amendment is very respectful of the Ethics Committee because the crux of it is that there will be public hearings but—but—the Ethics Committee by majority vote could say we will not have public hearings. And rule 26 is an important Senate rule that is there to protect witnesses, or matters of national security will allow the committee to close off parts of that hearing.

So the Boxer amendment, as I will offer it, if I have to offer it—and let me say I hope the committee votes overwhelmingly for public hearings so I will not have to—will be respectful of the committee.

My colleague from Kentucky mentioned Senator BYRD's name quite a few times. And who more reveres the Constitution than Senator BYRD?

Well, just read article I, section 5 of the Constitution, and you will find that in there it says we must police ourselves. We must discipline our own. And that is a serious responsibility of every Senator, not just the Senators who serve on the Ethics Committee but every single Senator. And that is why every Senator has a right, in my view a responsibility, if he or she feels that the investigation at this stage should be open to the public, to say so and not be intimidated and not be threatened privately, publicly, in the press, outside this floor.

Well, it was serious to me in the House. It was serious to me in the House. And for a freshman in the House to override the committee is speaking with a very loud voice.

A colleague came to me, a friend, and said, ''If you persist in this, they are going to talk about your record in the House.'' I said, ''Good. Good. I'm proud of it.'' Not only did I vote tougher penalties, but in 1989 I voted to change the rules in the House so that hearings would be public in the final stage of an investigation. Look at the record, 1989. And that is all I am asking for here.

How about changing the subject? We have the Senator from Kentucky reading articles from Roll Call about things that happened in the 1980's. How about working on things that happen right here?

How about bringing justice and upholding the precedents of the Senate? Let the sunshine in and let us deal with these matters.

I want again to compliment Senator BRYAN. I think in no small measure he is responsible for the fact that the committee is meeting again because the rules of the Senate allow the vice chairman to call a meeting if the chairman does not. So I want to thank him for his leadership in getting the committee going again.

My colleagues, I have never heard of a circumstance where a committee's work grinds to a halt because the chairman is unhappy with another Senator's view on a matter and says,

''That Senator might offer an amendment.'' I do not know of many committee chairmen who are not facing that every day; there is somebody who does not agree with them and might offer an amendment. Do we stop the wheels of progress in the Senate because one Senator says she or he is going to offer an amendment on the floor and debate it in an open fashion, exercising his or her rights as a U.S. Senator? It is beyond me.

So I hope we do not start that again. In other words, here I am on the floor saying I am not backing off. I am glad that the committee is meeting, but I am not backing off one bit. If they do not vote for public hearings, I will be back here with an amendment.

The American people believe there ought to be public hearings. A recent CBS News-New York Times poll showed that less than 50 percent of the people think there ought to be hearings on Waco again. They have held them before. Less than 50 percent of the people think there ought to be hearings on Whitewater because they have been held before.

But 60 percent of the people believe there ought to be hearings in the open on the Packwood case. It crosses over parties. Republicans think there ought to be open hearings. Democrats think there ought to be open hearings. Independents think there ought to be open hearings. And the committee has the protection of rule XXVI. And in my amendment, if I have to offer it, it gives them the chance on a 4 to 2 vote to close the doors altogether. That is respectful of the committee.

So a lot of people are waiting for justice to be done. We are in the final investigative stage. In every case to reach this stage, there have been public hearings. There are those on this floor who would vote for public hearings for Waco. There were those on this floor who voted for public hearings on Whitewater. I am on that special committee. We now are in our second year of hearings on Whitewater. We are looking at the Vince Foster handling of the papers again. When we are finished with that, there is another phase to go. I voted for that because I feel it is not good for the country that there is whispering or people think there is somebody covering it up. Open the doors.

But, suddenly, those who are chomping at the bit for hearings on these subjects are saying, ''Well, not on this. Not on this. Do not tell the Ethics Committee what to do.'' I do not want to tell the Ethics Committee what to do. I want them to do the right thing. I stood on this floor last week and I listed every case. I feel it was a complete recitation of the precedents. Today I feel more strongly than ever that that is the right course.

I ask unanimous consent to have printed in the RECORD the history of Senate misconduct investigations under current procedures.

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

HISTORY OF SENATE MISCONDUCT INVESTIGATIONS UNDER CURRENT PROCEDURES

In 1977, the Select Committee on Ethics overhauled its rules and established a three-stage procedure for investigating allegations of misconduct. Under the procedure, the Committee first conducts a ''preliminary inquiry,'' and if warranted, an ''initial review'' follows. Only if the Committee finds that the allegations are supported by ''substantial credible evidence'' does the case enter the final phase, a formal investigation.

Since these procedures have been in place, every Ethics Committee case to reach the investigative phase has included public hearings. The following chart summarizes Committee action on misconduct investigations.

Senator/Sanction	Inquiry begun	Investigation begun	Hearings held
Bob Packwood/Case Pending	December, 1992	May, 1995	None.
Alan Cranston/Committee Reprimand	November, 1989	February, 1991	November, 1990-January, 1991.
David Durenberger/Censure	March, 1989	February, 1990	June, 1990.
Harrison Williams/Expulsion (Resigned)	February, 1980	May, 1981	July, 1981.
Herman Talmadge/Censure	May, 1978	December, 1978	April-July, 1979.

Mrs. BOXER. In the RECORD you will see, each and every time, public hearings, public hearings, public hearings, public hearings. Oh, they say this one might be embarrassing. I heard a colleague say, ''The people are getting too much of the O.J. Simpson trial. Now they're going to get this.''

What is the message here? If you commit an ethics violation, make it so embarrassing that you will be protected behind closed doors? I hope not. So here we are. We are moving ahead. I am very pleased that the Ethics Committee will be meeting Monday, Tuesday, and Wednesday. I will be watching and waiting and hopeful that they will hold a vote on the public hearings question. If some of them think we should not have public hearings, so be it. I will accept their opinion. I will not agree with it. And I will take the issue to the Senate floor. If they vote for public hearings, they still have the protection to close off part of those hearings if they feel it is necessary to do so.

The Senate is the people's Senate. We did not get here because we knew the boss and got hired. We got here because a lot of people voted to send us here. This is the people's Senate. This is not a private club. Shining the light of day on this matter and resolving it is very important, Mr. President. And I hope that next week we will hear good news out of the Ethics Committee. And I will await that news with bated breath. If there is no movement on this matter, I will be back with an amendment. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

KOREAN WAR

Mr. GLENN. I ask unanimous consent to speak as in morning business for 6 or 7 minutes.

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

Mr. GLENN. Mr. President, we just came back from the dedication of the Korean War Veterans Memorial, and I just want to say a few words about that. It has been a long time since 1986 when we started this effort. A lot of people were involved; a lot of people worked very hard to see this memorial come to fruition.

Korea was sort of the forgotten war. I think there were several reasons for that. It came so closely on the heels of World War II, which was a war with many nations involved, global in scope. Then, all at once, here we were involved in Korea. The area of conflict was more geographically limited. But what transpired within the borders of Korea was every bit as violent as anything that happened anywhere in the world in World War II.

Now, I think it is a shame after the war—I always have felt this way after a war when people come back. When you leave for the war bands are playing, you are off for freedom, this sort of thing. When you come back, sometimes the band is playing and the talk about freedom and protecting freedom is there, it is true. But when you are out there and you are in combat, the whole horizon of the world narrows down. And it is you and the people you are with in combat, its survival, and you take losses. Then you come back. Yes, it is ''thank you'' a little bit. But then it is sort of forgotten.

I think that was particularly true in Korea. Korea became the forgotten war, largely because it came so closely on the heels of World War II. And because, a few years later, Vietnam became such a divisive war, attracting so much attention on the national scene that Korea was really that forgotten episode out there.

I know it is not good to compare one war with another as far as losses go, not to those involved, whether families or friends, nor to the people who are out there getting shot at, wounded, and killed. I know you cannot compare one war with another and do it properly. But Korea, for the length of it, was one of the bloodiest wars that this Nation has ever fought. Vietnam was stretched out over a period of about 10 years. There were 58,000 Americans—58,000 Americans lost—killed in Vietnam. In 3 years in Korea we lost 54,000 Americans—some of the bloodiest fighting that ever occurred.

It was the Chosin Reservoir. In the annals of military history, particularly of the Marine Corps, Chosin Reservoir

and some of the things that happened there were almost unbelievable. Surrounded by 120,000 Chinese and North Korean troops, this small group of marines made their way out from the reservoir, bringing their dead along with them, piling in the back of the trucks, in the weapons carrier, and so on. They did not leave anybody up there.

Yesterday, in my office, I had the honor of pinning a Purple Heart on a gentleman who had been bayoneted at Chosin Reservoir and came out—they kept him on the hood of the vehicle to keep him warm. He got over to Japan and was in the hospital there. He never put in for the Purple Heart. His son wrote to me. We turned it over to the Marine Corps. They checked the records. Sure enough, no Purple Heart. Bayoneted 43 years ago, and I had the honor of pinning that Purple Heart on him in my office yesterday.

One of the things irritating to me is that, when people go out and fight a war, and they come back and want to have a memorial so somebody remembers down the road, they have to raise the money to put up the memorial themselves. Is that not ironic?

A grateful nation, yes. But not quite grateful enough to put up a memorial to the 54,000 Americans killed out there.

So some years ago, a number of people—I was one of them—got together and decided there should be a memorial; that this should not be a forgotten war. I played a very small role in it, I was not a leading part of it. We raised the money for it. As I say, I was a very tiny part, and I truly was. Gen. Ray Davis, a Marine Medal of Honor winner, wound up spearheading this effort, and he was the master of ceremonies at the dedication ceremonies just a little while ago.

For those who were there, we do not need a memorial. I do not need a memorial for Korea. Because those who were there—Senator WARNER is here on the floor, Senator CHAFEE was over there—those who were out there remember very, very well what happened. You remember an awful lot of things.

You remember the squadron commander getting shot down, seeing him bail out, seeing the plane crash, and you were not able to get him out of there.

You remember other people going down in flames. You remember people not coming out at a rendezvous point after a strike and having to write to their next of kin. That is the hardest part, I can tell you that. Anybody there can testify to it.

You remember getting hit and the airplane keeps on flying. My memory of things like that is very, very vivid, as though they just happened this morning.

So what I am saying is, for those who were there, we do not need a memorial. But I think it is important that the Korean Memorial is there.

The design of it is very good. It shows people slogging along. The figures there represent all the different services and all the nations that were out there, the 20 nations beside our own that were involved. This is a memorial to all of those who sacrificed so much, whether on the ground, in the air, or wherever they were. It is a memorial to all of them. It will be a symbol for my children, my grandchildren, my great grandchildren, my great, great grandchildren that the freedoms that we have, and our position in the world, did not just happen. It is not something that just was automatic. It is something that happened because there were an awful lot of people who went out, whether it was World War I, World War II, Korea, Vietnam, or elsewhere, and represented this country in conditions that were very, very tough.

So we do not need a memorial, perhaps for our generation, the generation that took part in Korea. When you meet someone who was out there, a handshake, a look in the eye, just knowing that they understand, is your memorial. But I think it is important that we have an impressive memorial, like the Korean Memorial, for those who come after. Maybe they can get some little bit of inspiration from it about dedication to country, loyalty, and patriotism.

These are the things that the memorial is all about. For those who were there, we do not need it. We have our own memories, a memory memorial that does more than the bricks, mortar, stainless steel, bronze, and marble down there on the Mall as a companion piece to the Vietnam Memorial.

I say as a companion piece because many Americans can remember being in Washington and standing on the Lincoln Memorial steps, looking down the reflecting pool toward the Washington Monument. Over on the left is the Vietnam Memorial, very impressive. Now, over on the right, is a companion piece, the grove of trees where the Korean Memorial is.

The bravery demonstrated in Korea, whether at Chosin Reservoir or elsewhere, was just as valorous as any other war in which Americans have fought. Truly, uncommon valor was a common virtue there, as much as it was in any other war.

I hope that our kids can get a little taste of that bravery, of what happened out there. That I see as the memorial's basic function.

So today perhaps the forgotten war is not quite as forgotten as people thought. I hope that, as people from all over this country come and see this impressive memorial, they, too, will have a small appreciation for what happened back in those days. The forgotten war is not forgotten. We have a beautiful memorial now. We are proud to have taken part in dedicating it today.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

HEROES

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague for those remarks. Indeed, I was privileged to join him, Senator CHAFEE, and a number of others from the Senate and the House today at the dedication of the Korean War Memorial.

If I may say, Mr. President, the remarks of this distinguished Senator reflect his hallmark, that is a man of humility, in terms of his own heroic service to his country, be it in the Marines in World War II, Korea, or in the aftermath in the space program.

The Senator mentioned valor in aviators, and I want to share with him one personal recollection of my squadron commander. I was but a communications officer, not a pilot, in the squadron, VMA–121. We had the old AD–1's. The Senator remembers that workhorse of an aircraft. He flew them himself.

This particular man's name was Al Gordon, Lieutenant Colonel, USMC. I was back in the ''commshack'' monitoring a routine mission taking off, and he was leading it, a flight of four aircraft. They took off and got about 30 miles away. They were still in their climb when he developed an engine fire. His wing man called quickly to tell him he was trailing smoke and to bail out.

The frantic conversation, which I learned, was that Colonel Gordon acknowledged his wingman's plea, but looked down and said, ''There's a village. I'm carrying 8,000 to 10,000 pounds of bombs. I have to divert the aircraft from civilians before I go out.''

But in so diverting, he lost altitude, and when he finally got out of his aircraft, there was not enough distance between the aircraft and the ground. His chute streamed, but too late. I had the misfortune of—well, maybe it is not a misfortune—but anyway, to go out and reclaim his body, this brave hero, and bring him back.

I had the opportunity when I was Secretary of the Navy, many years later, to finally find his widow and give her a small artifact and tell her the story of the bravery of her husband.

So this memorial does stand to those who did not come back and many who did, but bear the scars of the war. I just wish to say, Mr. President, how much I respect our distinguished colleague from Ohio and his remarks today.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The minority leader is recognized.

REMEMBERING THE KOREAN WAR

Mr. DASCHLE. Mr. President, I, too, commend the distinguished Senator from Ohio and associate myself with the remarks of the Senator from Virginia because I believe the Senator from Virginia said it very well. We owe a big debt of gratitude to all Korean war veterans.

It is this memorial, I think, that perhaps puts that gratitude in proper light and emphasizes the remarkable contribution that each and every one of those veterans made to our freedom. We have the good fortune to serve each

day with three of those veterans. We just heard two of them. Senator WARNER, Senator GLENN, and Senator CHAFEE all served admirably during that difficult time. All came back to serve this country in other capacities with great dignity and extraordinary valor.

President Kim this afternoon, during the dedication, remarked again that freedom is not free. That statement reminded me of a comment made several years ago while I visited East Germany that democracy is something one either has to fight for or work at. But we do not have the luxury of doing neither. These three distinguished veterans of the Korean war understand the need to do both. They fought for freedom and, ever since returning, have worked at democracy. So I know I speak for all Senators in our expression of personal gratitude to them for their achievements and for the contribution that they have made to this country.

Mr. President, ''The struggle of man against power is the struggle of memory against forgetting.''

Those words, by the Czech writer Milan Kundera seem especially poignant today as America dedicates a memorial to those ''forgotten veterans,'' which Senator GLENN so eloquently addressed, the men and women who fought and died in the Korean war. And it is a honor that is long overdue.

The other day, I had the privilege of visiting with two Korean war veterans from South Dakota, who had come to Washington this week for the dedication.

Don Jones was 22 years old when his foot was ripped apart by a hand grenade in North Korea on October 1952. He spent 6 months recuperating in a Tokyo hospital, and then he went back to Korea to fight some more.

Orville Huber was 24 years old when he was hit in the head by a piece of shrapnel in July 1953, just 2 weeks before the war ended.

They both won the Purple Heart.

After the war ended, they returned to South Dakota. There were no parades, no fanfare. When I asked them what they would like to hear the American people say after all this time about the sacrifices that they made in Korea, Orville responded simply: ''We would just like to hear that people remember.''

Perhaps the reasons the Korean war has receded in our memories is because it was unlike either the war that preceded it or the war that followed. Rationing brought World War II into every American home, and television brought the Vietnam war into our homes.

But Korea was different. Except for those who actually fought there, Korea was a distant land and, eventually, a distant memory.

So today, as we dedicate our Nation's Korean War Veterans Memorial, it is fitting that we remember what happened in Korea and why we went there in the first place.

The wall of the Korean War Veterans Memorial bears an inscription that reads: ''Freedom is not free.'' It was repeated by President Kim yesterday in the joint session of Congress, and repeated again by the President of the Republic of Korea today during the dedication.

In the case of South Korea, the price of repelling Communist aggression and preserving freedom was very high indeed.

Nearly 1½ million Americans fought to prevent the spread of communism into South Korea. It was the bloodiest armed conflict in which our Nation has ever engaged. In 3 years, 54,246 Americans died in Korea—nearly as many as were killed during the 15 years of the Vietnam war.

Freedom is not free.

Nearly 1½ million Americans sacrificed part of their lives to preserve freedom in Korea—and more than 54,000 Americans sacrificed all of their lives. The nobility of their sacrifice, at long last, is now recorded for all of history at the Korean War Veterans Memorial.

Look into the faces of the 19 soldier statutes that make up the memorial and you can feel the danger surrounding them. But you can also feel the courage with which our troops confronted that danger. So it is a fitting tribute indeed to the sacrifices of those who fought and died in that faraway land.

But there is also another tribute half the world away, and that is democracy—democracy—in the Republic of South Korea. Over the past four decades, the special relationship between our two nations that was forged in a war has actually grown into a genuine partnership. Our two nations are more prosperous, and the world is now safer, because of it.

As the writer said, ''The struggle of man against power is the struggle of memory against forgetting.''

The free world won an important battle in the struggle against power more than four decades ago when we beat back the forces of communism in South Korea.

Today, it is the responsibility of all those who value freedom to remember the struggle and the honor and the commitment of all of those who fought and who ought to be remembered in perpetuity. The Korean War Veterans Memorial is one way that we can truly live up to that responsibility.

Freedom is not free. We must recognize—and I hope future generations will always recognize—that democracy truly is something we must either fight for or work at.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I am assuming that we are going to be going to the gift ban reform very soon.

Since there is this break, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator is recognized to speak for 10 minutes.

MEDICARE'S 30TH ANNIVERSARY

Mr. WELLSTONE. Mr. President, on July 30, 1965, President Lyndon Baines Johnson traveled to Independence, MO, and he signed Medicare into law. That simple ceremony marked the beginning of a new era of health and economic security for America's seniors.

Prior to Medicare, only half of America's elderly had health insurance. Today, more than 36 million elderly and disabled Americans, including more than 630,000 Minnesotans, are protected by Medicare. Mr. President, Medicare is a program with overwhelming support in Minnesota among seniors, their children, their grandchildren, and all Minnesotans.

Many of us remember what it was like for seniors before Medicare. Many seniors lost everything paying for necessary health care, and many others simply went without it.

Mr. President, the Medicare Program, imperfections and all, made the United States of America a better country. Prior to Medicare, what often happened was that as people became elderly and no longer worked, they then lost their health care coverage. Many people could not afford good health care.

This was a program, along with Medicaid, that made our country more compassionate. It made our country a fairer country. It made our country a more just country.

I can say, Mr. President, having had two parents with Parkinson's disease—and the Presiding Officer and I have talked about Parkinson's disease before, and we both have a very strong interest and support for people who are struggling; I think the Presiding Officer has a family connection also with Parkinson's disease—for my mother and father, neither of whom are alive, Leon and Minnie, the Medicare Program, I think, was the difference at the end of their lives between dignity and just economic disaster. It is a terribly important program.

Mr. President, Medicare also is important to Minnesotans because we, as a State, I think, have had a great deal to do with its creation. Hubert Humphrey, Walter Mondale, and Don Fraser, among others, worked tirelessly on its creation.

This was a project of countless Minnesotans, advocates for seniors from all across our State, our universities, our communities, all came together during the early part of the decade of the 1960's, and finally culminating in 1965

on July 30, when we passed this hallmark legislation.

In many ways, I argue today on the floor of the Senate, Medicare is a product of Minnesota. It reflects Minnesotans' values. It reflects the tradition of my State: A tradition of respect for seniors and a commitment to those members of our community who need a helping hand. As Hubert Humphrey, a great Senator, said in support of Medicare, ''Our country's strength is in the health of our people.'' That was the premise of the Medicare Program.

This year, the 30th anniversary of the Medicare Program, all too many Republicans have resolved to cut the program by $270 billion over the next 6 years. While the budget deficit clearly needs to be reduced, the Republican proposal to finance a tax cut to the tune of $245 billion—most of it going to high-income and wealthy people—and at the same time putting into effect severe and, I think, draconian cuts in the Medicare Program, a program which has played such a central role in improving both access to and quality of health care services for our country's elderly and disabled, is unacceptable, I argue—and we will have a debate about this, as time goes on—and unconscionable.

Mr. President, while I believe the Medicare Program could and should be improved, I want to be quite clear that I do not think that this program will be improved by cutting $270 billion over the next 6 years.

Mr. President, a dramatic restructuring of Medicare not based on sound public policy would be a grave mistake. A dramatic restructuring of Medicare of the kind that has been proposed now by too many Republicans, not based on sound policy, would not be a step forward for Medicare beneficiaries in Minnesota or across the country, but would be a huge step backward.

Republicans have proposed, Mr. President, to fundamentally change the program from universal health insurance for seniors to a fixed amount of cash which each Medicare beneficiary could use to purchase coverage in the marketplace. This would effectively transfer the risk of Medicare inflation and medical inflation to the elderly, in order to relieve the Government from bearing the risk.

Mr. President, seniors would be expected to pay the difference between the cost of a health plan and the Medicare voucher amount. The elderly in our country, Mr. President, already pay four times more out-of-pocket expenses for medical costs than those under 65 years of age. This does not include the enormous cost of nursing homes, which is now nearly $40,000 a year.

While Republicans claim that they want to use a voucher system to emulate the health care cost containment successes of the private sector, they neglect to mention that their budget cuts will only allow Medicare costs to grow at a rate of less than 5 percent per person, while private health care costs are projected to grow at a rate of 7 percent per person. Those are exactly the figures. That is exactly the information.

Mr. President, that means that even if the Medicare Program, which cares for the sickest and the frailest members of our society—the same members, I might add, Mr. President, who have been systematically excluded by the insurance companies from coverage because of preexisting conditions—even if Medicare can capture all of the efficiencies of the private sector, there still would not be enough money to cover the costs of this program.

Mr. President, Minnesotan providers have already suffered from inadequate payments for Medicare. For example, Minnesota's HMO's are currently offered inadequate payments for the Medicare population. As a result, many of our HMO's have declined to participate in the Medicare Program on a capitated basis. Minnesota, compared to California, compared to New York, compared to Florida, sometimes only receives half of the reimbursement per person.

Mr. President, what I am saying is that we, in Minnesota, have kept the inefficiencies out of the system. We have already cut the fat. If these payments come to Minnesota, capitated at a fixed amount way under the cost of providing care to beneficiaries under a voucher-type scenario, seniors will be forced either to pay more out of pocket—and we are not talking about a high-income population when we talk about the elderly in Minnesota or in our country—or they will have to go without coverage.

Mr. President, beyond the impact of Medicare cuts felt by seniors and the disabled community, we will all pay the costs of Medicare indirectly. We will pay it in one of two ways: Either as children or grandchildren, we will have to help pay the costs of our elderly parents or grandparents.

Many families are already under a tremendous amount of economic pressure. The bottom 70 percent of the population has been losing ground economically over the last 15 years. I think it is rather naive to believe that families will have a lot of extra income to pay this additional cost.

Or, when the hospitals, clinics, and doctors are in a position to do so, and I do not blame them for this, they will just shift the costs. It is like Jell-O. Put your finger in one part of the Jell-O and it just shifts. What they will do, since the Medicare reimbursement will be significantly under the cost of providing care—that is already the case in Minnesota—these cuts will not work in my State, I tell Members now. This slash-and-burn approach will not work in Minnesota. It will not only hurt Medicare beneficiaries. It will also hurt care givers and providers and, in addition, those care givers and providers in the metro area, if they can, will shift the cost of private health insurance. Then the premiums will go up, then the employers will have a difficult time carrying insurance, and more will be dropped from coverage.

This is crazy public policy that some people are advocating around here.

Mr. President, Medicare Dependent Hospitals, which have a Medicare load of 60 percent or more——

The PRESIDING OFFICER (Mr. ABRAHAM). I inform the Senator his 10 minutes has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 5 extra minutes.

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

Mr. WELLSTONE. Mr. President, Medicare dependent hospitals—and the definition of a Medicare dependent hospital is a hospital that has Medicare patient loads of 60 percent or more—have significantly lower overall margins than other hospitals, and will face two choices: Either those hospitals will close down or they will have to reduce services.

Minnesota has four Medicare dependent hospitals in the urban areas, and we have 40 of those Medicare dependent hospitals in the rural areas. In addition, 43 percent of Minnesota's hospitals currently lose money on Medicare patients. If the proposed Medicare cuts are enacted, 67 percent of Minnesota's hospitals would lose money on Medicare patients.

Small, isolated rural hospitals require a stable funding source in order to provide care. I will tell you right now, in many of our smaller communities, in many of our greater Minnesota communities, in many of the communities in rural America, what is going to happen is that those hospitals with a Medicare patient mix of sometimes up to 80 percent are simply not going to be able to make it. And when those clinics and hospitals close, that means not just Medicare recipients but other citizens as well do not receive the care that they need.

Medicare has come to symbolize this Nation's commitment to health and financial security for our elderly citizens and their families. It is a successful program that has played a central role in improving both access to and quality of health care services, not only for our country's elderly and disabled, but for all of us. We are talking about our parents and our grandparents.

Mr. President, I will, as we go to the 30th anniversary of Medicare, vigorously oppose all efforts or any effort to dismantle a Medicare system in order to give a tax cut that will disproportionately benefit those people who need it the least.

Let me repeat that. I will resist any effort to dismantle the Medicare Program in this country in order to give tax cuts to those citizens who, in fact, least need the financial assistance.

Thirty years ago, Medicare was part of a Democratic vision for a better America. Mr. President, today it still is. I come from a State that has made

an enormous contribution to our Nation. I come from a State that has made a contribution through a great Senator and a great Vice President, Hubert Humphrey—Hubert Humphrey and Walter Mondale and Don Fraser—and Minnesota had a lot to do with the beginning of the Medicare Program and with support for this program, which has made such a positive difference in the lives of people, our senior citizens around this country. I intend to fight hard to make sure that we keep this as a high quality program.

My mother and father depended on this program. They are no longer alive, but for them, if not for Medicare it would have been financial disaster. So I do not intend to see this program dismantled—not on my watch as a Senator from Minnesota. And the more we get into this debate, the more people in Minnesota and all across this country are going to say: Senators, whether you are Democrats or Republicans, this is unacceptable and unconscionable. Do not be cutting Medicare, do not be cutting Medicare and quality of services for elderly people in our country, all for the sake of tax cuts for wealthy people in our country. There is no standard of fairness to that.

Mr. President, I ask unanimous consent that an article by Ted Marmor titled ''Medicare and How It Grew—To Be Confused and Misjudged'' be printed in the RECORD.

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

[From the Boston Sunday Globe, May 7, 1995]

MEDICARE AND HOW IT GREW—TO BE CONFUSED AND MISJUDGED

CONFUSION ABOUT THE PROGRAM'S PAST IS CLOUDING ITS FUTURE

(By Ted Marmor and Julie Berlin)

Medicare, budget deficits and the race for the presidency have once again come into intense and very public conflict. On Monday, President Clinton publicly rejected the suggestion by House Speaker Newt Gingrich that Medicare's forecasted budget be reduced substantially (some $250 billion) so as to ''save'' the valued, but beleaguered program. On Wednesday, the president reiterated his ''defense'' of Medicare before the White House Conference on Aging, rejecting both the Gingrich diagnosis and the remedy of a bipartisan national commission proposed by Senate Majority Leader Bob Dole, an announced contender for the Republican presidential nomination. By the end of the week, Republicans were on the defensive, repeatedly referring to the recent report by Medicare's trustees that, without cost control, the program's hospital ''trust fund'' will run out of money by 2002.

The Republicans find themselves caught among conflicting promises: to balance the budget, to enact tax cuts and to protect both Medicare and Social Security. The country finds itself in the midst of a bewildering mix of crisis talk, fact-throwing and ideological name-calling.

To make sense of this debate requires historical perspective on what Medicare was expected to accomplish, some understanding of what its 30-year history has wrought and some realistic discussion of what its real problems are and what can be done about them.

Medicare, enacted in 1965 and fully operational in 1966, has historical origins that are difficult to understand in the political environment of the 1990s. Perhaps the best way to understand Medicare is to appreciate how peculiar the program is from an international perspective. The United States is the only industrial democracy that has compulsory health insurance for just its elderly citizens. Even those countries that started national health insurance programs with one group of beneficiaries did not start with the elderly. Almost all other nations began with coverage of their work force or, as in the case of Canada, went from special programs for the poor to universal programs for one service (hospitals) and then to another (physicians).

This means that peculiarly U.S. circumstances, rather than some common feature of modern societies, explain why it is that compulsory government health insurance began in the United States with the recipients of Social Security cash pensions.

The roots of this particular history lie in the United States' distinctive rejection of national health insurance in the 20th century. First discussed before World War I, the idea fell out of favor in the 1920s. When the Great Depression made economic insecurity a pressing concern, the Social Security blueprint of 1935 broached both health and disability insurance as controversial items of social insurance that should be included in a more complete scheme of protection. From 1936 to the late 1940s, liberals called for incorporating universal health insurance within the emerging welfare state. But the conservative coalition in Congress defeated this attempt at expansion, despite its great public popularity.

The original leaders of Social Security, well aware of this frustrating opposition, reassessed their strategy during President Truman's second term. By 1952, they had formulated a plan for incremental expansion of government health insurance. Looking back to the 1942 proposal that medical insurance be extended to Social Security contributors, the proponents of what became known as Medicare shifted the category of beneficiaries while retaining the link to social insurance.

Medicare became a proposal to provide retirees with limited hospitalization insurance—a partial plan for the segment of the population whose financial fears of illness were as well-grounded as their difficulty in purchasing health insurance at modest cost. With this, the long battle to turn a proposal acceptable to the nation into one passable in Congress began.

These origins have much to do with the initial design of the Medicare program and the expectations of how it was to develop over time. The incrementalist strategy assumed that hospitalization coverage was the first step in benefits and that more would follow under a common pattern of Social Security financing. Likewise, the strategy's proponents assumed that eligibility would be gradually expanded. Eventually, they believed, it would take in most if not all of the population, extending first, perhaps, to children and pregnant women.

All the Medicare enthusiasts took for granted that the rhetoric of enactment should emphasize the expansion of access, not the regulation and overhand of US medicine. The clear aim was to reduce the risks of financial disaster for the elderly and their families, and the clear understanding was that Congress would demand a largely hands-off posture toward the doctors and hospitals providing the care that Medicare would finance. Thirty years later, that vision seems odd. It is now taken for granted that how one pays for it affects the care given. But in the buildup to enactment in 1965, no such presumption existed.

The incrementalist strategy of the '50s and early '60s assumed not only that most of the nation was concerned with the health insurance problems of the aged. But it also took for granted that social insurance programs enjoyed vastly greater public acceptance than did means-tested assistance programs. Social insurance in the United States was acceptable to the extent that it sharply differentiated its programs from the demeaning world of public assistance. ''On welfare,'' in American parlance, is a form of failure, and the leaders in the Social Security administration made sure that Medicare fell firmly within the tradition of benefits ''earned,'' not given. The aged could be presumed to be both needy and deserving because, through no fault of their own, they had lower earning capacity and higher medical expenses than any other age group. The Medicare proposal avoided a means test by restricting eligibility to persons over 65 (and their spouses) who had contributed to the Social Security system during their working life. The initial plan limited benefits to 60 days of hospital care; physician services were originally excluded in hopes of softening the medical profession's hostility to the program.

The form adopted—Social Security financing and eligibility for hospital care and premiums plus general revenues for physician expenses—had a political explanation, not a philosophical rationale. Viewed as a first step, of course, the Medicare strategy made sense. But after 30 years, with essentially no serious restructuring of the benefits, Medicare seems philosophically, and practically, at sea.

The main outline of Medicare's operational experience can be summarized in three chronological periods.

The first—roughly from 1966 to 1971—was one of accommodations to US medicine, rather than of efforts to change it. To ease the program's implementation in the face of heated resistance from organized medicine, Medicare's first administrators resisted radical changes. They adopted benefits and payment arrangements that exerted inflationary pressure and hindered the government's ability to control increases in program costs over time. For example, paying hospitals their ''reasonable costs'' and physicians their ''reasonable charges'' proved to be significant loopholes that prompted energetic gaming strategies on the part of doctors and hospitals. Unusually generous allowances for depreciation and capital costs were a further built-in inflationary impetus. The use of private insurance companies as financial intermediaries provided a buffer between the government and physicians and hospitals but it weakened the capacity of government to control reimbursement.

The truth is that in the early years, the program's leaders were not disposed to face the confrontations necessary to restrain costs. They felt they needed the cooperation of all parties for Medicare's implementation to proceed smoothly. Medicare's designers, fully aware of the need for cost control, were initially reluctant to make strong efforts for fear of enraging Medicare's providers.

With the benefit of hindsight, it is easy to criticize this. At the time of its enactment, however, Medicare's legislative mandate was to protect the elderly from the economic burdens of illness without interfering significantly with the traditional organization of American medicine. It was with this aim in mind that Medicare's leaders were accommodating so as to ensure a smooth, speedy start to the program. It was not until the 1980s that Medicare came to be seen as a powerful means to control the costs and delivery of medical care.

The results were quite predictable: efficient administration of a program with inflation built in. The average annual rate of growth in the daily service charge of US hospitals between 1956 and 1971 was 13 percent. Medicare's definition of reasonable charges paved the way for steep increases in physicians' fees as well. In the first five years of Medicare's operation, total expenditures rose over 70 percent, total expenditures rose over 70 percent, from $4.6 billion in 1967 to $7.9 billion in 1971. Over the same period, the number insured by Medicare rose only 6 percent (19.5 to 20.7 million people).

By 1970, there was broad agreement that health inflation had become a genuinely serious problem. Criticism of Medicare was part of this dialogue, and, for some, Medicare was the cause of what became a pattern of medical prices rising at twice the rate of general consumer prices. Throughout most of the 1970s, however, adjustments of Medicare took a subordinate political position to nationwide medical change. That does not mean Medicare was inert. But it does mean that its changes—experimentation with different reimbursement techniques in the early 1970s; the 1972 expansion of Medicare to the disabled and those suffering from kidney failure; administrative reorganization in the late 1970s that took Medicare out of Social Security into the newly created Health Care Financing Administration—all became the subject of intense but low-visibility interest-group politics. This polities, followed closely by the nation's burgeoning medical care industry, elderly pressure groups and specialized congressional committees, was not the stuff of Medicare's original legislative fight or of the ideological battle over national health insurance.

By the end of the 1970s, alarm had grown over both the troubles of medical care generally and the costs of Medicare specifically. The struggle over national health insurance ended in stalemate by 1975 and the effort to enact national cost controls over hospitals had also failed by 1979. This meant that Medicare, like American medicine as a whole, was consuming a larger and larger piece of the nation's economic pie, seeming to crowd out savings on other goods and services. US health expenditures in 1980 represented 9.4 percent of GNP, up from 7.6 percent in 1970. Medicare alone amounted to some 15 percent of the total health bill in 1980, up from 10 percent a decade earlier.

For the past 15 years, the politics of the federal deficit have driven Medicare. This has had two consequences. The first is that Medicare is no longer an intermittent subject of policy makers' attention, but has become a constant target of the annual battles over the federal budget. Second, concerns over Medicare's effect on the deficit have enabled far-reaching changes in the ways it pays medical providers. In contrast to the accommodationist policies of Medicare's early years, federal policy makers have implemented aggressive measures to hold down Medicare expenditures. They gave priority to the government's budgetary problems over the interests of hospitals and physicians. The result of these changes was a considerable slowdown in the rate of growth in Medicare expenditures that did not compromise the program's universality.

Ironically, these changes in Medicare payment policy received almost no public attention. There has been little recognition of the effectiveness of the 1980s federal cost-containment measures. As a result, the public has a distorted sense of Medicare's experience of inflation, viewing it as inevitable. The experiences of the past decade demonstrate that Medicare costs can actually be restrained through regulatory adjustments, and that these savings do not require a departure from Medicare's basic design as a social insurance program open to beneficiaries regardless of income.

While the changes in Medicare payment policy did not receive widespread public attention, a concurrent expansion of benefits did. For a brief period in the late 1980s, the addition of so-called catastrophic protection to Medicare coverage became a topic of media interest. The passage and repeal of the catastrophic health insurance bill was a searing experience for Washington insiders, but it left little lasting impact on the nation's citizenry. What remained from the 1980s was a large federal deficit, and it was fiscal politics (along with presidential politicking), not Medicare's performance, that has controlled the pace and character of attention Medicare has received.

Before turning to how to cope with Medicare's problems, critical attention should be given to two claims in the recent debate. One is the mistaken view that because Medicare faces financial strain, the program requires dramatic transformation. The experience of the 1980s showed that Medicare administrators, when permitted, can in fact limit the pace of increase in the program's costs. The second misleading notion has to do with the very language used to define the financial problems Medicare faces. Republican critics (and some Democrats) continue to use fearful language of insolvency to express dread of a future in which Medicare's trust fund will be ''out of money.'' This language represents the triumph of metaphor over thought. Government, unlike private households, can adjust its pattern of spending and raising revenues. The ''trust fund'' is an accounting term of art, a convention for describing earmarked revenue and spending both in the present and estimated for the future. The Congress can change the tax schedule for Medicare if it has the will. Likewise, it can change the benefits and reimbursement provisions of the program. Or it can do some of both. Channeling the consequences through something called a ''trust fund'' changes nothing in the real political economy. Thinking so is the cause of much muddle, unwarranted fearfulness and misdirected energy.

To view the crisis-ridden debate about Medicare's finances as misleading is not to suggest that the program is free of problems. But it is important to understand that Medicare can be adjusted in ways that fully preserve the national commitment to health insurance and the elderly and disabled.

What should be done? One place to start is reduction of the growing gap between the benefits Medicare offers and the obvious needs of its beneficiaries. What Medicare pays for should be widened to include the burdens of chronic illness; that means incorporating prescription drugs and long-term care into the program, which is precisely what the Clinton administration hoped to do in connection with its ill-fated health insurance overhaul.

Widening the benefit package does not mean, contrary to what many claim, that total expenditures must rise proportionately. Expenditures represent both the volume of services and their prices. Many other nations have not only universal coverage and wider benefits than Medicare, but spend less per capita than we do for their elderly. Canada, for example, is able to do this because they pay their medical providers less, spend less on administration and use expensive technology less often. Medicare's expenditures should be restrained below the current projected growth rate of 10 percent a year. There is no reason that the program's outlays need rise at twice the rate of general inflation—or more. What has to be changed is the amount of income medical providers of all sorts receive from the Medicare program.

Medicare's financing also could use some overhauling. Raising payroll taxes will have to be part of the answer. This option appears to be ruled out of the current debate, a good example of fearfulness defeating common sense. But, the breadth of public support for Medicare suggests it is possible to mobilize popular backing for a tax increase to support the program where the problem is clearly defined and the justification convincingly offered. As for beneficiaries, it is time to reconsider the idea of charging wealthier beneficiaries more for Medicare's physician insurance program, another idea likely, if explained, to have popular support.

We need a debate as well over how Medicare should be improved. What we do not need is one that scares the country about Medicare's future by disseminating false claims about its affordability. It would indeed be a ''crisis'' if we concluded that the legitimate health costs of our aged and disabled were unaffordable. What is unsustainable is the pattern of increasing health expenditures at twice the rate at which our national income rises.

Medicare's early implementation stressed accommodation to the medical world of the 1960s. Its objective was to keep the economic burden of illness from overwhelming the aged or their children. Thirty years later, the setting is radically different. The difficulties of Medicare are those of American medicine generally. We pay too much for some procedures and we do too many things that either do some harm or do little good in relation to their costs. In the world of private health insurance, cost control has arrived with a vengeance. Medicare is unsettled and is likely to remain so in the context of budget-deficit politics unless we accept that containing what we spend on Medicare need not mean transforming the program. It will mean, necessarily, that the burdens of cost control will have to be borne. Our suggestion is that they should be borne by those whose incomes are higher, both payers and payees.

THE DEDICATION OF THE KOREAN WAR VETERANS MEMORIAL

Mr. HEFLIN. Mr. President, on the Mall this afternoon, just across the reflecting pool from the Vietnam Veterans Memorial, another unique symbol commemorating the sacrifice of our Nation's veterans was dedicated. The long-overdue memorial to our Korean war veterans was finally and officially opened to the public today, July 27, 1995, the 42d anniversary of the armistice agreement ending that conflict.

This stirring memorial truly deserves its rightful place on the national Mall, for, as a Washington Post editorial succinctly put it yesterday, '''Korea' was a convulsive but finally proud event in the tradition of the presidents honored on this hallowed national ground.'' On the Korean Peninsula over 40 years ago, brave Americans led a score of nations in successfully thwarting Communist aggression. ''It was a moment in the history of freedom, and the 54,000 Americans who died and the many others who fought there earned the benediction in stone and steel now * * * bestowed.''

Some have called the Korean war ''the forgotten war,'' since it did not

end in triumph—like World War II—or in bitter defeat—like Vietnam. It neither united us the way World War II did, nor did it divide us to the degree that Vietnam did. It was not even called a war, as such, but was generally referred to as a ''police action,'' or ''conflict.'' The memorial dedicated on the Mall today not only honors those who served and died in the Korean war, it also gives them their proper place in our Nation's collective memory.

The Korean war is significant in our history for many reasons, one of those being that it was the stage for the first war in which a world organization—the United Nations—played a military role. It was a tremendous challenge for the United Nations, which had come into existence only 5 years earlier. We only recently commemorated its 50th anniversary, so it is perhaps fitting that the opening of the Korean Veterans Memorial coincides with that celebration, since it was the United Nations' first major test.

The Korean war began on June 25, 1950, when troops from Communist-ruled North Korea invaded South Korea. The United Nations called the invasion a violation of international peace and demanded that the Communists withdraw from the south. After the Communists refused and kept fighting, the United Nations asked its members to provide military aid to South Korea. Sixteen U.N. countries sent troops to help the South Koreans, and a total of 41 nations sent military equipment or food and other supplies. As we know, the largest share of U.N. support for South Korea came from the United States, and the greatest burden was born by American servicemen and women. China aided North Korea, and the former Soviet Union gave military equipment to the North Koreans.

The war went on for 3 years, ending on July 27, 1953, with an armistice agreement between the United Nations and North Korea. A permanent peace treaty remains an elusive goal as 37,000 American troops to this day remain in South Korea to discourage a resumption of hostilities.

In many ways, the Korean war set the pattern for future United States military efforts. It saw important innovations in military technology, such as fighting between jet aircraft as American F–86's battled Soviet-built MiG–15's. It was the first conventional war that could have easily escalated to atomic dimensions.

The war unalterably changed the nature of superpower relations. The dramatic American demobilization after World War II was reversed and the United States has since maintained a strong military force. Cold war tensions mounted, and some historians argue that the war fostered dangerous ''McCarthyism'' at home.

Hopefully, this moving memorial will help Americans of all ages come to better understand and appreciate the importance of the sacrifices made by those who fought and died during the Korean war. On this day of the dedication of their memorial, I stand with each of my colleagues in saluting all veterans of the Korean war. Their service and sacrifices—as well as that of their families—are not forgotten.

I ask unanimous consent that the text of the Washington Post editorial, ''The Korean War: On the Mall,'' from July 26 be printed in the RECORD.

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

THE KOREAN WAR: ON THE MALL

A memorial to American veterans of the Korean War (1950–53) is to be dedicated tomorrow on the Mall across the Reflecting Pool from the Vietnam Memorial. It deserves to be there, for ''Korea'' was a convulsive but finally proud event in the tradition of the presidents honored on this hallowed national ground.

In Korea the United States led a score of nations successfully resisting what was pure and simple Communist aggression. It was a moment in the history of freedom, and the 54,000 Americans who died and the many others who fought there earned the benediction in stone and steel now being bestowed.

The Korean War can seem a grim and inevitable episode in the grinding global collision of the Cold War. Yet at key moments it was anything but fated. Secretary of State Dean Acheson simply erred when he said in January 1950 that the Korean peninsula, divided by Washington and Moscow as World War II closed, was outside the U.S. ''defensive perimeter.'' A fortnight later Stalin, the Soviet Communist leader, instructed his envoy to tell North Korea's dictator, Kim Il Sung, that ''I am ready to help him in this matter'' of reuniting Korea.

It was far from certain that the struggling American president, Harry Truman, would reverse course and respond resolutely when North Korea invaded in June. It was even less predictable that Gen. Douglas MacArthur, author of the Marines' legendary Inchon landing, would ignore the new Chinese Communist government's warnings and, tragically, end up fighting China too.

With its evocative poncho-clad figures, the new memorial captures the war's signature of foot-soldiers trudging into endless combat. Once the battle had gone up and down the peninsula several times, the war stabilized on the original dividing line but continued at dear cost—until the stalemate was mutually confirmed, until North Korea accepted the American insistence that its soldiers who were prisoners in the South would not be repatriated against their will.

That the war ended not in World War II-type triumph but in anticlimatic armistice has encouraged the notion that the outcome was a compromise or even a defeat. But although the aggressor was not unseated (the goal of Gen. MacArthur's rollback strategy), North Korea was repulsed and South Korea saved. Time and space were bought for a competition of systems in which the South came to exemplify democratic and free-market growth, while North Korea stayed a stunted and dangerous hermit state. If there is yet a chance that things may go better, it is because the United States did what it had to in the war and then stayed the course, to this day.

KOREAN WAR MEMORIAL

Mr. D'AMATO. Mr. President, I rise today to recognize the sacrifices of the many hundreds of thousands of American servicemen who bravely fought the forces of communism in that far-off peninsula of Korea. As the primary contingent of an international force that succeeded in halting the tide of Soviet and Chinese expansion and influence, Korean war veterans won what many have seen as the first battle of the cold war.

The experience of the Korean war forever changed the nature of the superpower relationship as well as America's bilateral relations with its overseas allies. In defending the democratic South Korean Government against the aggression of the communist North, America won the friendship of a government committed to furthering American values and ideals. Today we look at South Korea as a important ally and model of political, social, and economic development.

Many have referred to the Korean war as the forgotten war because its significance has only been truly realized after our eventual triumph over totalitarianism. With today's dedication of the Korean War Veterans Memorial by President Clinton and South Korean President Kim Young Sam, the sacrifices of the over 54,000 Americans killed and the 1.5 million men and women who served will finally be recognized. The memorial will serve to forever preserve a place of honor that these heroes have always deserved. Let these America's Korean war veterans never again be forgotten.

THE RYAN WHITE CARE REAUTHORIZATION BILL

Mr. MCCAIN. Mr. President, I rise to congratulate the chairwoman of the Committee on Health and Human Resources, Senator NANCY LANDON-KASSEBAUM, on the passage of the Ryan White CARE Reauthorization act of 1995. The act assures that AIDS-related services will be available to people in big cities, small towns, and rural communities all across the country, it also ensures that funding is provided for Indian AIDS victims.

Some may recall that during the original debate on the Ryan White CARE Act in 1990, I, and several of my colleagues on the Senate Indian Affairs Committee, offered an amendment to title II of the bill to ensure that Indians with HIV and their families were eligible to participate in the special projects of national significance. That provision was accepted and as a result, hundreds of Indians with HIV, who would otherwise have had great difficulty accessing services, have been served.

Many in the Congress are not aware that in comparison to other populations, Indians are among the highest at-risk populations for the HIV infection. In fact, the Centers for Disease Control reported that in just 2 years, from 1988 to 1990, the number of reported American Indian AIDS cases increased by 120 percent in comparison to an overall national increase of 35 percent. Unfortunately, this trend still

continues. Today, the CDC reports that since the passage of the Ryan White CARE Act in 1990, the number of American Indian AIDS cases has increased by approximately 351 percent. This is the largest growth rate of HIV in any population group nationwide. What is equally alarming is that Indian women in their first through third trimester of pregnancy were up to eight times more likely to be living with HIV than other rural populations of women.

There is also a general misconception that the health care needs of Indians with HIV are provided by the Indian Health Service. That is not the case. What is not generally known is that the IHS has an extremely limited capacity, in funding and services, to provide the necessary and delicate care often required by HIV victims. The act recognizes this by ensuring that Indians with HIV are not deprived of necessary services.

I know that the chairwoman and her staff have labored long and hard to address the concerns of the Congress in developing the Ryan White CARE Reauthorization bill. As the chairman of the Senate Committee on Indian Affairs I would like to commend her for her continuing concern for the Nation's Indian population and the passage of this critical legislation. And I'm sure she shares my hope, that one day soon we will find a cure for this tragic disease. But until then, it is the Congress' responsibility to ensure that all individuals with HIV receive the services needed to cope with this devastating illness on a day-to-day basis. Chairwoman KASSEBAUM has accomplished this, and for that, she has my praise.

KOREAN WAR MEMORIAL DEDICATION

Mr. LEAHY. Mr. President, the Korean war was known as ''the Forgotten War'' to some because it followed so closely on the heels of World War II, and because it was in many ways overshadowed by the divisive Vietnam conflict. I never liked that expression, because I know too many people whose lives were forever changed by Korea. I prefer to think that the Korean war not as a forgotten war, but as an unremembered war. For too many years we ignored the great sacrifice made by millions of Americans in a rugged land far away from our shores. As of today, the Korean war is unremembered no longer.

This afternoon I was honored to attend the dedication of the new Korean War Memorial, and it is a worthy addition to our Nation's Capital. The memorial is centered around 19 haunting statues created by Vermont sculptor Frank Gaylord. His depiction of tired American soldiers marching in a loose formation toward a common goal manages to capture perfectly the heroic qualities of our soldiers without glorifying war.

While I was moved by the memorial and the ceremony today, the moments I will treasure most occurred this morning at a breakfast I hosted for Vermont veterans and Mr. Gaylord. These Vermonters came from all parts of the State. They came by airplane, they came by car, and they came by 14-hour train ride. One group came after driving all night long. They came with their families, their foxhole buddies, and by themselves. Most of these Vermonters served in different units, and many had not met before today. They came to Washington to stand for hours in the terrible summer heat, all to pay tribute to events that happened over 40 years ago.

I realized this morning, as these veterans gathered in my office, that any inconvenience suffered by travel or weather meant nothing to them. Their sense of duty to comrades past and present brought them to Washington, and as long as there was life in their bodies they would come. The history books tell us that 46,246 Americans died in the Korean war, that 103,284 were wounded, and that millions more served. All of them are finally being recognized today. It is with humility that I offer my profound gratitude to those who answered the call and gave so much to preserve freedom.

Mr. President, I ask unanimous consent that recent Washington Post articles about the Korean War Memorial be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1995]

A MARCH TO REMEMBER, MOVING MONUMENT TO KOREA VETERANS SURPASSES THE TORTURED HISTORY OF ITS DESIGN

(By Benjamin Forgey)

When the Korean War Veterans Memorial is dedicated next Thursday—the 42nd anniversary of the armistice ending the war—veterans and their families will be celebrating an honor long overdue.

They can also celebrate a work of beauty and power. Given the tortured history of the memorial's design, this seems almost a miracle. But there it is. Situated on proud symbolic turf southeast of the monument to Lincoln, in equipoise with the Vietnam Veterans memorial to Lincoln's north, the Korean memorial is a worthy addition to the national Mall.

Despite some big flaws, our newest memorial is incredibly moving. And what could have been its most glaring weakness—a column of realistically sculpted soldiers in combat formation—turned out to be its major strength. Unheralded sculptor Frank Gaylord of Barre, Vt., created 19 figures that are convincing individually and as a group.

It is a case of art rendering argument superfluous. There were obvious dangers in the concept of a memorial featuring a column of battle-ready soldiers. If excessively realistic, they could be off-putting. If strung out in too orderly a row, they could be deadeningly static. And yet, if inordinately animated, they could be seen as glorifying war. Indeed, in one of Gaylord's early versions, they came perilously close to doing just that.

But in the end, none of this happened. Placed dynamically on a triangular field of low juniper shrubs and cast in stainless steel at a scale slightly larger than life, these gray, wary troopers unself-consciously invite the empathy of all viewers, veteran and nonveteran alike.

The sculptures and triangular ''field of service'' are one of three major elements in the memorial. With an American flag at its point, the field gently ascends to a shallow, circular ''pool of remembrance'' framed by a double row of braided linden trees. There also is a ''memorial wall.'' Made of huge slabs of polished black granite, each etched with shadowy faces of support troops—nurses, chaplains, supply clerks, truck drivers and so on—the 164-foot wall forms a subtly dramatic background for the statues. High on the eastern end of the wall, where it juts into the pool of water, is a terse inscription: Freedom is not free.

The memorial was designed by Cooper-Lecky Architects of Washington—although, in an important sense, the firm acted like the leader of a collaborative team, Important contributions were made by Gaylord and Louis Nelson, the New York graphic designer of the memorial wall, and also by the Korean War Veterans Memorial Advisory Board and the reviewing agencies, especially the Commission of Fine Arts.

Not to forgotten are the four architects from Pennsylvania State University who won the design competition back in the spring of 1989—John Paul Lucas, Veronica, Burns Lucas, Don Alvaro Leon and Eliza Pennypacker Oberholtzer. This team dropped out after it became apparent that its original design would have to be altered significantly to pass muster with the advisory board, reviewing agencies and others. The team sued, and lost, in federal court.

Key elements of the competition design remain in the final product—particularly the central idea of a column of soldiers moving toward a goal. But the finished product is a big improvement over the initial scheme. It's smaller and more accommodating—not only was the number of soldiers cut in half (the original called for 38 figures), but also a vast open plaza was eliminated in favor of the contemplative, shaded pool. It's easier to get into and out of—the clarity of its circulation pattern is outstanding. Its landscaping is more natural—among other things, the original called for a grove of plane trees to be clipped ''torturously,'' as a symbol of war. The symbolism of the memorial is now simple and clear.

Still, Cooper-Lecky and the advisory board went through many versions, and many heartbreaks, on the way to getting a design approved—and the finished memorial shows the strain of the long, contentious process. It cannot be said that this memorial possesses the artistic grandeur and solemnity of the Lincoln Memorial. It does not have the aesthetic unity of Maya Lin's Vietnam Veterans wall. It is not quite so compelling a combination of the noble and the everyday as Henry Merwin Shrady's Grant Memorial at the other end of the Mall. But this is to put the new memorial in elevated company—together with the Washington Monument, these are our finest expressions of memorial art. To say that the Korean War memorial even comes close is a tribute.

Without question, its worst feature is a sequence of parallel strips of polished black granite in the ''field of service.'' Unattractive and unneeded, they threaten to reduce the soldiers' advance to the metaphorical level of a football game. And on one side of the field, they end in obtrusive, triangular blocks of granite, put there to discourage visitors from walking onto the granite ribbons. The junipers may in time cover the strips—at least, one can hope—but these bumps, unfortunately, will remain bumps.

The wall gets a mixed review. A clever if somewhat shameless adaptation of Maya Lin's idea—with faces rather than names etched in—it honors support troops, who always outnumber those on the front lines. It

is beautifully made. The heads are real ones from photographs in Korean War archives, digitally altered so that the light source is always coming from the direction of the flag. The etching is wonderfully subtle: The faces seem to float in a reflective gray mist. The wall tugs the heartstrings, for sure, but it's also a bit obvious, a bit much. It has the feel of a superfluous theatrical trick.

Fortunately, the wall does not interfere too much with the sculpture, which from the beginning has been the primary focus of this memorial. It was an extraordinary challenge, one of the great figurative commissions of the late 20th century, and Gaylord came through. To walk down from the Lincoln Memorial and catch a first, apparitional glimpse of the soldiers, as they stalk from under the tree cover, is quite a thrill. Even from a distance and from the back, the gray figures are compelling.

And, as choreographed on that field, they become more compelling the closer you get until, with a certain shock, you find yourself standing almost within touching distance of the first figure; a soldier who involves you in the movement of the patrol by turning his head sharply and signaling—Beware!—with the palm of his left hand. He is a startling, daring figure and, with his taut face and that universal gesture of caution, he announces the beginning of a tense drama.

It is an old device, familiar in baroque painting and sculpture, to involve the viewer directly in the action by posture, gesture, facial expression, Gaylord adapted it masterfully here: The figures look through you or over your shoulders, enveloping the space beyond the memorial with their eyes. The air fairly crackles with the vitality of danger. The soldiers communicate tersely among themselves, too—in shouted commands or entreaties, and subtly connected gestures and glances.

The most critical contact, though, may be that first one, between the visitor and that initial soldier. His mouth is open—you can almost hear him hissing an urgent command. You slow down, and then you behold the field before you. There is fatigue and alertness everywhere you look. Each figure and each face is as charged as the next. Appropriately, the gray metal surfaces are not polished and shined. Gaylord's rough treatment of the matte surfaces adds to the nervous intensity of the piece.

It is quite a feat to give such figures such a feeling of movement—they're only walking, after all, and they're carrying heavy burdens. But Gaylord performed that feat, 19 times—he proved himself a master of contrapposto, and other time-honored sculptural technique. Underneath the gray ponchos and the weight of the stuff on their backs, these figures twist from hip to shoulder and neck. Some shift dramatically, some just enough, so that the ensemble takes on an extraordinary animation. Every gesture seems perfectly calculated to reinforce the irony. These ghostly soldiers in their windblown ponchos seem intensely real.

Dedicated to the concepts of service, duty and patriotism, the new memorial stands in sharp contrast to its companion across the Reflecting Pool. But the Korean and Vietnam memorials make a complementary, not a contradictory, pair. In honoring the sacrifices of soldiers in Vietnan, Lin's great V-shaped wall invokes a cycle of life and death, and physically reaches out to the Mall's symbols of union and democracy.

The Korean War Veterans Memorial is more straightforward, and speaks directly of a specific time and place. Yet it attains an unmistakable universality of its own. Gaylord's soldiers (and Marines and airmen) served in Korea, yes. But they also stand unpretentiously for the common soldiers of all wars.

[From the Washington Post, July 23, 1995]

OUT OF HISTORY, ONTO THE MALL, KOREAN WAR MEMORIAL TO BE DEDICATED

(By Anthony Faiola and Lena H. Sun)

In the nation's capital, the forgotten war is forgotten no more.

The $18 million Korean War Veterans Memorial opens Thursday on the National Mall, honoring the men and women who fought in an international conflict many Americans still view as an afterthought, lost between the scope of World War II and the upheaval of Vietnam.

The stoic arrangement of stainless-steel statues, a mural wall and a circular reflecting pool officially takes its place as the fifth major memorial on the Mall, southeast of the Lincoln Memorial and across from the Vietnam Veterans Memorial. It arrives after seven stormy years of lawsuits and conceptual bickering that almost doomed the project.

''This is not a graveyard or a glorification of war,'' retired Col. William Weber, 69, said as he surveyed the 19 statues of white, black, Korean and American Indian soldiers that make up the core of the memorial. When reflected in the black granite mural wall, their numbers double to 38—symoblizing the 38th parallel established as the border between North And South Korea in 1945.

''It is a remembrance of a group of veterans who have fallen into their twilight years and who are still tragically forgotten by too many people'' in this country, said Weber, who lost his right arm and leg to a hand grenade in Korea and is among those veterans who doggedly lobbied for the memorial.

More than four decades after the war ended, organizers of the memorial are trying to make up for the lack of public recognition. There will be six days of ceremonies and events, beginning tomorrow, to honor America's 5.7 million Korean War-era veterans and those from the 21 other countries who served under the banner of the United Nations command in Korea.

The three-year Korean War was an inconclusive, bloody conflict, the first modern war in which the United States had to accept a compromise solution in the form of an armistice agreement. The conflict intensified the Cold War mentality, destroyed Korea and solidified the divisions between North and South Korea.

More than 54,000 U.S. military personnel and more than 58,000 South Korean military personnel died in the war, according to the U.S. Army Center for Military History. Millions of Korean civilians perished; virtually every Korean family was affected.

For many ordinary Americans, the conflict is best known because of the adventures of Hawkeye and Hot Lips in the popular movie and television series ''M*A*S*H'' two decades later. But during the war, there was little front-page coverage. When the soldiers returned home, they slipped back into society. There were no parades, no celebrations.

''I came back on a Friday, and I started back up at work the following Monday,'' said Raymond Donnelly, 67, of Arlington, a machine-gunner with the 24th Infantry Division who spent 10 months on the front line before returning to a printing apprenticeship in Massachusetts.

President Clinton and South Korean President Kim Young Sam, who is arriving on a state visit Tuesday, will preside over the dedication of the memorial Thursday, the 42nd anniversary of the armistice. Officials are expecting a crowd of about 100,000 many of them Korean War veterans and their families, as well as representatives of the countries that fought under the U.N. command, Retired Gen. Chang Pae Wan, who commanded the defense of Seoul during the war, will lead the South Korean delegation, which will include about 400 veterans.

Among the other highlights of the week's events is a troop muster of war veterans—only the second such mass gathering of troops in U.S. history—that will be addressed by the Joint Chiefs of Staff.

In the Korean American community have criticized South Korean participation in the memorial, however. Of the $18 million raised in private money, nearly $3 million came from U.S. subsidiaries of South Korea's largest companies, including $1 million each from Samsung and Hyundai.

Richard Nahm, an interpreter who writes for Korean-language newspapers published in the United States, said the South Korean government should pay more attention to domestic problems, such as polluted drinking water and the recent collapse of a Seoul department store that killed 450 people, instead of encouraging companies to contribute to a memorial that primarily honors U.S. war dead.

A spokesman for the South Korean Embassy dismissed the criticism. South Korea had considered canceling Kim's trip to Washington because of the department store collapse but decided to proceed because the visit had been long planned, he said.

The memorial reflects the primary role of U.S. ground troops, featuring seven-foot statues of combat-ready soldiers as one of its key elements. The soldiers are spread over a field of juniper bushes. Behind them is a 164-foot wall with the faces of nurses, cooks, chaplains, other support troops and even the canine corps. The photographic images were culled from Korean War archives and sandblasted onto the black granite.

Opposite the mural are the names of all the countries that served under the U.N. command. The field slopes up to a circular ''pool of remembrance.''

The Korean War Veterans Memorial didn't come easily.

Its creation was rooted in the frustrations of a group of Korean War veterans, including members of the 25th Infantry Division, that in 1985 made a pilgrimage to Seoul to confront their ghosts, said Dick Adams, past president and a board member of the Korean War Veterans Association Inc., which was founded in 1985.

''We were not like the vets of Vietnam,'' Adams said. ''We were the forgotten people of a forgotten war, and we weren't ready to let ourselves go down in history in that way.''

The group was further stirred to action a year later when the Vietnam Veterans Memorial was dedicated. On Oct. 28, 1986, their efforts paid off: President Ronald Reagan approved a resolution authorizing the American Battle Monuments Commission to erect a Korean War Veterans Memorial on the Mall.

The generosity of the private sector in donating money was challenged by setbacks, however.

An initial design contest was won in 1989 by four professors from Pennsylvania State University. They sued the federal government and lost after the design was altered by D.C.-based Cooper & Lecky Architects, the architects of the Vietnam memorial.

The memorial was reconfigured. The number of statues was cut from 38 to 19. Instead of lining up in a single file, for easy visitor access, the larger-than-life statues were placed in a field of juniper bushes to create the air of rough terrain and to remove them from the public's reach.

The memorial will be open to the public at 4 p.m. Thursday and will remain open 24 hours a day. Organizers say the wait will be

long for those who wish to visit the memorial immediately because of the large crowd expected at the dedication.

By last week, the advisory board was receiving about 2,000 telephone calls an hour because of overwhelming interest in the memorial and related events, a spokesman said.

For local veterans, such as Donnelly, the memorial will be a final resting place for his memories. Besides the fear and the fighting, there is the food that Donnelly will always associate with the war: the Spam, Babe Ruth candy bars, black olives and saltine crackers he and other soldiers devoured when they were not on the front line.

His most enduring the memory is of the bone-chilling winter cold, when temperatures often plunged well below zero.

''That's why I say the first miserable rotten night we have here, when it's cold and rainy and snowy,'' Donnelly said, ''I want to go down [to the Mall] and walk through those statues, because that's what it was like.''

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business, I believe.

If there is no further morning business, morning business is closed.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1061 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate resumed consideration of the bill.

Mr. LEVIN. I thank the Chair. S. 1061 is the so-called Congressional Gift Reform Act; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I am pleased we have now returned to the gift reform issue, and before us is the congressional gift reform bill which has been cosponsored by Senators COHEN, GLENN, WELLSTONE, LAUTENBERG, FEINGOLD, BAUCUS, and MCCAIN.

I ask unanimous consent Senator BINGAMAN be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The Senator from Michigan has the floor.

Mr. LEVIN. I thank the Chair. Was my unanimous consent agreement relative to Senator BINGAMAN adopted?

The PRESIDING OFFICER. Yes, it was.

Mr. LEVIN. Mr. President, this bill will put an end to business as usual when it comes to gifts that come to Members of Congress and to our staffs and employees. It will end the so-called recreational trips for Members who play in charitable golf, tennis, and skiing tournaments. It will put an end to the meals paid for by lobbyists and others, put an end to the free tickets to sporting events, concerts, and theater events.

Under the current congressional gift rules, Members and staff are free to accept gifts up to $250 from anybody, including lobbyists. Gifts under $100 do not even count. So we are free to accept an unlimited number of gifts from anybody as long as they are worth less than $100 in value and we do not even have to disclose them. And meals do not count either. They are unlimited, regardless of their dollar value, and do not have to be disclosed either. Members and staff are free to travel to recreational events such as golf, tennis, and ski tournaments.

That is the status quo. That is business as usual. It simply is not acceptable anymore. The public has lost too much confidence in Congress. More than half of the American people surveyed think that decisions in Washington are made by special interests.

The other day we adopted lobby reform, which is the first of three major steps that we must take in the area of political reform to help restore public confidence in this institution.

The next two steps are bigger steps. One relates to gifts and the other relates to campaign finance reform. Last year, when we debated this gifts bill, we had Washington restaurants telling us that if lobbyists could not take Members out to meals, the restaurants in Washington, a lot of them, would close. People were saying that the Kennedy Center would go under if lobbyists could not buy tickets for Members of Congress.

What a terrible indictment that all would be, if it were true. Can it really be that we accept so many free meals and tickets that entire industries are dependent upon our continuing to accept such gifts? I hope not. And I believe not.

S. 1061, which is the gift reform bill now at the desk, contains tough new congressional gift rules that were included in last year's lobby disclosure bill. This bill, our bill, would prohibit special interests from paying for free recreational travel, free golf tournaments, tennis tournaments, ski holidays, and put an end to unlimited football, basketball, and concert tickets.

Members of this body will no doubt remember, just as the public will no doubt remember, just how close we were to resolving this issue in the last Congress, when the conference report on S. 349 was killed by a last-minute filibuster. At that time, the opponents of the conference report raised a number of substantive concerns relating to the lobbying reform portion of the bill, which we now have successfully addressed in separate legislation. However, the opponents of the bill at that time stated strongly and repeatedly that they had no objection whatever to the gift provisions in the bill. Those are the same gift provisions that come before us today.

As a matter of fact, the majority leader, Senator DOLE, stated that he supported the gift ban provision. ''No lobbyist lunches, no entertainment, no travel, no contribution to the defense funds, no fruit basket, no nothing. That is fine with this Senator, and I doubt many Senators partake in that in any event,'' the majority leader said. And other Senators made similar statements of their commitment to the quick enactment of strong gift rules.

On October 6 of last year 38 Republican Senators cosponsored a resolution, Senate Resolution 274, to adopt a new tough gift rule included in the conference report that I referred to on S. 349.

The bill before us today contains these same rules changes that the vast majority of us voted for just a year ago in May 1994, and said that we still support it last October.

So now we are going to be put to the test. If we really mean what we said last May and again last October, did we mean it when we said we wanted to put an end to the unlimited meals and tickets and recreational travel, or is it going to be business as usual in this town?

The issue here is whether we can even go out to dinner with lobbyists. The question is who is paying? Who is paying for the theater tickets? Who is paying for the tickets to ski slopes?

This issue and related issues have been thoroughly debated over the last few years. It came close last year, and we are coming close again this year. This issue is not going to go away until we do the right thing. The issue will not go away until we enact new, tough gift rules. The issue will not go away until the gifts go away.

We do not need these gifts. We addressed this bill in the spirit in which we ran for office. We are going to do what the public wants us to do, and that is to get this issue behind us once and for all with strong, new gift reform.

Mr. President, later on this afternoon I expect that an amendment is going to be offered in the form of a substitute. This substitute will bring us even closer to the executive branch rule on gifts. That rule is pretty simple rule—no gifts over $20 and few aggregate gifts even under $20 so that you cannot accept anything over $50 total from one source in 1 year. That is the executive branch rule. It has worked. It is simple. It is understandable. And that is what will be in the substitute. It is going to be a simpler approach than is in the underlying bill because the substitute will not make a distinction between whether or not a gift, food, whatever is received here or back home. The underlying bill made that distinction because it took a slightly different approach on the basic issue of what gifts are acceptable.

But the substitute which will be offered makes no distinction between whether the gift comes from lobbyists or nonlobbyists. It is a $20 rule the way it is in the executive branch.

So you do not need those kind of distinctions because of the simplicity of the rule, and the fact that it has

worked in the executive branch. And it is an effort to pattern our rules more closely to the executive branch rule, and to make it simpler so that we do not have distinctions as to whether or not the person giving the gift has been registered, which requires them to keep track of everybody who is registered on a computer as a professional paid lobbyist.

It does not make the distinction between whether or not the gift is here or back home. That is the distinction which is difficult for many people in different States. Those distinctions are not in this amendment which will be offered in the form of a substitute. Instead, this is a simple, clear underlying executive branch approach—no gift under $20; gifts under $20 are aggregated. They count so that you cannot take more than $50 in any one year. That is what the executive branch does.

Obviously, with the exceptions that we have in here for close personal friends, for doughnuts, coffee, mementos, caps, hats and the little things which we get of nominal value, those continue. They are in the underlying bill. The substitute will not touch those exceptions. We have lots of exceptions in the current rules. It is not anything novel to have 15 or 20 exceptions to the general rule because that is what we have in the current rules to take care of getting a pen from somebody. If you go to a VFW hall and somebody gives you a pen, that is acceptable under the current rule. That is acceptable under the underlying bill. That continues to be acceptable under the substitute. Those exceptions that are set forth in this underlying bill which has been pending before us for a long time and were before us last year continue in the substitute.

I have worked to help craft that amendment in the form of a substitute. And I support it. I think it is strong, tough gift reform. It has some advantages in terms of being simpler and more understandable with fewer difficulties in terms of administration because it does not require the maintenance of the record on the thousands of registered lobbyists that hopefully will register under our new lobbying registration law.

Again, it eliminates that distinction which is difficult for many depending on what State they live in to make the differential between receiving something back home and receiving something in the adjacent State.

Let me close by repeating some portions of editorials which succinctly state the problem that we face and hopefully the solution which we are going to achieve this afternoon or tomorrow.

From the Detroit Free Press of May 13:

> We do not believe that most Members of Congress are inherently corrupt or readily corruptible, but the role of special interests in Washington has become so troubling that Congress simply must set higher standards. It will be a slow process. But the gift ban is an important step towards getting Congress' house in order.

Mr. President, I am going to conclude at this point by simply reiterating one point which I think is the central truth of the substitute amendment which is going to be adopted. It basically adopts the approach used in the executive branch. They have lived with it. It works. I think we can live with it. And after we do, and after we get used to it, I think we are all going to feel that not only are we better off but that this institution will reclaim some of the support which has been lost in the public.

Gifts are not the only reason that we have lost some of that public support. There are a number of reasons for it. But this is one of the number of steps which we can take in order to increase public confidence in this institution which we have all sworn to uphold.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, on Monday of this week, the Senate unanimously voted to enact strict lobbying reforms. That vote signaled the intent of this body to listen carefully to the concerns of the American people. Today we have an opportunity to act on another reform measure—the gift ban.

This bill, which was introduced by Senators LEVIN, COHEN, and WELLSTONE, seeks to prohibit Members and staff from receiving gifts. Simply, Members and staff will not have the opportunity to accept meals, privately financed trips, contributions to legal defense funds, or any other gifts from lobbyists. That does not seem like an unreasonable request to me. The American public has called for an end to business as usual in Washington, and this is a big step on the road to reform.

In the last Congress, the Senate voted overwhelmingly to pass a virtually identical gift ban bill. Unfortunately, it was killed by a filibuster. But the need to adopt these reform measures has not diminished. There is strong support from the public. There is strong support from the Congress. And there is an unquestionable need to take this action.

Mr. President, this debate is more than banning gifts—which clearly is long overdue. It is about restoring the faith of the American public in the political process. We need to remember that we are here as representatives of our constituents. That we were elected to work for the interests of our neighbors, not receive gifts from special interests. We must put ourselves in the shoes of our neighbors. Would they be asked out for free lunches? Would they be offered all expense paid trips to speak? When we can look our neighbors in the eye, and know that we do not have special privileges, then we are on the correct path to reform.

The time has come to pass this long overdue measure. We must have real reform to help preserve the integrity of the process. We must have real reform to help restore the faith of the American people.

Mr. President, I urge my colleagues to vote in favor of the gift reform bill.

Mr. LOTT. 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. BROWN. 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. BROWN. Mr. President, at the appropriate time I will offer as an amendment the measures which were adopted earlier this week in the lobbying reform bill. Those lobby reform amendments dealt with loopholes in our disclosure.

Currently, there are a number of loopholes in our disclosure procedure. Two of them were plugged by amendments to the lobbying reform bill, and it is my intention to offer those two amendments as rules changes for the Senate. They are pretty straightforward.

One is to change reporting categories. Right now reporting categories cap out at $1 million, so an asset that might be worth $50 or $100 million is reported as simply being worth over $1 million. My rule change would simply allow for a more complete disclosure of the asset value by creating some new categories: $1 million to $5 million, $5 million to $10 million, $10 million to $25 million, $25 million to $50 million, and assets above $50 million. There is no magic in those numbers. They are purely arbitrary. They are simply meant to give a little more accurate disclosure in terms of the asset value.

The second amendment will be combined with the first and will deal with the loophole of the qualified blind trust. Currently, the law and the rules in effect allow Members who have a qualified blind trust to be advised of the net cash value of that blind trust but do not require disclosure of that value. The rule change simply indicates that in the event the trust instrument provides for the beneficiary or Member to be advised of the value they have in a qualified blind trust, then that has to be reported.

These are two important changes because they will give a much more complete picture, and, frankly, they will apply the same rules to people who are not wealthy enough to afford a blind trust or a separate trustee; it will apply the same disclosure practices to people who can afford an independent trustee and those Members who are not wealthy enough to have an independent trustee and qualified blind trust—simple equity, simple fairness in applying the same rules to all Members of this Chamber, whether wealthy or not wealthy.

It seems to me, while we are all hopeful of lobbying reform, adding these changes to the Senate rules will assure these important reforms are adopted regardless of what happens to the lobbying reform bill.

I yield the floor, Mr. President, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, I ask that I might proceed as if in morning business for the next 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

KOREAN WAR MEMORIAL

Mr. CHAFEE. Mr. President, like many others, I had the privilege this afternoon to go down to the mall for the dedication of the Korean War Memorial, and it was an extremely impressive ceremony.

I urge any who might have the opportunity to visit that memorial to seize upon that opportunity. There are a series of figures, 19 in all, I believe, in a very haunting memory of what took place in Korea. Each of the figures has a poncho, while they are soldiers, marines advancing in a loose formation, and I think the way the figures are designed it gives an impression of the climate of Korea, the arduousness of the climate. It brings back memories of the very coldness that was in Korea in the winter, and in the summer the extreme heat that took place there.

It was my privilege to serve in Korea in the summer of 1951, the fall of 1951, the winter of 1951 and 1952, and during that time I had the opportunity to serve as a rifle company commander in the Marines in D Company of the 7th Regiment of the 1st Marine Division. We were defending the steep hills in the eastern section of Korea.

What are some of the memories that I have of those days? First, Mr. President, what comes to memory is the extreme competence of the young marines with whom I was serving. I guess I was old compared to them; I was 27 at the time, and these young enlisted men, most of them were 19 or 20 years old. But what struck me was not only their ability to endure extreme hardships, whether the hardships of the march or the hardships coming with the dangers that were involved, or the hardships of the coldness and the heat that I just described, but also the competence that they displayed.

When you said to a young group of six Marines, the oldest being 20 years old, that they were to take a patrol down in front of our lines, go deep down, cross the river, go up on the other side and scout out the enemy territory, they listened carefully, and absorbed their instructions to carry them out without a phrase of objection or reticence or fear. And all of that reflected I think not only on their background but the wonderful training they had received from the Marine Corps and the competence that each of them had.

As we dedicated that memorial today, one asked oneself: What is being achieved here? It seems to me we all have to remember that those who died were young and they had no wives; they had no children; they had nobody to remember them. And so we look on the memorial as a way of remembering those who did not have the benefit of their own families to remember them. So we are all their families. That is the way we recall those who served there.

I think one of the points that came from the talks today struck home with me, both from President Kim of Korea and President Clinton. They stressed that what took place in Korea was that for the first time in the postwar years the surge of communism was stopped and a line was drawn. The President of Korea said that this was the start of the falling of the Berlin Wall. Sure, that came many years after, but this was what started it all. So it made it all seem very, very worthwhile.

So, Mr. President, I urge all who do have an opportunity to avail themselves of the opportunity to visit that memorial. There is an eeriness to it, but I think that is correct. I think it will bring back for those who have been to Korea many memories, and for those who have not, it will bring to their attention the fact that more people lost their lives in Korea in those short 3 years, than did in the entire Vietnam war, which lasted some 10 years. And I think it is so fitting that at last we do have a memorial for that war.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator from Rhode Island leaves the floor, I would like to say a few words. I was just passing through the Chamber when I heard the distinguished Senator from Rhode Island speaking.

I had on my schedule to go to the ceremony today, but there was a full Appropriations Committee markup of two bills, so I was unable to do that. But I think it would be wrong if I did not say something about my feelings toward the Senator from Rhode Island based upon his experiences as a marine in both the Second World War and, of course, the Korean war.

I have expressed briefly to the Senator on another occasion the experience I had of reading a book. I was Lieutenant Governor of Nevada, and during the time that I was Lieutenant Governor, the Governor of Nevada, Mike O'Callaghan, was a Korean war veteran who lost a leg and was severely wounded in other ways. Governor O'Callaghan was also my high school government teacher. So, I had a tremendous curiosity about that war. And I saw a book review of a book on the Korean war called ''The Coldest War.'' It was the first real definitive work on the Korean war, written by James Brady, a reporter for Newsweek magazine, who was also a marine in Korea. It was a wonderful book talking about the coldest war.

The hero of the book was JOHN CHAFEE, a captain in the Marine Corps during the Korean conflict. And James Brady, who still writes for Newsweek, could not cover his respect and admiration for his superior in that war, JOHN CHAFEE. And I would recommend to all the Members of the Senate to read that book about the Korean war.

It is important that there has been attention focused on this conflict as a result of our dedicating that memorial today. It is a war that a lot of us do not understand what a difficult war it was. In Korea, 1 out of every 9 men that went to Korea lost their lives; in the Second World War, 1 out of 12; the Vietnam conflict, 1 out of 19. It was a place where, if you pick a place not to have a war, you would go to Korea where they fought the war. It was these very big mountains, coldest weather you can imagine.

So, I say to my friend from Rhode Island that, on behalf of the U.S. Senate and the people of America, I extend my appreciation to you. You are what is good represented in this country. You have dedicated your life to public service. You have dedicated your life on two occasions to serving your country in uniform. And you did it very valiantly, for which I am and the rest of the American public are grateful.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Nevada for his very generous comments. I appreciate those. I would say that it was very nice of Jim Brady to say the things he did about me in his book. But, as in all circumstances, there are plenty there who did a lot more than I did.

So, again, I thank my good friend from Nevada, whom we are very privileged to have on the Environment and Public Works Committee. It is an interesting book. It does portray, I think, so well the harshness of the climate, which the Senator from Nevada just talked about. And that was brought home in statues that are there of these figures. These figures are not marching smartly forward. They are covered with their ponchos. They are trudging with their heads down. I was there today looking at it. And if there is one thing I must have said 1,000 times—when you have these units, you say to them constantly, ''Don't bunch up. Don't bunch up.'' There is something about marines when they are marching. They want to get together. And of course, that increases the chances of more people being injured when mortars and artillery come along. So you try to keep them spread out. And I could see myself saying to these groups, ''Don't bunch up.'' I will say this, the figures were apart. But I could just hear myself saying, ''Spread out. Spread out.'' So they are fairly

well spread out. It is a very moving memorial. Again, I urge everybody to go down and take a look at it when they can.

I thank Senator REID for his kind comments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while my friend from Rhode Island is on the floor, I, too, was stuck here and could not get to the dedication of the memorial this afternoon. I felt terrible not being able to be there because I really had planned to be there and wanted to be there. One of the reasons I wanted to be there was because of our colleagues who fought, for whom I have such enduring respect. And as that memorial reminds each of us of the sacrifices of those who fought in Korea, we also have to count our blessings for those who survived Korea. And one of those blessings is JOHN CHAFEE.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Well, Mr. President, I did not start this. I did not start this this afternoon, for this particular reason. But I do want to thank the distinguished Senator from Michigan for his very, very kind comments. And I appreciate it. Thank you, 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.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes as if in morning business.

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

FEDERAL FUNDING FOR THE ARTS AND HUMANITIES

Mrs. HUTCHISON. Mr. President, Senator BOB BENNETT and I introduced a bill yesterday that 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 humanitiies funding. But past experience has shown clearly that the role of the Federal Government in artisitic 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 Tiananmen Square in 1989 who created a statue of freedom in the likeness of out 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, sometimes we 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 up 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. Six would be chosen by the Senate, six by the House, and six by the President.

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 of 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.

It is very important that we go into our schools, and have an appreciation shown for our young people in the arts and our American culture. Humanities and museum activities would be covered by our bill. We put special emphasis on communities which for geographic or economic reasons cannot otherwise sustain arts, and 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. Arts funding goes to institutions and organizations not individual artists.

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.

I ask unanimous consent to have printed in the RECORD an editorial from the Abilene Reporter-News that talks about the importance of keeping

arts funding for our smaller communities like Abilene, TX. It is very important that we be able to have an opera in Abilene, as we have had in the last 2 weeks, an artwalk that has been a great boon to the cultural prospects of a great city like Abilene.

This happens all over America, Mr. President, and I do not want that cultural enlightenment that we have put into our smaller cities to die, and that is why Senator BENNETT and I are trying to make a significant contribution to keeping what is good about the arts funding and our American culture while not allowing the obscenities that have turned our taxpayers off of these other good projects.

I thank the Chair, and I yield the floor.

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

[From the Abilene Reporter-News, July 27, 1995]

HUTCHISON WEIGHS IN ON BEHALF OF THE ARTS

House Republicans have been jumping on the philistine bandwagon, but Sen. Kay Bailey Hutchison thinks there's a better route to follow than the one that sends funding for the arts careening over the cliff.

She's right, and she has a sound plan for how to accomplish it.

The House has voted to cut the National Endowment for the Arts by 40 percent in fiscal 1996. House GOP leaders have agreed to fund the NEA only for the next two years and promise to try to terminate the agency after that.

Republicans in the Senate, however, have shown more awareness of the value of the arts, both economically and socially, to local communities throughout the country. A bill by Republican senators Nancy Kassebaum of Kansas and Jim Jeffords of Vermont that would cut the NEA by a more modest 25 percent over five years was passed last week by the Senate Labor and Human Resources Committee.

Hutchison's bill is an improvement over that one.

She would consolidate the NEA with the National Endowment for the Humanities and the federal Institute of Museum Services. During so would eliminate bureaucratic duplication of agencies so similar in scope that they often operate in conjunction anyway and would allow their funding under a new umbrella entity to remain at current levels for the next five years.

Furthermore, the key element of Hutchison's measure would direct 60 percent of all NEA and NEH funding to states in the form of block grants. This distribution would put the arts closer to the people of middle America who stand to benefit the most from it and drastically reduce the likelihood that nationally funded projects would turn out to be objectionable to most average taxpayers.

Hutchison's block grant idea would be especially good for Texas, which now ranks at the bottom in state spending for the arts. According to the National Assembly of State Arts Agencies, Texas spends a paltry 18.5 cents per person a year on the arts, whereas the national average is 99.14 cents. Hutchison's bill would give the arts in Texas a huge boost by requiring a certain amount of federal money to be spent here.

As the Texas senator said in announcing her proposal, arts are the thread of civilization and the fabric of society. Everyone who turned out for this month's Artwalk downtown or attended the Abilene Opera Association's magnificent production of ''La Traviata'' knows the arts bring something beyond mere entertainment to a community that cannot be achieved in any other way. If we don't support the arts, we're letting go of civilization's thread and tossing society's fabric in the trash.

Hutchison deserves a lot of credit and enthusiastic support for bucking the popular but misguided trend in her party to gut the arts and for instead committing herself to the programs and the values that her constituents will gain the most from.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

CONGRESSIONAL GIFT REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1061, and that Senator MCCAIN be recognized to offer his substitute amendment, and there be 1 hour for debate on the substitute to be equally divided in the usual form, and it be subject to the following first-degree amendments, with no second-degree amendments in order and no amendments to the language proposed to be stricken, with all first-degree amendments limited to 1 hour to be equally divided in the usual form if that much time is needed: A Byrd amendment, sense of the Senate on the judiciary; a Rockefeller amendment with regard to gift rules; a Brown amendment regarding blind trust and reporting; one amendment on spouses by Senator DOLE or his designee; one amendment on charitable trips by Senator DOLE or his designee; one amendment on definition of friendship for Senator DOLE or his designee; one amendment on the limit involved in the gift rule issue by Senator DOLE or his designee; one amendment on events by Senator DOLE or his designee; one amendment by Senator WELLSTONE regarding gift rules limits; and one amendment from Senator DOLE regarding gift rules.

I further ask that following the disposition of the above listed amendments, there be 1 hour equally divided for debate only, the Senate proceed to vote on the substitute, as amended, if amended, to be followed by third reading, if applicable, and passage of the gift rule measure, all without intervening action or debate except as provided for in the unanimous-consent agreement.

Mr. President, I would like to say this has been discussed by all the various parties that have been involved in this effort. It has been carefully reviewed by the leadership on the Democratic side of the aisle, and I believe that this is an agreement that we can go with and get this job done.

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I tried to follow him very closely. At the third line from the bottom of the unanimous-consent agreement, ''* * * disposition of the above listed amendments, the Senate proceed''——

Mr. LOTT. We added at that point, ''there be 1 hour equally divided for debate only.''

Mr. FORD. There be 1 hour for debate equally divided between the two leaders. That is it.

Mr. LOTT. That is right.

Mr. FORD. OK. I just wanted to be sure—we worked so hard on this—that the language was correct. We penciled in a couple things here.

We have no objection and look forward to the debate.

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

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I might say for the information of all Members now that we have this unanimous-consent agreement, we are ready to go ahead with the debate. I see Senator MCCAIN is ready. We hope to continue to work on some of these amendments and hopefully all of them will not be necessary. We will try to dispose of them as expeditiously as we can.

With regard to what time will be used tonight and whether or not there will be votes tonight, we do not have any order on that at this time. We just need to proceed, and as soon as an agreement is reached on that, we will certainly let the Members know immediately.

I yield the floor.

AMENDMENT NO. 1872

(Purpose: To provide for Senate gift reform)

Mr. MCCAIN. Mr. President, I have an amendment in the nature of a substitute at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, and Mr. GRAMS, proposes an amendment numbered 1872.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. Debate on the amendment will be limited to 1 hour equally divided.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Mr. President, the agreement that we have crafted after many, many hours of discussion and debate is one that is very emotional. I do not know of an issue that arouses more emotion in the Members than one that has to do with modification of the lifestyle of the Members of the Senate.

I believe there is a recognition on the part of all in this body that we are expected to live as all of the citizens in

this country live. At the same time, there is also an appreciation that there are certain aspects of our lives as Senators that are different.

This amendment, the substitute, this compromise, has been carefully crafted to respond to the American people who expect us to live as they do and at the same time I hope takes into account in very small ways the fact that many times our spouses are with us, there are many times where we are at an event where someone hands us something, there are times when we are given out of appreciation a plaque or something of that nature which is worth a significant amount of money. But at the same time the American people do not want us to be going out and being wined and dined by people who have an interest in legislation before us.

This compromise would not be possible without the efforts of people who represent a broad spectrum of opinion on this issue. Senator LEVIN and Senator COHEN have certainly been the leaders on this issue. They have worked on this issue for years and have brought forward I think a piece of legislation that is very important. My friends, Senator WELLSTONE and Senator FEINGOLD, have labored hard on this issue and they bring to this body in my view a desire to make sure that the American people look on our work and our activities as those of which they can approve.

Senator LAUTENBERG and Senator KYL have also been very helpful.

I would like to say a special word about my friend from Kentucky, Senator MCCONNELL, who has tried very hard and I think largely succeeded in representing the views of the majority of the Republican Conference. Senator MCCONNELL also has been one who has sat in on hundreds of hours of meetings and who has in many ways contributed enormously to this final product. I appreciate his efforts. Not many people are willing to do the work that Senator MCCONNELL has done for the rest of the Members on this side of the aisle.

So there were many as short a time ago as a week who believed we could not come up with a broad agreement. There are also, as in the unanimous-consent agreement, items that are in disagreement and on which votes will be taken.

It is not clear, depending on the outcome of those amendments, whether final passage would be approved of or not, depending on the result of those amendments. My friend, Senator WELLSTONE, and Senator FEINGOLD have very strongly held views. They have articulated them on this floor and in many other forums throughout America.

Anyway, Mr. President, I am proud of what we have done. I hope that it emerges largely intact after we finish the amending process.

Now I would like to give a brief description of the compromise and then move on as rapidly as possible to the amending process.

Mr. President, I want to clarify the record and explain exactly what this amendment does and what it does not. It amends the rules of the Senate as follows: It mandates that the Senate, as mandated by the Constitution, have sole discretion to enforce its own rules.

It prohibits Members, officers and employees of Congress from accepting any gift over $20 in value. The total value of all gifts received annually from any one source shall not exceed $50.

Now I ask my colleagues, if there is one message from this entire compromise as I lay it out, fundamentally it is the same rules under which the executive branch has had to function for nearly 20 years. I want to repeat. The executive branch basically functions under almost these same rules, and they have been able to do it—obviously with some pain and difficulty. But I believe that if they are able to do that, we are, too. The bill applies equally to lobbyists and nonlobbyists and in-State as well as out-of-State.

Gifts are defined as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, meal or food, or any item of monetary value.

A gift to a spouse or dependent is considered a gift to the Member or employee if there is reason to believe that the gift was given because of the official position of the Member or employee.

However, the bill states that when a Member and his or her family is accepting a meal or food from a nonfriend, that only the meal of the Member counts toward the gift limits. The Senate correctly cannot control the lives of our family members, and this amendment continues that tradition.

The bill exempts:

Meals and food for family members.

Gifts to a Member from a family member.

Gifts from a personal friend.

Gifts of personal hospitality not from a lobbyist.

All lawful campaign and political contributions.

Anything for which the Member pays market value.

Pension and other benefits provided by a former employer.

Contributions to legal defense funds, except by lobbyists.

Informational materials, including books, articles, magazines, or videotapes; competitive awards or prizes; honorary degrees; commemorative plaques and trophies and any item intended solely for presentation; and official training.

Gifts from another Member, officer, or employee.

Specific exemptions for permissible travel and charitable events/dinners as follows:

Travel, food, and lodging where such benefits are customarily available to noncongressional employees and totally unrelated to the individual's official duties.

Activities provided by a political organization in connection with a political fund-raiser or campaign event.

Food, meals, and attendance, but not travel or lodging, directly associated with the charity event in which the Member is substantially participating. I want to repeat that. Food, meals and attendance, but not travel or lodging, directly associated with a charity event in which the Member is substantially participating.

Food, meals and attendance at widely attended conferences and forums in which the Member or employee participates and is appropriate to official duties.

Reimbursement for travel to a speaking engagement, fact-finding trip deemed to be within the purview of official business. Substantially recreational activities are not official business. I repeat, substantially recreational activities are not official business.

Exempts transportation, lodging, and related expenses for necessary, official travel, with the following qualifications:

Travel period shall not exceed 3 days within the United States or 7 days outside the United States unless approved by the Ethics Committee.

Expenses must be reasonable.

And recreation or entertainment cannot be paid for if it is not provided to all attendees regardless of congressional employment.

This substitute requires travel and expenses for official travel that is reimbursed by a noncongressional entity be publicly disclosed.

The substitute also contains certain specific prohibitions on lobbyists:

Contributions to legal defense funds of Members made by lobbyists are banned. All other contributions to legal defense funds are completely allowable.

Contributions to an entity or foundation controlled by or administered by a Member, officer or employee of Congress or their family members are banned.

And contributions by lobbyists for retreats are banned.

The substitute also requires Members, officers, and employees of Congress to report on donations given in lieu of honoraria to a charity designated by the Member, officer, or employee.

Lastly, the resolution states that the provisions of the bill shall be solely enforced by the Senate Ethics Committee. The committee is also expressly authorized to issue such guidelines as necessary for the implementation of this rule.

Mr. President, some have mischaracterized this amendment stating that it will allow the Department of Justice to constantly bring charges against Members of Congress if a Member ate one doughnut over the $20 limit. This is simply not true. Again, I want to note the bill states:

All the provisions of this Act shall be solely enforced by the Senate Ethics Committee.

Mr. President, except for some minor exceptions, this proposal is primarily the rules under which the executive branch operates. And for all the cries that we cannot live under these rules, the staff of the executive branch has and does. And I have yet to see a request from the President or the White House Chief of Staff or a Cabinet Secretary asking that the Congress liberalize their gift rules.

I have also heard Members talk about the fact that you cannot compare the legislative and executive branches because the Members of Congress receive so many more gifts. I am sure we do. But I believe we receive countless more gifts not because of the nature of the office, but because we have liberal gift rules and the executive branch has stringent rules.

Mr. President, this bill in no way should be interpreted as a condemnation of Members of this Senate. I do not believe that gifts and meals have in any way unduly influenced Senators or their staff. But there is a perception held by the public that we receive too many gifts and that the practice should be reformed. And I believe this compromise before the Senate will accomplish that reform.

Let me also point out that the rules change we are proposing is not so radical as to prevent the Senate from doing its business. Senators should travel around their States and meet their constituents. If a constituent is having a barbecue, it is appropriate for a Senator to have a hot dog or a hamburger.

But we do not need tickets to lavish balls to do our jobs. We do not need $100 gift baskets to do our jobs. And we do not need unlimited, expensive free meals to do our job.

The proposal will allow staff and Members to accept gifts that cost no more than $20. I believe this is a realistic limit.

Additionally, the bill allows Members to accept any item that is commemorative in nature such as a trophy or plaque or any item intended solely for presentation. Therefore, a model ship or commemorative football jersey that might be presented to a Member would be allowed.

The resolution also allows Members to attend charity dinners and have the cost of the dinner and the ticket paid for by the event's sponsor. It would be ridiculous to have a Member speak at a charity dinner and be forced to refuse to eat. This would allow the Member to participate in the event and eat the meal.

Mr. President, I want to note that in Arizona, the Governor and the legislature is limited to acceptance of gifts that cost $10 or less. To be sure, Arizona legislators are lobbied. They need to meet their constituents. The Governor has to go to events and meet Arizonans. And they all live, function, and do their job under more stringent rules than we are proposing here today.

Some say we need gifts such as expensive lobbyist lunches so that we may be more informed on the issues. On behalf of the State legislators in Arizona, I will attest that they do an exemplary job and are extremely informed and do it with a gift ban in place.

Many of my colleagues served in State legislatures before they came here. They know that the work that those legislators do is just as difficult as the work we do. If they can live with tight gift rules, if the executive branch of the Federal Government can live with tight gift rules, then so can we.

Mr. President, there is simply no legitimate reason not to reform the Senate's gift rules. As I have noted, the proposal we have offered both reforms our gift rules while establishing a new set of rules that will allow us to fully function in our jobs. It is a reasonable, bipartisan approach to this issue.

Mr. President, it is not very often that I express openly my appreciation to members of the staff. Perhaps that is an oversight on my part from time to time. But I would like to acknowledge the efforts of Peter Levine, Linda Gustitus, Andy Kutler, Colin McGinnis, Suzanne Martinez, Robin Cleveland, Kyle McSlarrow, Melissa Patack, and Mark Buse, who have literally labored long and hard for a long period of time on this very important issue.

Mr. President, again, I want to extend my deep appreciation to so many people who have taken part in this effort. No one will receive a sufficient amount of credit, and no one can overstate the difficulty and the emotions surrounding an issue such as this.

I am very pleased that we are able to come to a general agreement, and we will, hopefully within some hours of debate and voting, be able to come to a conclusion of this very difficult issue.

Mr. President, I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). Who yields time?

Mr. MCCAIN. I yield myself 10 seconds. If the Senator from Colorado is agreeable, I would like to allow the Senator from Wisconsin to make opening remarks before we go into the amendments; is that agreeable with the Senator from Colorado?

Mr. BROWN. Sure.

Mr. MCCAIN. Mr. President, I yield whatever time the Senator from Wisconsin may use.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona. Let me also now extend my appreciation as well to the staff of all the Senators who have put in an enormous amount of time on this over the last year and a half.

I want to take a couple moments to single out and congratulate the senior Senator from Arizona, Senator MCCAIN, for what I see is a tremendous effort in bridging the differences of those of us on both sides of the aisle who do favor strong and meaningful gift reform legislation. I think it has been really an extraordinary display of bipartisan leadership. I am grateful for it and hope it will bear fruit in the next few hours.

I am pleased this legislation has the support of not only my good friend from Minnesota, Senator WELLSTONE, and Senator LEVIN from Michigan and Senator LAUTENBERG from New Jersey, but also the support of several Members on the other side, including some of the freshman Members who clearly came to town in 1994, just as many of us did in 1992, with a mandate to clean up business as usual and put an end to the outrageous practice of providing literally thousands of free gifts and meals and trips to Members of Congress.

As the Senator from Arizona has pointed out, this compromise proposal really makes only a few changes to the original Levin-Wellstone legislation, and he has outlined it well. But let me just reiterate a couple of the points.

First, Members can no longer accept a gift, whether it is a meal, concert tickets or gift certificate, that is valued at more than $20. Gifts valued below this amount will be aggregated so that Members cannot accept more than $50 from any one source in a calendar year. This is patterned almost word for word after the rule that has been applied for many years to the executive branch of our Government.

There was a concern expressed that the notion of aggregation, having this overall limit, would mean that Senators might be forced to keep overly detailed or meticulous records of virtually every gift they receive, whether it is a $15 meal or a hot dog or baseball cap. I question how hard that is. I think it is better just to say no, but I think we have solved this problem, to the extent it exists, by requiring Senators to make a good-faith effort to comply with the provisions of the bill.

This also solves the ''gotcha'' problem. That is, if a Senator accidentally crosses over the $50 threshold or somehow accidentally undervalues a gift by a dollar or two, that Senator would not be in strict violation of the new Senate rules.

By relying on the good faith of Senators to comply with this new rule, we have addressed the concerns of those who may object to strict recordkeeping requirements and the concerns also of those who believe we should do all we can to ensure that Senators do not accept from now on more than $50 in gifts from any one source in a calendar year.

In addition, the new compromise will make it clear that if a Member elects to attend a charitable event and pays all the travel and lodging expenses out of his or her own pocket, the Member will be able to participate in a meal for free as part of that charitable event.

I do not think it is necessary, but, obviously, why would anyone pay for all the travel and lodging in order to simply get a free meal? I think it will

certainly take care of that. We believe it was allowed under our original legislation, but we have clarified it to take care of concerns of some of the Members. It takes care of the lion's share of this issue.

The bipartisan coalition that has thrown its support behind the proposal takes the view that although they favor the tough gift limitations consistent with the Levin-Wellstone legislation, they believe that the Senate will be better served by a gift rule applied simply and equally, whether you are talking about lobbyists or nonlobbyists, or whether you are talking about something that happens in Washington or in a Senator's home State.

We have met this concern with this compromise. I tend to agree with my colleagues on the importance of simplicity in terms of such a rule. I came from a legislative body in the State of Wisconsin that practically does not allow anything of value from anyone, not even a cup of coffee. That simple but strict rule has been enormously successful for over 20 years and has not led to the bureaucratic complications and starving-legislator scenarios that a few people have suggested could come out of reform.

I adopted a zero-tolerance policy in my office. We simply keep a log of the gifts the office receives, and it has been contained—there are over 1,000 entries—in this red binder in the last 2½ years. Most of the items we either donate to charity or to the State of Wisconsin. Other items we discard.

As I said, the rule has been incredibly successful for one simple reason: It is easy to understand. I certainly understand where my colleagues on the other side are coming from on this issue. I believe we have made progress on this compromise in terms of getting a straightforward and easy-to-understand gift rule.

Many of those involved in this bipartisan compromise believe the Senate should have the same gift rules as the executive branch. Again, this argument has a lot of appeal to it. After all, a Cabinet Secretary certainly receives as many gifts and is invited to as many speaking engagements as a Member of Congress. If the Cabinet Secretary can live under the $20 and $50 thresholds, I do not see why a Member of Congress cannot do the same.

Again, many of the parties involved in these negotiations raised a valid concern, and we have appropriately addressed that concern in this compromise.

But Senators should know one thing about the compromise. Though it does allow some gifts from the lobbying community that the underlying legislation did not allow, the bipartisan substitute we put forth is a significant departure from current Senate rules and will have a profound and historic impact on how this body interacts with the lobbying community.

It will change the way business is conducted in Washington in a significant way. The $20 de minimis rule may not be what I prefer. I made it clear that I think the zero Wisconsin rule is the best reform, and I hope we move to it one of these days. But this substitute, offered by the Senator from Arizona and others, will end the possibility of one special interest group putting forward steak dinners and fine wine and cart loads of gifts that can now be showered on people elected to the Senate.

That is a very important step forward, and I am pleased to join in supporting this proposal. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. McCAIN. Mr. President, will the Senator from Michigan yield some time to the Senator from Minnesota?

Mr. LEVIN. I will be happy to. Who controls time and how much is left?

The PRESIDING OFFICER. There are 30 minutes controlled by the Senator from Michigan and 7 minutes and 55 seconds remaining for the Senator from Arizona.

Mr. LEVIN. I will be happy to yield. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. How much time does the Senator have?

Mr. LEVIN. Thirty minutes.

Mr. WELLSTONE. Mr. President, this gift ban reform has been perhaps, at least in my 4½ years here, one of the most debated and scrutinized pieces of legislation. I will be very brief. Five minutes will do.

Mr. LEVIN. Does the Senator from Michigan have 30 minutes?

The PRESIDING OFFICER. There are 30 minutes reserved in opposition that has not been used, and there are 7 minutes and 55 seconds remaining allocated to the Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Michigan control the time in opposition.

Mr. LEVIN. Reserving the right to object, and I may object, since I am a cosponsor of the amendment that is being offered, the substitute, I do not feel that I am in a position to yield time in opposition.

Mr. McCAIN. Mr. President, let me retract my unanimous-consent request and yield my 7 minutes to the Senator from Minnesota, and perhaps we can hash out what happens with the other 30 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7 minutes and 55 seconds.

Mr. WELLSTONE. Mr. President, I thank the Senator from Arizona, but I want him to know he will have 6 minutes. I am going to use 1 minute because I would like for him to do the summation.

I was worried, because for a moment, I thought I would have to, in the spirit of honesty, step forward and say I am not speaking in opposition to it. I have been working on this for a long time.

Mr. President, I just want to say, during my time in the Senate, I have found the discussion that we have had with the Senator from Arizona to be just really interesting. As a political scientist, that is the way I would put it, very interesting.

I think we have come together with a really good bipartisan reform effort. I think that all of us feel very good about it. As the Senator from Wisconsin said, it is significant, and it is a very significant message to people in the country that we are going to change the way in which we conduct business here. And so I wait for the debate on the amendments, and I think we will have some very spirited debate.

I feel very good about this piece of legislation now on the floor of the Senate. I thank the Senator from Arizona, and certainly the Senator from Michigan, the Senator from Wisconsin, the Senator from New Jersey, and the Senator from Maine. We have a lot of people that have worked hard on this. I believe the Senate can do itself proud and support this strong reform initiative. I will wait for debate on the amendments before becoming more engaged in the discussion.

Mr. McCAIN. Mr. President, I yield myself 30 seconds. I thank Senator WELLSTONE, who has worked at this for a long, long time. We have a good relationship, and I appreciate his dedication to the cause.

I yield my remaining time to the Senator from Maine.

Mr. COHEN. Mr. President, I wanted to take the floor this evening to offer my commendation to the Senator from Arizona, the Senator from Michigan, the Senator from Minnesota, the Senator from Wisconsin, and others who have worked for many days trying to arrive at a consensus which would enjoy bipartisan support.

This is not a subject matter which has been easy to deal with. There are Members who feel that the Senate is going too far, that the so-called gifts that are given to Members of the Senate are insignificant in nature. Many Members feel that gifts do not have any sort of impact or influence upon their independent judgment.

I believe that to be the case. The problem has always been the perception on the part of the American people. We know that we do not enjoy a high level of confidence. Perhaps it has been our fate as politicians to suffer those low ratings. I cannot recall, historically, when those who are public officials have ever enjoyed long, sustained periods of public approval. I think there have been, historically, peaks, but mostly valleys. Peaks have occurred when there have been moments of great debate.

I can recall during the time of the impeachment proceedings, well back into the 1970's, when I think people were impressed with the quality of the debate that took place during that

very trying time. Another such moment was during the debates on the Persian Gulf war here in the U.S. Senate when the American people who were seriously divided over the issue looked upon us. I think they were quite impressed with the quality of the debate on both sides of the issue. They felt that the democratic system truly was fulfilling its promise. Perhaps there have been a number of other moments when the public has looked upon the deliberations here in this body and in the other body and have come to the conclusion that we are measuring up to our responsibilities.

The difficulty, of course, is that those peaks are usually followed by very deep valleys. It is from the depths of one of those valleys that we are trying to climb to achieve a level of public confidence.

I am not persuaded that any individual thing that we do will ultimately sustain that public confidence. But I think we have an obligation to try to achieve it. In my own view, I think we will not arrive at the higher levels of confidence until such time as we deal with the major issues confronting this country. First and foremost, we must deal with balancing the budget, and do so in a way that does the least amount of injury to the most vulnerable citizens in our society. Another issue is determining which level of government, be it Federal, State or local, that should be involved in various issues that impact upon our citizenry. These, ultimately, are going to be the types of issues on which we will, hopefully, raise our level of respect in the community.

But, in the meantime, I think this particular legislation is important because the perception is that the legislative process is being unduly influenced by individuals, groups, or lobbyists who have undue control over the outcome of our deliberations.

I simply wanted to take the floor this evening to commend my colleagues for seeking to arrive at what we believe to be a fair resolution of the issue.

As Senator MCCAIN has indicated, his proposal, rather than the underlying Levin-Cohen-Wellstone proposal, adds a degree of, No. 1, uniformity, and No. 2, simplicity and clarity.

I wanted to simply commend those who have been involved in the painstaking negotiations that have helped us arrive at this position.

I reserve the remainder of my time.

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

Mr. President, I ask unanimous consent that since all time has not been yet used on the substitute that I be allowed to speak for 5 minutes.

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

AMENDMENT NO. 1873

(Purpose: To amend the Standing Rules of the Senate to require Senators and employees of the Senate to make a more detailed disclosure of the value of certain assets under title I of the Ethics in Government Act of 1978)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1873.

Mr. BROWN. 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 appropriate place in the amendment, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

''(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000, or

''(2) greater than $5,000,000.

''(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000;

''(2) greater than $5,000,000 but not more than $25,000,000;

''(3) greater than $25,000,000 but not more than $50,000,000; and

''(4) greater than $50,000,000.

''(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or 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 section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

''4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

Mr. BROWN. Mr. President, this amendment is precisely the same amendment that was considered and approved on the lobbying bill. What it does is, it incorporates two amendments that I had drafted and filed earlier on—one dealing with eliminating the loopholes on the disclosure provisions, and one eliminating the loophole on the blind trust.

They are specifically this. One, in new categories to report the value of assets. As our rules stand now, assets may be valued at $10 million, $50 million, or $100 million, but would only show up as being over $1 million. This adjusts the categories to allow a fuller disclosure.

It includes an amendment on the disclosure of the value of a blind trust. Our rules now provide for a blind trust reporting the total cash value to the beneficiary, but do not provide for that to be reported on the disclosure forms. This changes that and would provide that if indeed the trust instrument provides for the total cash value to be reported to the beneficiary of the trust, that beneficiary member would end up reporting that. My understanding is that this has been cleared on both sides.

I will yield the floor, Mr. President, and I will ask for a vote.

Mr. MCCAIN. Mr. President, it is my understanding that the Republican and Democratic leader would like to dispose of more amendments tonight. I urge those under the unanimous-consent agreement to come over so that we can do that.

The PRESIDING OFFICER. Is there further debate on the BROWN amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1873) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 1872

Mr. KYL. Mr. President, I rise in support of the McCain amendment. I served in the U.S. House of Representatives on the Ethics Committee. In that capacity, I came to see situations develop, over time, which were very difficult to deal with, to understand why a Member would have gotten into trouble, to try to deal with the gray areas that sometimes attend the rules under which we try to do our business.

It is one of the experiences which caused me to support the efforts of JOHN MCCAIN and others to try to bring this into a document, to codify it so

that Members would know what was appropriate and what was not—at least what we allowed and would not allow by our rules. That is why I think this is a very useful exercise.

I want to compliment my colleague from Arizona, Senator MCCAIN, for his efforts in this regard. I heard him give a speech one night about duty, honor, and country. It was the ''honor'' part that has motivated JOHN MCCAIN throughout his career, and it is what motivates all Members here tonight, to try to develop a code of conduct under which we cannot only operate free from allegations that undue influence has been brought to bear upon us, but to operate in a way that the American people accept as appropriate to the high office which they have entrusted to Members.

In our Government, if the people do not have confidence in their representatives, the Government and the people are not well served, because the people, then, end up distrusting the very people they have asked to make decisions for them, to represent them. A democracy, I suggest, could not long exist in that situation.

It is up to the Members to earn the public trust. To do that, we have to conduct ourselves in a way that is above reproach. That is what the stronger ethics rules would provide, to make it crystal clear that there is certain conduct that simply is not acceptable.

Much of it focuses on the acceptance of gifts, because the public does not understand why, simply because we were elected to an office, that we are somehow entitled to receive gifts. These rules will not prohibit Members from enjoying friendship with those who are our friends, from having a meal with a friend. However, it will prevent Members from being feted with gifts which we all know are really designed to achieve one purpose, and that is for the people who have business with the Congress, to gain our ear.

We are not talking about the kind of gifts that we know are given from the heart, when the 4–H kids come in and want to give Members a cup. We all accept that proudly. It would be horrible if we could not accept that which the kids are proffering. It means a lot to them, so it means a lot to the Members. That is not what we are talking about.

When lobbyists invite Members someplace and want to treat Members to rounds of golf and those sort of things, even though we may justify it or rationalize it, the fact is, it is not good. We are not entitled to be feted in this fashion just because we were elected to public office. And it looks bad. Is it any wonder that the people lose confidence in Members?

That is the kind of thing that these rules are designed to stop. Most Members realize in our hearts the difference between those things that we can accept and not have it affect what we do here in any way, on the one hand; yet, on the other hand, those kinds of things that are the subtle, little attempts to influence Members or do favors for Members just because of who we are, by people who want to influence our actions. We understand those differences.

Therefore, we can make these rules work in a way that will make our constituents pleased with their representatives. That is what is behind this legislation.

Again, I want to compliment all of those, both on the Republican side and on the Democratic side of the aisle, for their willingness to compromise.

Finally, Mr. President, I want to take 30 seconds to compliment Senator MITCH MCCONNELL. He is chairman of the Senate Ethics Committee. Because of his strong leadership, we have been able to bring together all of the disparate elements, to come together to a compromise. Without that capability, I do not think we would have compromised.

My hat is off to the chairman of the Ethics Committee, and to the sponsor of this bill, Senator MCCAIN. I think tonight and tomorrow, Mr. President, the Senate is going to do the right thing in adopting the McCain amendment.

Mr. LOTT. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Mississippi has 25 minutes remaining. That is all the time remaining.

Mr. LOTT. I yield whatever time is needed to the Senator from Kentucky, say, 10 minutes.

Mr. MCCONNELL. I thank my friend from Mississippi, and I appreciate the kind words of the Senator from Arizona, Senator KYL.

Mr. President, I got interested in this issue before the Members tonight, as chairman of the Ethics Committee. The occupant of the chair is also a Member of that committee.

We both know that we periodically get gift waivers, very legitimate gift waivers, under the current rule in which we operate. The whole question of what is an appropriate gift to a public official is a good deal more complicated than I expect many people out in America would conclude. Our line of work is really different in many ways from the executive branch.

Everyone, I think, has their favorite gift story. My friend and colleague from Kentucky, I read in the paper, was talking about the country ham which is a traditional gift in Kentucky—not just to elected officials, but to lots of other people.

I suppose if I had to pick, Mr. President, my favorite one, it would be R.C.'s and Moon-Pies. Every time I go to Liberty, KY, I have a friend down there who always kids me about being from the big city, Louisville. She is convinced that I did not know what R.C.'s and Moon-Pies were. She did not know when she first started extending this great gift that I started my life in a very small town and knew exactly what R.C.'s and Moon-Pies were.

In fact, what the people around the town square did was open up the Coke and pour in peanuts. Sort of a two-for—drink the Coke and eat the peanuts at the same time. I am familiar with R.C.'s and Moon-Pies.

I cite this to illustrate the point that when you are in the public sector and you are dealing with constituents, it is quite common for people to offer you some gesture, sometimes as a joke, sometimes out of admiration. I expect some Members even get things periodically out of a sense of condemnation. But the dealing with our constituents and the exchange of gifts in a completely harmless way is very, very common in our line of work.

What we have before the Senate is a substitute, artfully put together by a variety of different, disparate interests here in the Senate, that I think can successfully accommodate the natural social intercourse that goes on between elected officials and their constituents.

I must say, Mr. President, just like when we began the lobbying debate earlier, who would ever have thought we would have managed to work out our differences and come together on such contentious matters. Of course, the lobbying proposal ended up passing 98–0 after many of its objectionable features were removed.

What has happened here is a result of the efforts of Senator LOTT, Senator MCCAIN, and many Members on our side of the aisle, as we have worked on this legislation, refining it in trying to come together in the best legislative sense. I think that what is likely to happen here is that at the end of the process, after there are a few amendments, we will have a largely bipartisan gift reform bill that will pass the Senate. I think it will pass in the best sense by a bipartisan effort.

Senator MCCAIN has played a critical role in bringing the diverging sides together. I think it is safe to say without his effort, this largely would not have been possible.

What we have been able to do here, it seems to me, Mr. President, is bring about meaningful gift rule reform without creating a morass of ethical trip wires over which not only our constituents would stumble, but ourselves. I think we have been able to avoid that.

Let me just tick off, as others have, some of the principal points of the McCain substitute. This is a Senate rule, Mr. President, not a statute. I think that was a critically important step to take.

The Senate has the responsibility for taking this action and of policing its own. This is a Senate rule, not a statute. There are no criminal penalties, Mr. President, for outsiders who trip over gift restrictions. We do not want to criminalize this area.

One important improvement, Mr. President, actually an improvement over current law, in my view, is that spouses of Members are not covered.

That is an improvement over the current law. And the reason that is important is that many Members of the Senate are married to spouses who have very active careers, have their own friends, their own interaction with others. The current Senate rules under which we operate do, it seems to me, in several ways unnecessarily and improperly burden people who are not Members of the U.S. Senate. They are not elected officials. So the McCain substitute is actually an improvement, in my view, on current law in terms of recognizing the independent status and nature of the careers of the spouses of many of us who serve here in the Senate.

The good-faith requirement in the McCain substitute promotes compliance while eliminating what could best be called the gotcha problem—the gotcha problem, with the kind of inadvertent violation of the gift limit.

We are working toward a reasonable exemption for personal relationships, allowing Members to continue to have friends at home and in Washington. I want to elaborate on that just a minute, Mr. President. Just because we are Members of the Senate does not mean we cannot have friends like everybody else; regular friends who are not engaged in either gift giving or meal taking with us because they are trying to get us to do something on some bill. We are entitled to have friends, too. Some would argue it is a little harder in our line of work. We are stretched, running back and forth to our home States. But I think this bill recognizes we can have friends, too. Frankly, in this line of work, you need them.

Finally, let me say an important concession made in the McCain substitute that I very much applaud is that it eliminates the distinction between lobbyist and nonlobbyist. I know it is great political theater to go around beating up on lobbyists. It has been a time-honored thing in American politics, and it has been particularly virulent of late. But the truth of the matter is, the Constitution allows every citizen of the United States to petition the Government. And there have been numerous Supreme Court decisions which have held that you do not waive your right to petition the Government because you are paid to do so. The Supreme Court wisely understood that a lobbyist—a term which has a sort of pejorative connotation—a lobbyist is, in fact, doing a job for a citizen somewhere else in America who does not have the time or the inclination to come up here and become an expert on matters that may affect his life. So that citizen or group of citizens, banding together, makes an entirely logical decision that they want to hire somebody to go represent their point of view before the Government; an entirely American thing to do. It is protected by the Constitution; recognized by the Supreme Court. And the McCain substitute eliminates the distinction between lobbyists and other citizens, for many purposes. I think that is an important step in the right direction. I think it is entirely consistent with what the Constitution seems to stipulate anyway. So I commend Senator MCCAIN for that modification.

So, Mr. President, let me say in summary, I think we have come a long way. There may well be a few amendments here. But, as chairman of the Ethics Committee, looking at this issue in terms of how it affected each of you and how frequently you are likely to be inadvertently brought before our committee, arguably in an unfair way, I think this proposal dramatically minimizes the potential that the career of some Member of the Senate is going to be ruined over some trivial exchange with friends and constituents.

So I think this is a useful change. I think it does not go too far. And it places within the Ethics Committee, which is where it should be, the responsibility for making these kinds of rulings and interpretations. So, again, I thank Senator LOTT, Senator MCCAIN, and many others on the other side of the aisle who have been so critical and indispensable in getting us to where we are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes of our time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi for being so gracious because I do, I think, take a slightly different view. But I thank him for giving me the time.

First, Mr. President, I want to say I am pleased to be joining Senators MCCAIN and LEVIN on this substitute amendment. I think it reflects a sincere desire to get the job done that we have the kind of bipartisan support that we are seeing. Because at a point in time not too long ago, Senator WELLSTONE and Senator FEINGOLD, Senator LEVIN and I were working on gift legislation. I will discuss that in just a minute.

So, Mr. President, I am pleased to be joining in this bipartisan compromise amendment that will substantially restrict the acceptance of gifts, meals, and travel by Members of Congress from lobbyists and others.

Mr. President, on May 4, 1993, I introduced the original gift ban legislation, S. 885. At the time, frankly, it was considered a pretty radical idea.

It is hard to remember how much things have changed in the last 2 years. But until that bill was introduced, nobody around here was even thinking about banning gifts from lobbyists. At the time, there was a tremendous fight about a proposal by Senator WELLSTONE to merely disclose such gifts. And when I first raised the possibility of simply banning gifts altogether, a prominent public interest group dismissed the idea: Completely unrealistic, they said—it would never happen.

Mr. President, I am hopeful that we are about to prove that common wisdom wrong. And I think this substitute amendment may well be the vehicle to get it done.

The amendment before us is remarkably similar to the very first gift ban bill I introduced in May 1993. Like that bill, this amendment essentially adopts the rules that already apply to the executive branch.

Under those rules, no official may accept a gift worth more than $20. Nor may any official accept a total of more than $50 in gifts from any one source in any year.

This amendment adopts these same limits for Members of Congress and their staffs. It also would ban all vacation trips, such as the charity golf, tennis, and ski trips that have been subject to so much adverse publicity.

In many ways, this amendment is stronger than the gift ban in the underlying bill, S. 1061, which I also have cosponsored. For example, the underlying bill would allow the Rules Committee to set very high limits for meals and entertainment in a Member's home State. By contrast, the amendment subjects all meals and entertainment to the same $20 and $50 limits, regardless of where they are provided. That is an important improvement.

The substitute amendment also strengthens the underlying bill by prohibiting lobbyists from providing personal hospitality to Members. That should help prevent abuses.

Mr. President, I do not agree with every dot and comma of the substitute. For example, if it were up to me, I would simply ban all meals from lobbists, no matter how small. But I realize that to get a rule adopted, we have to attract broad support, and that is not easy. So, yes, we have had to make some compromises.

But the bottom line is that this substitute puts us within striking distance of one of the most important political reforms in many years.

I am very proud to have played an active role in this effort. And I want to thank the handful of Senators who have worked so hard on this, often at great personal cost. These include the three other Democrats who have been leaders on this for some time, Senators LEVIN, WELLSTONE, and FEINGOLD. Each of them has made a major contribution, and I appreciate it.

I also want to extend a special word of thanks to Senator MCCAIN, who has played a critical role in recent days by pulling together proreform Members from both parties. I know that Senator MCCAIN, like many of us, has taken some heat for his leadership, and I just want to thank him publicly for his commitment.

As a result of the work of these and other Senators, Mr. President, we are

on the brink of a major reform that will really change the way we do business here in Washington. The vacation trips to the Caribbean are soon going to be a relic of the past. The lavish dinners at fancy restaurants are going by the wayside.

Is it going to be as much fun to be a Senator, Mr. President? Perhaps not. But maybe this body will get just a little more respect in the process. And that is a tradeoff I will take any day.

Mr. President, it appears that we are going to face some amendments that would weaken the proposal substantially. For example, we confront an amendment that would again allow the lobbyist-paid vacation trips that have caused so much controversy. I hope my colleagues will resist these efforts.

But if we can hold this together, we will have produced a change of which we can all truly be proud. This is serious reform. It really will change the culture around here.

In fact, I predict that if we succeed, it will not be long before people around here will look back at the current rules in amazement. New staffers hired a few years from now probably will be amazed that Members ever were allowed to accept special favors from lobbyists. It will seem archaic, perhaps even absurd.

That will be a different Washington, Mr. President. A very different Washington.

It also will be a better Washington.

So I urge my colleagues to support the substitute amendment, and to place strict limits on gifts, meals, and travel from lobbyists and others.

Let us change the way we do business in Washington. And let us do it now.

Mr. President, when I introduced the gift bill a couple of years ago, I know that there was deduced a suggestion that perhaps I was talking about corruption in the body or something of that nature, or some impropriety. Mr. President, I want to correct that record because that was never the suggestion. I want to clear the record because it was an irritant over some period of time. Everybody knows I took a ski trip and enjoyed it, and some wondered why I had a change of mind. I will not get into that now. But it seems to me that the focus ought to be on charity and not on the recreation.

So, Mr. President, I want to make sure that everybody clearly understands. I have never, never thought that anyone in this body was corrupt or that was acting improperly in terms of the law or even the rule. So I want to clear that up.

My concern was and is, Mr. President, access. And when a meal is purchased by a lobbyist, it is not just the meal. It is access. And when one rides in the golf carts at a golf game sponsored by a lobbyist, it is not just a golf game. It is access. Or when one goes in a chair lift and rides 20 minutes up a mountain, it is not just a ride up to the mountaintop. It is access.

Mr. President, we have had so many problems of late that we have lost public trust, and that makes it very difficult because it is almost impossible to govern. But also the association of special interests dominating this place is not a good image that we want to have. It is not one that I enjoy, I must tell, because implicit in public criticism is an accusation.

So I support this reform measure so that we at least suggest to the public that no voice is more important than their voice, and no view is more important than their view. And if they even do not have the ability to knock on the door and say, ''I am here from Roanoke'' or ''I am here from Trenton, NJ,'' or what have you, that we have to let them know that we respect so much the value of their view, their judgment and continue to work to recover the trust and the faith of the American public.

Mr. President, I think this is a good start. And for any of my colleagues who may have misinterpreted that which I intended when I wrote the first gift ban amendment 2 years ago, please let the record clearly reflect that I have nothing but respect—differs, albeit; that is the way we function around here—but respect for all of my colleagues, and never a suggestion that one is corrupt or improper.

Mr. LOTT. Mr. President, I believe we are ready to complete this debate and begin amendments now. Therefore, I yield the remainder of our time on this side. I believe we are ready to go with the amendment of Senator MURKOWSKI.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, before the Senator from Alaska offers his amendment, let me say that I think we have come a long way here in the last couple of days. I want to congratulate all those who have been involved in the negotiations—Senator LOTT, Senator MCCONNELL, Senator MCCAIN, Senator LEVIN, Senator FEINGOLD, Senator WELLSTONE, Senator LAUTENBERG, Senator BREAUX, and Senator JOHNSTON. I probably am leaving out someone. But I just want to suggest that we have gone from what I think was a bad idea to a very good idea. But we are very, very close.

I think the importance of what has happened is that we agreed on sort of the basic package—I hope we have—where both sides have given and taken some. And now what we are doing is offering just a few amendments. Where we cannot agree, we will jump the ball here and see who gets the tip. If you win, you win. If you lose, you lose. Then we go ahead and finish this bill, and get it behind us.

We earlier promised—at least the leader did—that we would take up this bill on the 28th of July. It is now our hope that we can finish on the 28th of July both the lobbying bill and gift ban bill and have those behind us so that we can move on to other important legislation.

I do not know of anybody in this body—I agree with the Senator from New Jersey. It is not a question of integrity, or honesty. It may be a perception. But the one thing that concerns many of us on both sides of the aisle is that we want to be certain we do not get somebody in trouble because if you are at some event you get a gift. And somebody may disagree on all of these things. We hope we have worked this out because, as I said, I received five birthday cakes last weak. I only ate one piece. I do not know what the value of the cakes was. They were all given in good faith. We had a good time. I shared it with a lot of people—things like that.

I talked with Senator CAMPBELL from Colorado. He is the only native American in this body. He said that, if you get a gift from his community, it would be an insult to return it.

There are a lot of people. We have a lot of friends. If you do not have any friends, you do not have to worry about gifts. You do not need a gift ban. But a lot of us have a lot of friends. I think we all have a lot of friends. We want to make certain that we do not get anyone in trouble.

We are on the right track. We are doing the right thing. I certainly support what has been done so far.

We would like to complete action on this bill tomorrow. I am not in the position yet to announce votes. But what we are trying to do—I think some of my colleagues were scattered and I know some are at the White House. A number of colleagues are with the Korean war veterans attending a dinner at the White House tonight.

As I said, we hope to announce fairly soon that we have an agreement, or that we can stack votes, and have the votes tomorrow morning. Then there would be no further votes tonight. We are not yet in a position to make that announcement. That is what we are working on.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would also like to thank not only the majority leader but the Senator from Mississippi, the distinguished whip, for all the effort that he and Senator FORD have gone to in expediting this process.

AMENDMENT NO. 1872, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment, the substitute which is at the desk.

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

The amendment (No. 1872), as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

''(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee

reasonably and in good faith believes to have a value of less than $20, and a cumulative value from one source during a calendar year of less than $50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

''(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

''(c) The restrictions in subparagraph (a) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

''(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

''(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

''(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

''(14) Bequests, inheritances, and other transfers at death.

''(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

''(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

''(19) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

''(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

''(22) Food or refreshments of a nominal value offered other than as a part of a meal.

''(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

''(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

''(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or

similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

''(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

''(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

''(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

''3. A gift prohibited by paragraph 1(a) includes the following:

''(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

''(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

''(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

''(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

''(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

''(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

''(2) the date and amount of the contribution; and

''(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

''5. For purposes of this rule—

''(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

''(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

''6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.''.

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 1874 TO AMENDMENT NO. 1872

(Purpose: To permit reimbursement for travel and lodging at charitable political events)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 1874 to amendment No. 1872.

At the appropriate place, insert the following:

SEC. . Travel and Lodging to Charitable Events—

Notwithstanding any provision of the Rule, The term ''gift'' does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

Mr. MURKOWSKI. Mr. President, I have followed this debate closely and certainly am sensitive to the efforts to try and bring the pending compromise agreement to a successful conclusion.

I heard in the debate the reference that we ought to be treated like other Americans; that the executive branch clearly does not enjoy the broad benefits that we in this elected office enjoy regarding gifts and various other benefits. And that is certainly true.

On the other hand, there is a difference. And in my amendment I hope to focus a little bit on that difference. We are a political body. As a consequence, within this compromise there is no prohibition for us to continue to receive reimbursement for travel and for lodging associated with political activities.

Who funds those political activities, Mr. President? Lobbyists fund those political activities, and political action committees, PAC's. So on the one hand, we are proposing sweeping legislation that would bring us into conformity with the executive branch. Yet, at the same time, we are suggesting that we not consider the benefits we receive from political activities associated with our office.

Mr. President, the purpose of this amendment is to bring into conformity the rules that we would have for transportation and lodging in connection with a charitable event with the rule that exists for transportation and lodging in connection with a political event such as a political fundraiser.

Under the measure proposed in the compromise that is pending before us, as I understand it, private entities would not be able to reimburse Members for the cost of transportation and lodging to a charitable event. But I think in the compromise there is reference to meals and attendance at the charitable events being authorized. But

Members still would be permitted to be privately reimbursed if they travel to a fundraising event on behalf of another Member.

In other words, Mr. President, lobbyists, PAC committees, and other contributors could be used to reimburse Members for taking a night off and flying to Hollywood, flying to Los Angeles, or flying to Florida for a political fundraiser. We do not address that in this sweeping revolutionary approach toward limitations on our privileges. I find that rather curious, rather inconsistent, but rather evident.

Currently, under the Senate Ethics Committee interpretive ruling No. 193, 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.

Now, we are different, we indicate, but on the other hand we say we ought to be treated the same as the executive branch. But the executive branch cannot accept travel expenses from an official or a district political party organization in return for his or her appearance at a rally sponsored by the organization.

So this compromise, Mr. President, really does not address our attendance, our reimbursement for travel as well as lodging for political fundraisers. I might ask the question why, but I think it is evident to all of us. We just have not considered this as part of the revolutionary changes that are appropriate, that we want to make. But, Mr. President, they are still inconsistent, and they leave something to be desired. Why should the presence of a Member in supporting a charitable organization be treated differently than attending a political function where you can receive reimbursement for travel and lodging.

Now, Mr. President, as we know, every Member of this body has at one time or another made campaign appearances for his or her party or a candidate. Often that means flying to another Member's home State, attending a party function, maybe making a speech, sharing a meal, even attending an entertainment or sports function, and in almost all cases the cost is covered by whom? The cost is covered by lobbyists or other political contributors.

So what we have here is a situation where a Senator can travel virtually all over the country attending political fundraisers and have lodging and transportation reimbursed. But what the compromise proposes, what it proposes as I read it, is that a Senator cannot attend charity events, events that raise money for worthwhile causes such as a breast cancer detection center, and have those costs reimbursed.

The Senator from Alaska does not believe that that is equitable. It does not 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 $4,000 or $5,000 to an elected official through his or her PAC, but there can be no solicitation under this proposal of corporations and other individuals to participate in charitable events that only benefit perhaps a small community, a small State, or those of us out West?

Now, I believe that this whole notion of preventing Senators and corporations from sharing in raising money for a worthwhile cause outside the Washington beltway, but allowing large amounts of money as political gifts, smacks of sheer hypocrisy.

Do you think, Mr. President, we can get Senators up to our State if they have to pay their way to come to a charitable fundraiser? That is what this compromise suggests. Our charity events will be very difficult to put on. Those who live adjacent to the beltway can put them on right here in Washington, DC.

Mr. President, my amendment simply provides that Senators would be permitted to be privately reimbursed—it is very important that we make this distinction because it is a change from previous procedure—Senators could be privately reimbursed for the cost of lodging and transportation in connection with charitable fundraising events if and only if—and I would appreciate the attention of my colleagues who have labored over this because I think this change is significant—if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

To repeat that, Mr. President, lodging and transportation in connection with charitable fundraising events if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

So a Member of the Senate could be privately reimbursed for attending a charitable fundraiser only, only if the Senate Ethics Committee makes a determination that the charitable function is in both the public interest as well as the interests of the Senate.

Mr. President, I believe one of the most important responsibilities of a public official—and that is what we are—is occasionally to promote worthwhile charitable causes. Not everything can be done for the public good directly through the Government. Private charities play a vital role in servicing many of the needs of our citizens.

Last year in my State of Alaska, my wife Nancy and I were the honorary chairs of a Senator's fishing tournament in Alaska which raised nearly $150,000 for a mammogram machine for the Fairbanks Breast Cancer Detection Center. As a result of that event, the detection center was able to pay off its mammography machine and as a result the center was able to continue to provide free breast cancer examinations to those who needed that service—mammograms for 3,700 women who came to Fairbanks for breast cancer screening from nearly 81 villages throughout the State of Alaska.

Mr. President, this year, my wife will be hosting a second event for the center to raise money for a second mammography unit. This will be a mobile mammography unit, one that can move on the limited highways of Alaska. But more importantly, one that will be able to be driven into the National Guard C–130's, and as they train and generate air time they will go into the villages. And the unit would be able to be backed out of the planes and provide services to those women who otherwise would find it very difficult and expensive to travel into our larger communities to take advantage of this type of examination.

So if we raise sufficient funds—and I think we will—we will be able to equip this new mobile van for duty in the rural villages of my State. Villagers will not have to come to Fairbanks for tests. They will be able to receive these screenings in their local communities.

This unit I think is vital to help preserve the health of Alaska's women. It will service many of the native women in the bush area.

Our State's cancer mortality is the third highest in the Nation.

It is estimated nearly one in eight Alaska women will develop some signs of breast cancer. Breast cancer screening can reduce those amounts, I am told, by up to 30 percent. I firmly believe without the funds raised from these two efforts that are promoted in association with the U.S. Senate, the health of Alaska women would be potentially marginalized.

I am proud of the work those women have done in keeping these units operating and organizing these events. And if we change the rules on charitable events, I am convinced that it will be unlikely, certainly more difficult, and the success of the event might be severely jeopardized.

Most of my colleagues are aware that former Senator Jake Garn raised a great deal of money for the Primary Children's Medical Center in Salt Lake City. Mr. President, I can name other charities many Senators have been involved in. I believe Senator PRYOR has a golf tournament. Senator ROCKEFELLER has a children's health project in West Virginia. Senator HATCH has a function in his State. I wonder if we really want to seriously end Senators' and companies' participation in these causes simply because there is a so-called perception problem.

This discriminates against distant States. I have already mentioned that. Some might argue charitable events will still be allowed under the proposed compromise bill because the only prohibition contained in the bill relates to transportation and lodging in connection with these events. That is probably true in the immediate area. In other words, Mr. President, if you are a large, national charitable organization that has the clout to hold the event in Washington, Members will be able to participate in the event.

But if you are a small organization like the Fairbanks Breast Cancer Detection Center or the Arkansas Opportunities, Inc., you are not going to have the resources or the capability to have your event held in the Nation's Capital. If Senators cannot receive transportation and lodging reimbursement, events like mine, even though they would be subject to the approval of the Ethics Committee, then I think many of these events are going to disappear because it will simply cost too much to get to Alaska and other distant States.

So, Mr. President, I think we have a clear choice. I do not dispute the efforts of those who have worked so hard to formulate this compromise. But I think in fairness, we have to examine that we left out a significant portion, and that is the activities associated with political events, where we are still allowed reimbursement for lodging and transportation. And I think that is the inconsistency. We want to establish the same lodging and transportation rules for charitable fundraisers as we have for political fundraising.

That is my question. Do we want to establish the same rules or do we want to make it harder to raise money for worthy charities while at the same time continuing the unlimited reimbursement for political fundraising? I hope that my colleagues will reflect on this amendment, reflect on the realization that it is structured in such a way as to mandate our Ethics Committee to review and pass under the legitimacy of the chair.

I do want to assure my colleagues I am very committed to this. I want to assure my colleagues, should this amendment fail, I may very well offer an amendment to conform the transportation and lodging rules with the charitable rules so that Members will have to pay out of their own pockets to participate in fundraisers for other political candidates like they would under the proposed compromise, which would ban travel and lodging for charitable events.

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

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona oppose the amendment?

Mr. MCCAIN. The Senator from Arizona opposes the amendment.

The PRESIDING OFFICER. The Senator controls 30 minutes in opposition.

Mr. MCCAIN. Mr. President, I yield myself 7 minutes.

Mr. President, I understand the logic in the argument and am in sympathy with what the Senator from Alaska is saying, especially when viewed in a somewhat narrow and focused context. In case the Senator from Alaska missed it, there is a new book out called ''Ethics in Congress,'' by a Mr. Dennis F. Thompson. On page 107, Mr. Thompson says:

> In the case of gifts these considerations argue for a gift rule that is simple, strict, and broad. First, the rule should have few exceptions, and none based on the supposed virtuousness of a motive. During the Senate debate on gift reform, many members urged that expenses for travel to charitable events should be exempt. No one noted the ironic implication of this suggestion: if members are less in danger of being corrupted by gifts for charity than by for gifts for themselves, they must care more about personal gain than philanthropic causes. The only exceptions that should be allowed are those that are necessary for members to carry out their legitimate political activities (meals taken in conjunction with their official duties, for instance) and those typical of normal social and family life (such as customary birthday gifts to their children from friends).

I think that passage pretty well sums up why I oppose this amendment.

I would also like to address the last statement that the Senator from Alaska made that, in case his amendment fails, then he would propose an amendment that would provide that for travel as involving political activity. Let me quote again from this book:

> In this spirit, members found it difficult to resist when Senator FRANK MURKOWSKI proposed an amendment that banned gifts from PACs. ''My amendment,'' he said, ''merely adds [to the gift] prohibition . . . a very important type of gift, a political contribution.''
>
> But contributions are not exactly the same as gifts, and if they are to be treated the same, reform has to go much further than members are prepared even to consider. Senator WILLIAM COHEN pointedly distinguished the different roles of senators: ''We are looking for symmetry between what we can do as candidates and what we can do as Senators. But there is no symmetry. The Senate has gone on record in favor of [reducing] the value of a gift . . . down to zero. If you follow the logic and apply it to campaigns, then you eliminate all contributions to campaigns other than through public financing.'' Many reformers believe that Congress should follow that logic, and they may be right. But as COHEN observes ''there are very few [members] who are willing to take that step.'' As long as candidates must raise funds for campaigns, legislative ethics must find ways to control the conditions under which they receive contributions. To understand better what the conditions should be, it is necessary to consider the further difficulties of finding corrupt motives in cases in which the gain is political rather than personal.

Mr. President, there is another passage I would like to quote from very briefly:

> Some might argue—

And I have heard this several times on the floor and in the course of the discussions we have had on this issue.

> Some might argue these and other efforts to win the confidence of the public are futile. The public, especially news media, will never be satisfied, no matter how many reforms Congress makes. Congress has added more and tougher standards and imposed sanctions on more members in recent years, yet public confidence continues to decline and demands for reform continue to increase. Why bother to try to satisfy such apparently insatiable demands? The first answer must be that Congress has no realistic alternative. In a democratic system, legislators cannot do their jobs without seeking to win the confidence of citizens. Even if individual members manage to win reelection in the face of widespread cynicism about Congress, they will still suffer the effects of ethical controversy, as it implicates their colleagues and interferes with the conduct of legislative business. If members do not continue to try to improve the ethics process, they will find themselves and the institution increasingly deflected from legislative duties.
>
> The loss of confidence in Congress does not mean that the reforms of recent years have had no positive effect. The decline is no doubt the result of many causes unrelated to ethics and might even have been worse if Congress had taken its ethics less seriously than it did. Furthermore, the improvements, modest though they may have been, have not gone without notice. Informed observers and other opinion leaders believe that members are more honest and the institution less corrupt than it used to be, which is likely to have a favorable effect on public opinion in the long run. Finally, some of the continuing distrust may be warranted. Citizens are surely right to be suspicious of some practices of ethics committees, such as refusing to release testimony and reports.
>
> Also, some reforms may not have gone far enough or may not have been focused precisely enough on the ethical problems that should be of most concern.

Mr. President, as I said, I understand and sympathize with the amendment of the Senator from Alaska. I hope that in the broader context of what I just quoted in this book, it will explain better my opposition to the amendment.

I yield whatever time he may need to the Senator from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I say to my colleague from Alaska, two mornings ago I heard quite a wonderful report on the work that the MURKOWSKIS do in Alaska. I absolutely understand the why of the amendment and admire the Senator for what he stands for. We do not always agree on all issues of the committee he chairs, but I do not think there is ever any question about his personal intentions and his sincerity.

Again, the important point is that the contributions and the paying for trips is permitted when it comes to charitable activity. The key language is as long as what you are doing is not substantially recreational. That is the real issue.

I say to my colleagues, that is the key point. The problem for us is that we have gone to these gatherings and they are for a good cause, but a large part of our activity is for the golf and for the tennis, and it is substantially recreational.

Frankly, we do not look good. It is a matter of perception, and we should just let go of it. We do not need it. That is really the problem.

Mr. MURKOWSKI. Will my friend yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. MURKOWSKI. I do not believe, as I understand the compromise, that

there is a provision, as the Senator from Minnesota suggests, for reimbursement for travel and lodging if it is not a substantially recreational function.

Mr. WELLSTONE. I say to my colleague——

Mr. MURKOWSKI. I would appreciate a clarification, because I was under the impression that there was no provision for charitable activity associated with transportation and lodging, that there was no provision whatsoever.

Mr. WELLSTONE. I say to my colleague that, as a matter of fact, there is as long as once you come to the event your activity is not substantially recreational. That is the key point. Then there is a prohibition. Otherwise, there is not. I say to my colleague, if, in your official duty, you go to a gathering for a good cause—that is why you are there and that is how you spend your time—that is fine. The problem is when—and I defer to my colleague from Michigan if he wants to add to this—the problem is when you go to a gathering and you spend most of your time in recreational activity, then the paying for that travel is not permitted. That is the key distinction.

Mr. MURKOWSKI. I thank the Senator for that clarification. In all deference, I was not aware that was the case. When the bill was offered as a compromise, it specifically prohibited transportation and lodging for charitable events, as was so stated.

Mr. WELLSTONE. I say to my colleague, I would be very interested in the comments of the Senator from Michigan, but we may have just some confusion here which we may be able to clear up.

Mr. LEVIN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. I will.

Mr. LEVIN. The language that is now in the substitute is that ''reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.'' And those standards are that it must be connected to your official duties and it must not be substantially recreational in nature.

So if a charitable event is connected to your official duties and is not substantially recreational in nature, then it is explicit, which I think was intended last year but perhaps was not clear enough, that reimbursement would be provided.

It is only for these charitable events or these recreational events, depending on how you describe them, which are substantially recreational that there is not the reimbursement for lodging and travel, because those are not your official duties. If they were, you could be reimbursed. It is when they are not connected to your official duties.

Mr. MURKOWSKI. I ask the floor manager, what official business would be considered charitable?

Mr. LEVIN. That is up to each of us. A lot of us go to charitable events connected to our official duties. I go to a tuberculosis dinner back home. If I decide as a Member of the Senate that it is connected to my official duties to be there, then that is connected to my official duties, and if it is not substantially recreational in nature, I can then be reimbursed for that transportation.

Mr. MURKOWSKI. So you would be reimbursed by the Government for that transportation.

Mr. LEVIN. By the private party. This is talking about when reimbursement is permitted by the private party.

Mr. MURKOWSKI. So you would be, in that case, reimbursed by the private party——

Mr. LEVIN. Could be.

Mr. MURKOWSKI. And even though the charity was not Senate business in a sense, you made a decision——

Mr. LEVIN. It has to be connected to your official business.

Mr. MURKOWSKI. In the particular case I am citing where I hold events in my State, I do not have the same opportunity of those who live in the areas surrounding the beltway. So I am just out in the harsh reality that I cannot get the attendance. That is the problem I have, and it is one of inequity.

Mr. LEVIN. It may be related to your official duties.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MURKOWSKI. What I proposed, and I hope you consider it, is let the Ethics Committee make that determination.

Mr. LEVIN. I heard the proposal. But the Senator going home to a charitable event may be related to his official duties, in which case you can be reimbursed by the private party, providing it is not substantially recreational.

Substantially recreational is the divide. Is it recreational or is it an event not substantially recreational or relevant to your official duties? If it is, you can then be reimbursed by that private party.

If I decide going to an event in Alaska or any other State, other than my own, is related to my official duties, and if it is not substantially recreational, then I could be reimbursed. That is a judgment I would make. That is the line which is drawn in the bill.

The effort is made to distinguish between the recreational trips and the trips which all of us make which are related to our official duties and which are not substantially recreational in nature. We all go to make a speech at some meeting. If that is related to our official duties and is not substantially recreational in nature, we can be reimbursed by the private party. That is a judgment each one of us makes in the bill, and that is very different, however, from the recreational trips where people, I think would agree, are not related to their official duties and where they are substantially recreational in nature.

If that is the judgment, we should not be taking money from private parties, in the opinion of those of us that have reached this conclusion.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MURKOWSKI. If I may respond, because I think there is a distinction here, and that is——

The PRESIDING OFFICER. Let me just announce to the Senate, the Senator from Minnesota still has the time.

Mr. WELLSTONE. Mr. President, the Senator from Delaware wants to put a question to the Senator from Michigan.

Mr. BIDEN. I would like to ask the Senator from Alaska.

Mr. WELLSTONE. Can I make this one comment and then yield the floor?

Mr. BIDEN. Sure.

Mr. WELLSTONE. Very quickly, I say to the Senator from Alaska that we have had this discussion, because this may just be some confusion. I do not know any other way but to say it straight. What we have tried to do, and what we have done in this coalition effort, is to just deal with what has gotten us into trouble, which is not what I think the Senator from Alaska is talking about, which is some of the ski and golf trips, and whatever. I think we should let go of that and end that practice.

When you go home, and as part of your official work, you go to a charitable activity, such as the Senator from Alaska cares fiercely about, and your activity there is not substantially recreation—you are not going there to ski all weekend, or whatever—that is permissible. Maybe we have cleared that up.

Mr. MURKOWSKI. I would like to pursue this, if I may, because while I do not disagree with the Senator relative to the concept of what we are trying to do away with here, we also have to keep in mind the basic function of a charitable event, and that is to raise money.

Now, the question of what kind of an atmosphere do you raise that money in is what we are debating at this current time. Clearly, there have been excesses relative to the recreational events associated with charitable fundraisers. I would be the first to acknowledge that. But what we have now is a proposal that is so stringent, in the sense that we are not allowing the Ethics Committee to review the legitimacy of the charity, we are simply saying if it is not connected with any activity associated with recreation.

I ask my friend from Minnesota what he might suggest to be the nucleus for the event, to bring those that will contribute to the charity, and that is the problem of the Senator from Alaska. I assume it would be determined that a fishing tournament, which is what I offer, would be a recreational event. It is not a skiing event, it is not a golf event. I would call it a fishing event. I think in the spirit of the debate it would be considered recreation.

Now, that venue, if you will, allows for the opportunity to raise the money for the charity. This Senator would be

very pleased to look at some other avenue, but I, very frankly, think it would be difficult to attract the Senators, the sponsors, and others to come to a luncheon in Fairbanks, AK, for a fundraiser for the Breast Cancer Detection Center because it will not have the same magnitude of my fishing event.

However, I am willing to leave that up to the Ethics Committee to make a determination of what the guidelines and rules are, how many hours of free time on the event, where the event is held, or whatever. Right now, this legislation basically puts me out of business of promoting major charities in my State. I understand the intent. But I implore my colleagues to perhaps pursue a little innovation so that we are simply not eliminated from what is a worthwhile endeavor funded by corporations that are willing to make a contribution.

I do not want to go into the other issue, but there is an inconsistency there, as my friend from Minnesota, I think, would recognize. While we do not address political activities, they are paid for by the same source—lobbyists, political action committees, and so forth. So I would rather not mix that area. I am looking for relief.

Mr. WELLSTONE. Let me say two things to my colleague from Alaska. First of all, if we want to talk about campaign finance reform, and if the Senator is concerned about people paying for trips that Senators take which raise money, introduce an amendment to deal with that problem. But that is not what we are talking about tonight. The Senator can introduce an amendment to deal with that. It is a matter of proportion.

I think every Senator should be aware of this. You can go to a charitable gathering. That can be part of your work. You should go, and it could be paid for by a private party. There is no question about that. The problem is, when it is substantially recreational, that is where the abuse comes in.

Mr. President, you cannot make a distinction between fishing trips, or tennis, or golf, or skiing. That is the problem. That is where we have gotten ourselves into trouble, no matter how good the cause is. When a particular lobbyist or interest pays for a Senator for a weekend, or several days of travel, and accommodations to go fishing or play golf or to go skiing, it is just inappropriate. I mean, what has to attract people to the gatherings is the cause itself. God knows what the MURKOWSKI's do is a very important cause. But we have to let go of these paid-for ski trips, golf trips, and tennis trips. We have to let go of it. It is not appropriate, and it does not look good. People do not want us to do it.

I urge my colleagues to let go of it. That is why I think this amendment must be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, who is controlling?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I yield whatever time the Senator from Michigan needs.

The PRESIDING OFFICER. There are 12½ minutes remaining for the Senator from Minnesota.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this is one of the basic reforms in this bill, because these recreational trips—and that is what they are—have created great difficulty for the U.S. Congress in terms of public confidence in this institution.

The public has seen over and over again the ski trips, the golf outings, the tennis trips, with our families, being put up at fancy lodges and being given fancy meals—and, yes, there is a charity which also benefits. But we get a big benefit from that. It is called recreational travel. There are two beneficiaries of this travel. One are the Members that take it; second is the charity that also benefits, because some of the contributions from the contributors go to the charity, and some go to us in the form of payment for our travel, our lodging, and our meals.

Now, a lot of the charities are noble—in fact, probably most are. I know the charities of the Senator from Alaska are noble. I think people should contribute to those charities, but in a way which does not undermine the confidence in this institution; the price that we pay for benefiting the charity in that case is too high. The price that we pay is that the public sees us at the outing, or on the slopes, with the special interests right there with us, paying for our recreation. If they are not there with us, they pay for our recreational travel.

It results in this kind of a TV show. I think all of us have seen these shows. This is from the Inside Edition of February 10:

> 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 at the top because, like the people you are about to meet, you are king of the hill, and this is the sweetest deal on the slopes.

Now, that is what the public sees. What they see is the benefit that we gain when we go on recreational travel. What they do not see, perhaps, is the benefit that the charity gets.

And so we have to make a decision—each one of us—as to whether or not, No. 1, we believe that when we go on recreational travel, we should be able to be reimbursed for that. This is a benefit for us. It is recreational travel, not related to our official duties of significant value. That troubles me.

The second issue that each Member must face, even though a charity also benefits along with Members, whether or not the price that is paid for that good cause, getting a benefit, is too high, in terms of this good institution being diminished in terms of public respect and in the public eye.

That is the decision we each should make. It is called recreational travel. We have seen it and read about it. Some Members have participated in it. We have to make a decision.

This bill significantly restricts gifts. It is long overdue. We are trying very hard to increase public confidence in this institution and in the Congress. It takes work. We have to change the way we do things, to accomplish that very important goal.

I believe for Members to permit recreational travel is going in exactly the opposite direction from the direction of this bill. This is why I hope that the Murkowski amendment would be defeated.

Mr. MURKOWSKI. Mr. President, I believe that we have 9 minutes remaining.

The PRESIDING OFFICER. Nine minutes and 30 seconds.

Mr. MURKOWSKI. It is the intention of the Chair after the time is expired to entertain other amendments tonight.

The PRESIDING OFFICER. That is the order.

Mr. LEVIN. I do not know what the Senator from Mississippi, the majority whip, has in mind. I think that what they have in mind, however, is that we proceed to other amendments after the time is expired or is yielded back on this amendment.

Mr. MURKOWSKI. I understand.

Mr. President, I have listened to the debate tonight. Clearly, the reference to eliminating any interpretation of recreation makes it very difficult to successfully hold a charitable event outside of the beltway, or certainly not further than a reasonable proximity.

I think that is unfortunate. If we were to leave the issue at that, I suppose the Senator from Alaska could reflect on the merits of simply an up-down vote on the issue and resolve it. But when the debate goes on and suggests that somehow, because it is a charitable event, that it is subject to charges that inappropriate or poor judgmental actions occurred on the part of Members. Yet when one looks at the source of support for the charitable event or the political event, we find the sources are the same. They come from fundraisers. And we can get full reimbursement for political events, transportation, and lodging from a source that also provides legitimate funds for the benefit of the charity. Funds are coming from the same place.

I seem to be the only one that is drawing any attention to that. If we are being critical of ourselves—as we are and as we should be from time to time relative to the appropriateness of accepting funds through PAC's, political organizations, lobbyists and others, for charitable events—and we absolutely ignore the fact that we accept it for political events for transportation and lodging, the same exact sources, I say that at the least we are being inconsistent.

No one in this body wants to make that connection because it is inconvenient. It is embarrassing. After all, we are politicians and politics and serving the people of our State is our business. I think to some extent, attendance at charitable activities, legitimate charitable activities, that would be subject to approval by the Ethics Committee and more or less reviewed by them as to their legitimacy, would be an appropriate measure of legitimacy.

Unfortunately, it appears that this particular proposal that has been structured is cast in concrete, and with the exception of the explanation the Senator from Alaska received a few moments ago, clearly charitable activities such as the one that I have discussed simply could not function under this narrow interpretation because it eliminates recreation activities.

As we wind down the debate and the time is about to expire, there is indeed a principle involved here, as we address the legitimacy of not only those who suggest that this compromise should be structured in the same way as the executive branch receives consideration for their extracurricular activities. Yet it does not recognize in the same breath that the executive office does not receive reimbursement or travel for appearance at political events. Yet we do. And that is the difference.

When we go to the legitimacy of charitable events, we say no, we cannot get reimbursement for travel and lodging, but we can get it for political events. Others say, well, just a minute, the Senator from Alaska does not understand the problem. We are talking about something other than political events now, so that should not be part of the discussion.

The Senator from Alaska, I think, would again remind all of my colleagues as to the source of these funds and the principle involved. If for some reason or another we find it unpalatable to accept funds from those who would fund charitable events, one wonders why we would be so eager to accept funds for travel to political events.

I encourage my colleagues to think on the merits of legitimate charitable activities which we all participate in, which will be substantially limited, in my opinion, under this very narrow interpretation. And I think that is indeed very unfortunate.

I have nothing further to say, Mr. President. I yield the floor. I yield back all time.

The PRESIDING OFFICER. The Senator from Alaska has yielded back his time. The time in opposition is 7 minutes.

Mr. LEVIN. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Michigan. I want to be sure that we remember why these provisions are in the bill. It has to do with the fact that if you had to pick one aspect of this whole issue of gifts that seem to have brought more perception problems for the Senate than any other, it is the problem with the so-called charitable events.

This is not to say that they do not have any merit—some of them. But the portrayals, particularly on some of the national television shows, have shown Members of this body and of the other body participating in events that were obviously dominantly recreational, that had to do with golf or tennis or whatever it might be. It was pretty obvious by the end of any one of these segments that the event was an opportunity for a Member of Congress to have an awfully good time on the ticket of whatever the organization that was promoting the event or the charity, whatever it was.

Yes, this may have some negative impact in terms of what the Senator from Alaska is trying to talk about. I think in his case the fact that he is referring primarily to what he wants to do in his home State suggests to me it probably would not be a problem.

The problem would occur more in the more publicized events—ski events in Utah, the golfing events in Idaho—that have nothing to do with our own home State. These are the ones that have caused a very serious problem.

I believe it is very appropriate that this bill sets forth that in the case of an event that is a charitable event and is not specifically within the person's role as a representation of the Senate, then those cases—the travel and the lodging—are really too much.

It has been abused. There are Members—I am not thinking of a Member of this body, but I am thinking of a case of a Member of the other body—who made a practice of going every week to these so-called charitable golfing events. I remember the Member got a $200 sweater at each event. The meals and everything went back to his district afterwards. It was a way of life. This is what we are trying to get at.

I think it has been reasonably crafted. I do think it addresses the concern of the Senator from Alaska, which obviously has to do more with his own home State. Whether or not he is going to be able to attract Members of this body to Alaska, given the fact that there is a problem with lodging and the travel—it may be difficult. I do not want to suggest it will not be, possibly, a problem. But I think the greater concern here is that we eliminate this overall practice. I think this is reasonably drafted to achieve that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, if I could just make one comment to my friend from Wisconsin, it looks like the only way out, there, is to attract the millionaires of the Senate who might be able to come to Alaska and attend a charity event. If it passes in its current form, I will advise the Senator from Wisconsin of my success in attracting the millionaires that are in the Senate to come up. We will have to see.

On the other hand, I hope my amendment will be adopted based on the merits of my presentation. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. No one else wants time on this side. I think, if all time has been yielded back by my friend from Alaska, then I will yield the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, on behalf of the majority leader, and after consultation with the minority leader, I ask unanimous consent that the cloture vote scheduled for Friday, with respect to foreign aid authorization, be vitiated.

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

Mr. LOTT. I further want to announce to the Members that at 10 a.m. on Monday, July 31, it will be the majority leader's intention to turn to the energy and water appropriations bill, and that no votes occur with respect to that bill before 6 p.m. on Monday.

I further ask unanimous consent that the cloture vote scheduled for Friday, with respect to the State Department reorganization, be postponed to occur following any stacked votes on Monday, which will not occur prior to the hour of 6 p.m.

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

Mr. LOTT. I yield the floor.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe other amendments are now in order for debate? I do not have a copy of the unanimous consent we are operating under.

Mr. LOTT. If the Senator will yield, I understand there are negotiations continuing on some of these amendments with the hope that maybe some agreement could be worked out and that we are prepared to go forward momentarily with the amendment concerning the limits in the bill. We will be ready to go with that in just a moment.

If the Senator would like to take up any other issue? If not, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Murkowski amendment be set aside so we may proceed to the next amendment.

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

AMENDMENT NO. 1875 TO AMENDMENT NO. 1872

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1875 to amendment No. 1872.

On page 1, strike lines 9 through 12, and on page 2, strike lines 1 through 4; and insert the following:

''(2) No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than $100 or more from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than $50.''

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi controls 30 minutes.

Mr. LOTT. Mr. President, I have not spoken today on the efforts that have been underway to come up with a reasonable, practical, and agreeable package that we could have in this area of gift rule reform. I understand that there is a need to tighten up on these rules and to clarify others so Members will know exactly what they can and cannot do under our rules of the Senate. But I also think we have to be very careful that we do not do it in such a way that we make it impossible for us to live within the rules and do our job. That is why I have been very interested in how it is developed.

I do think a lot of credit goes to the managers of this legislation. Senator MCCONNELL, from Kentucky, has really moved us toward serious agreement on lobby reform that is, I think, long overdue. It was needed. We got an agreement on that earlier this week. And by his continued efforts, I think we are getting close to gift reform that will change the rule of the Senate in such a way that we will all be better off.

His work with Senator LEVIN has produced a package with a lot more agreement than I ever thought we would be able to come to tonight. But they have provided real leadership. Senator MCCAIN has been involved, Senator WELLSTONE, Senator FEINGOLD, many others, Senator LIEBERMAN, Senator BREAUX, Senator FORD—there is a long list of people who have been involved and I think they all deserve a lot of credit.

The substitute we are working from is a major change from what we started out with, as the original Levin-Cohen bill. First of all, it is not a statute anymore. It will be a rule. And I think that is an important change.

There have been a lot of questions raised, a lot of concerns, about what we can and cannot do. What is a personal friendship? What is a widely attended event? What do you do about awards, mementos? So, many of those things have been clarified. I think we are working from a much better product than where we started.

Efforts are still underway to clarify what is the situation with regard to our spouses. I think we need to be very careful about that.

I want to also emphasize this, though. And others have said it. Most Senators do their job. They do not get a lot of gifts or expensive awards. It just does not happen. It has been implied here we can go to dinner every night. First of all, how? We are here almost every night. We are a nocturnal institution. We do not start work until the Sun goes down. I take my hat off to any Senator who can run downtown to some expensive, fancy dinner. I do not see how they do it and make all the votes. And with the average of voting of the U.S. Senators being 97 percent or better, they are not doing both of those.

So any impression that has been given that there is a cesspool of activity going on here, it is just not so. Yes, when the mayor of Buzzards Roost comes to my office, she gives me a cap from Buzzards Roost. I put it on my stand. Glad to have it. We do go to lunches with our constituents. We do have relationships with friends.

If we have to give all that up, then we might as well just go ahead and admit that we are not living a real human life around here. So we do not want to do that and I think, with the changes that have been made, the changes we are still working on, we can accomplish that. Every Senator on both sides of the aisle agrees that a reform of the Senate rules concerning gifts is overdue and is necessary. And I think that is why we are going to get it accomplished here. But sometimes in life you can agree on the general purpose but some of the specifics can cause a problem. That is the amendment that I am addressing here tonight. I think that it is very important that we do not put ourselves in the position where we cannot basically function without violating the rules.

So this amendment that I sent to the desk will change the limit in the base bill from the $20, with that being aggregated up to no more than $50, and replace that with a Senator being able to accept a meal or a gift under $50 but with an aggregation of no more than $100. That aggregation is very, very important because that means that you can go to a lunch with a person, a lobbyist, or a nonlobbyist if it costs less than $50, and you can do it a couple of times in a year, but it cannot exceed $100. So that addresses the problem that you go to a lunch or a dinner every night or every day like somebody implied. You are not breaking the rules. I think that is a significant change from our original bill that was offered on this side that only had the $100 figure without an aggregate of what that could add up to.

So we have made changes. But here is my problem. This also now includes meals. In the past, we did not have the meals included under those limits. Now even the meals would be affected by this $20 and $50. Most of us do not go to big, fancy lunches. But there are not even lunches that cost less than $20, and no dinners.

So the rule that is in the substitute, $20 and $50, would guarantee that you could not go to a dinner even with some constituents. As I understand the language in the bill, if the Chamber of Commerce in my hometown comes to Washington, and a group of eight of them want to take my wife, Tricia, and me to dinner, we can go. But if my part of the dinner is $30, then the group that invited me could not pay for that. I would have to pay for it.

And then there also have been questions about how does that affect your spouse? Is she treated separately or is that under the $20? In other words, what if they are $19 and $19. You get the point. It gets to be ridiculous.

I am not talking about, in this instance, some hifalutin lobbyist in Washington taking me out to dinner. I am talking about Jim Esterbrook from Esterbrook Ford from Pascagoula, MS along with a few other Chamber of Commerce or union members. I am a son of a pipefitter union member. The boilermakers come up here every year. I have never been to dinner with them. In fact, I would be happy if I would never have to go to another dinner in this city. I would rather have pork chops and turnip greens in Pascagoula than any dinner I have ever been to up here.

All I am advocating is a rule of reason—$50—who here could be bought for a $50 dinner? Not anybody. That is ridiculous.

Can we at least have a little reason? In other words, what we are saying is, under the $20 and $50, OK. You can go to a $19 lunch but you cannot go to a $31 dinner. Come now.

It will be said, well, you know, it applies to the Federal Government. It has applied to them for several years. They seem to have done all right with that. Well, that is a good point. But I mean we are not in the same role as they are. We do have a very active relationship with the constituents. People are interested in legislation. I think we ought to be able to go and have a hot dog or a cup of coffee without having to keep a running tab.

Now, to their credit, that has been changed in the substitute as I understand it now. Earlier there had even been the requirement that if you had a $7 lunch with a hot dog and potato chips and a Coke, you would have to keep a piece of paper, and that would be a running tab to make sure that did not exceed in aggregate in a year $50. But that shows you on its face how ridiculous some of this stuff has been.

Mr. LEVIN. Will the Senator yield on that point? That has been changed.

Mr. LOTT. That has been changed. I admit. It has been changed. That is the type of thing that we have been able to make improvements on. That is why we are here tonight in the role we are in. I thought 24 hours ago we would be here with two stark alternatives. That is not where we are. A lot of progress has been made. We have worked out things like this.

Senator LEVIN, Senator FEINGOLD, and Senator WELLSTONE have been willing to, as we talked about these things, make some changes. And Senator MCCAIN certainly has been very active in that.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. I am worried about the dollar figure here also. As the chairman of the Rules Committee, I had the duty to close the Senate dining room. Most Members do not know why we closed it. But we closed it because we discovered that we were charging roughly $8.50 for a dinner that cost more than $20. This is in a room that is owned by the Federal Government, with heat, light and all the services provided. I am just talking about food service cost and the food itself was more than $20. But no one would pay more than $20 for it. So we closed that dining room.

I would be happy to have the sponsors put in this RECORD where we can get—when the chamber of commerce comes into town from Anchorage or Pascagoula, wherever you want, they want to take us to dinner with their wives. And they would like to have a tablecloth on the table and maybe some flowers and just a nice dinner in a quiet place. Tell me where you can get it for $20 a person here in town.

I think they ought to tell us where you can do that. I do not think we ought to have to go to places where families do not go but where people take their wives when we have our constituents in town. That $20 figure is really a very low figure. I do not think it is realistic in this town. This town now is more expensive than my hometown of Anchorage. At one time it was the highest priced town in the country. This town, Washington, is much more expensive than any town I know of in the country today for dinners.

But, again, I just think they ought to do something about it. Or maybe they ought to talk to their wives about it. It would be very interesting. Because I agree with the Senator from Mississippi. It just means that I do not have to go out as much any more if we put a $20 figure in there. I am sure the wives would love that. I really think the $20 figure needs a lot of thinking.

But I really am asking the Senator if he is ready for me to propose my amendment. I am ready to propose an amendment if he would like to have me do that. But I join him in really raising a serious question about their $20 figure.

Mr. LOTT. I thank the Senator from Alaska. I think we could all come up with a lot of stories. I think simply—without getting all riled up about the $20 figure—it is not a reasonable figure. It would be so delicate, so impossible and so embarrassing how you would handle that.

If we are going to go with that figure, we ought to go to zero, absolute zero. Some Senators already do that. And that way you would understand no Coke, no coffee, no potato chips, no nothing. At least I will not have a recordkeeping nightmare. I will not have to be so nervous. Well, is this $19.50 or is this $21?

I think the little difference of $50 with a total for the year of not to exceed $100 from an individual is much more reasonable, and it would be a lot easier for the Members to comply with. I cannot believe anybody in America would question our integrity with those kinds of limits.

In view of the hour and the fact that there are others who want to speak on this, and we may want to rise to debate it a little bit after others speak, and the fact that Senator STEVENS is waiting now to offer an amendment which perhaps we can get an agreement on, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LOTT. I would yield—how many minutes to the Senator from Arizona?

Mr. MCCAIN. Seven minutes.

Mr. LOTT. Seven minutes to the Senator from Arizona.

Mr. STEVENS. Mr. President, if the Senator will yield to me, I would be happy to yield time off this amendment if the Senator would like it because I am not going to use much time.

Mr. MCCAIN. Is the Senator suggesting that the pending amendment be set aside so the Senator could introduce the Senator's amendment which has been agreed to on both sides?

Mr. STEVENS. Yes. But the Senator can use some of the time off it.

Mr. MCCAIN. I thank the Senator.

Did the Senator want to do it at this time?

Mr. STEVENS. Whenever.

Mr. LOTT. Mr. President, if the Senator from Arizona, who has the time, would be agreeable to that, we could allow the Senator from Alaska to set aside this amendment for now and dispose of it, and then come back to the remarks of the Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent that the pending amendment be set aside in order that the Senator from Alaska may present his amendment, and following that we return to the pending Lott amendment and I may be granted my time at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The pending amendment is now set aside.

AMENDMENT NO. 1876 TO AMENDMENT NO. 1872

Mr. STEVENS. Mr. President, I send an amendment to the desk. This is the amendment known as the spouse amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1876 to amendment No. 1872:

On page 2 of the amendment, strike lines 12 through 20 and insert in lieu thereof the following:

"(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee."

Mr. STEVENS. Mr. President, first let me apologize to my friend from Mississippi. I was off the floor and did not realize he had called up his amendment. I thought he was speaking in general about it when I came in, and I really did not intend to be so abrupt with my good friend.

Mr. President, as former chairman of the Ethics Committee, I have had many experiences about the reference in the ethics law pertaining to spouses. Spouses are not subject to the jurisdiction of the Senate. I applaud the way that the Senator from Arizona has prepared this amendment in several instances to avoid the implication in it of spouses, that merely because one is married to a Senator she or he is subject to the jurisdiction of the Senate. This is an attempt now to further continue what the Senator from Arizona has started, which I said I think is a very good trend.

What it really says is that a gift to any family member or person that has an individual relationship with a Member, officer, or employee shall be considered a gift to the Member if that Member has knowledge of it and has acquiesced in it and there is reason to believe it was given because of the Member's office.

I am hopeful this will remove some of the bad feelings that spouses of Members have had about the existing law and previous interpretations of the law pertaining to spouses and dependents. It does carry out the intent of what the Senator from Arizona had intended to do, and I understand it will be accepted.

I wish to say just briefly, our spouses, a lot of people do not realize the amount of time they really put in in terms of helping us with our constituents and with our problems. There was an assumption in the original ethics law—not this draft of the amendment of the Senator from Arizona, but there was an assumption there that the Senate could exert jurisdiction over a spouse or dependent who lived with a

Senator. That has led to a lot of conversations for this Senator, both in the time I was chairman of the Ethics Committee and since then, as to the propriety of that assumption.

I am pleased to see it totally eliminated now. If this amendment is adopted, I do not think there is a presumption in this bill of jurisdiction over a spouse or any family member. The jurisdiction is over the Member because of acquiescence and knowledge of a gift to any person that has been associated, or is associated with a Member and with the knowledge that that gift was given to that person because of the Member's official position. I think that is a correct way for this bill to address the problem. I am pleased to hear it will be accepted. I thank all concerned for giving us that consideration.

To me, to get back just for a minute to the overall problem, if I had my druthers, as I would have said years ago, I would rather see a full disclosure bill, a bill that requires us to disclose our activities with any person with regard to our official capacity and leave it there. I think once we start writing these detailed laws which try to convince people we are ethical; we have passed a new law, we lose a great deal of meaning for the Senate. We witnessed the respect that is held for the distinguished Member from West Virginia today. I think that those of us who are newcomers compared to Senator BYRD should realize that the respect that the Senate had in the days of the Russells and the Dirksens and those who have come before us were days when there was no ethics law at all. The respect was held for the body itself because the Members assured that that respect was maintained. It did not take a law. It did not take an ethics law. Mike Mansfield was not the majority leader that he was because of an ethics law. There was none at the time. It came in later. And when you really look at the great titans who have served on this floor—and I think there have been many—they were not guided by an ethics law. They were guided by their sense of right and wrong and by the mission that they had as Members of the Senate.

I would that we could return to that day, when we trusted the public to trust us.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. LEVIN. I wonder if the Senator from Arizona will yield briefly for a comment unless he is going to comment on the amendment of the Senator from Alaska.

Mr. MCCAIN. I have a brief comment if I could.

Mr. LEVIN. I will, of course, wait until after he is done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wish to express my appreciation to the Senator from Alaska for this amendment. Perhaps it would be more appropriate if I expressed my appreciation to his spouse, who obviously takes a keen interest in these issues. She hails from the State of Arizona, which I think accounts for most of the dynamic intelligence which she displays. I do understand her point, and I understand the point of the Senator from Alaska on this issue. We should not designate people simply by virtue of marriage. There should be a broader interpretation of this issue, and I appreciate not only the Senator from Alaska but his wonderful spouse as well.

I have no further comment.

Mr. LEVIN. I wonder if the Senator will yield to me 2 minutes without losing his right to the floor.

Mr. MCCAIN. I yield to the Senator.

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

Mr. LEVIN. I thank the Chair. Let me thank the Senator from Alaska. He has been in the forefront in fighting for the independence and the rights of our spouses not to be treated as though somehow or other they are covered by the rules of the Senate when they are not Members of the Senate. He has been very sensitive to that issue. As he pointed out, the intention of both the underlying bill and the substitute before us is not to include spouses in these rules because they are not Members of the Senate. He has identified some language which inadvertently might suggest to the contrary, and he has corrected that. And I think we are all in his debt, and I know our spouses are all very much in his debt. We thank him for that.

Mr. STEVENS. Mr. President, as the Senator from Arizona said, I will know when I get home whether I am right or wrong.

As Members have said to me quite often, I am one of the fortunate Senators in that I have married twice. Both of my spouses have been very committed to this institution and particularly paid a great deal of attention to the way that spouses and family members are treated in view of the obvious problem of being married to a Member of the Senate, but I am grateful for the comments he has made. We have made a small, but important, change to this bill with this amendment.

It really is in my opinion no change. It is just a proper definition of who we are addressing with regard to a gift that should be treated as being made because of the office of the U.S. Senator. And I think this will be sufficient. So I again thank the Senator from Arizona and the Senator from Michigan for accepting the amendment. I am prepared to yield back the balance of my time unless someone wants to use it.

The PRESIDING OFFICER. Is there further debate on this amendment? Is all time yielded back?

Mr. STEVENS. I yield back the time.

Mr. LEVIN. I yield back any time I might have under my control.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1876) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

The PRESIDING OFFICER. Under the previous order the Senate will now return to the amendment offered by the Senator from Mississippi.

The Senator from Arizona is recognized for 7 minutes.

Mr. MCCAIN. Mr. President, I rise in opposition to the amendment of the Senator from Mississippi. We are in a very difficult area, Mr. President, because we are really looking in this entire bill at perception. It is all based on the perception of the American public as to what is acceptable in the form of what kind of favors, funds, gifts, gratuities, et cetera, that a Member of Congress should receive.

Mr. President, after long and arduous and labored deliberation, we arrived at the number that is in the substitute. It was not an easy decision to make. There were many who disagreed with it. There were some who wanted to go to zero. There were some who wanted to go much higher. And yet it was the consensus of those involved on both sides of the aisle that a $20 gift limit with a $50 aggregate was appropriate.

How did we arrive at that number, Mr. President? We looked at it as what most Americans might believe is a reasonable sum of money.

I have heard this argument about going back to zero, going to zero and not accepting anything. That certainly is a method or course that some might pursue. I think it would be a bit uncomfortable not to be able to accept a hat or some small memento.

But let me try to explain what $50—according to this amendment, prohibitions of this paragraph did not apply to gifts with a value less than $50. At $5 an hour $50 is a 10-hour day. And every single day a Member of Congress, Member of the Senate, could receive $50, and if that came out to 20 work days in a month, that is $1,000. Now, perhaps here in Washington, DC, in this very rarefied environment and atmosphere and expensive hotels and expensive restaurants and high cost of living $1,000 in 20 days or $50 a day is not a lot of money.

Mr. President, Arizona is not the poorest State in America. It is not the richest. But I will tell you what, if I talked to the men or women on the street in Arizona and said, ''Do you think I ought to be able to get $50 a day, or $49.95 a day off the cuff every day?'', I do not think they would agree with that, Mr. President. They would say, ''Why?'' They would say, ''Why do I get $50 a day in addition to the $139,000 a year that I make?''

Now, I do not believe, nor does anyone—and we have accepted here in this body that $5 and $50 and $500 and $5,000

and $5 million does not corrupt anyone. What we arrived at in the $20 individual and $50 aggregate was what we thought that the American people would believe is a reasonable amount of money, a reasonable gift, a reasonable kind of a situation which given the nature of our work would be understandable. But very frankly, I would have difficulty going back to Arizona and saying, ''By the way, I can accept gifts to the tune of $50 a day every single day of the week, day in, day out, month in, month out, and none of it aggregates.''

I have to say to my friend from Mississippi, the aggregation aspect of this of $100 is a little bit disingenuous. A little bit disingenuous, because anything just below $50 does not have to be aggregated. So we are really talking between $50 and $100.

I understand the argument of the Senator from Mississippi. I understand the argument of those who would like to see this higher. I understand the argument of those who would like to see it even much higher and have no limit whatsoever on the grounds that you cannot put a price tag on the vote of a Member of Congress. But I do believe that what we are trying to do here is convince the American people that we live basically on the same plane that they do. And I do not think they would think that the $50 a day, $49.95 a day we could receive in gratuities, gifts, other favors is something that they would ever have the ability to engage in. I am afraid that if we did that, it would be harmful rather than helpful in achieving the goal that this legislation contemplates.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. FEINGOLD. Mr. President, the Members of the Senate, this is not a minor adjustment. The Lott amendment in my view is the most important amendment we will be dealing with here. As the Senator from Arizona just pointed out, do not let anyone kid you about this one. It is not just moving up the executive standard from $50 in aggregate a year to $100 a year, it allows a person to take up to $50 a day from the same person at least every day of the year, I would say several times every day in the year, all year. How do you quantify that? It means one lobbyist or other individual could give every Member of the Senate $18,250 worth of stuff. And it would not even count. It would not even count toward the aggregation of the total of $100. This is a very major change from what I think is an excellent compromise.

I regret having to even say it, because the Senator from Mississippi has negotiated in good faith. But this amendment would be a major mistake. The Senator from Mississippi calls for a rule of reason. I think his amendment is just the opposite.

First of all, this is very different from the rule that the executive operates under very successfully. How different is a Cabinet Member in terms of the requests and entreaties they get from a Member of the Senate? I do not think that they are that different in that regard. And they live by this rule. And if one tries to argue that it is different for a legislative body, we in the Wisconsin legislature have lived with an even tighter rule than this for the last 20 years, Republicans and Democrats alike.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. The executive branch, the entire executive branch rules are that it is $20 with an aggregate of $50?

Mr. FEINGOLD. I understand. And they count every penny. There is no de minimis. The de minimis notion is usually under $1 or $2. This proposal suggests up to $50 is de minimis. You should not even count it. So this does present a very different situation.

Mr. WELLSTONE. Will the Senator yield for a clarification?

Mr. FEINGOLD. I yield.

Mr. WELLSTONE. The way this amendment reads, the Senator from Arizona may be interested in this, the last sentence reads ''The prohibitions of the paragraph do not apply to gifts with a value of less than $50.''

Mr. FEINGOLD. That it is. Let me say, for example, if a lobbyist wanted to send one Senator a dozen roses every day all year, I think it would be legal. Certainly anything up to $50 in terms of roses. Every day, all year.

Let me give just a different kind of example. The Senator from Mississippi says it gets ridiculous to have these kinds of rules at this level. Well, I will tell you what is ridiculous. What is ridiculous is what would be allowed under this amendment. I will use an example from my office of one staff member's invitations that he has received if the same entity gave these. This is how his week would look. I think the average citizen would find this ridiculous.

On Monday, he could have accepted an invitation that was given on July 6 to take part in an event that has captured the imagination of the Washington region's tennis enthusiasts. This year's Washington Tennis Classic includes Andre Agassi and Stefan Edberg. A ticket to a tennis event, probably under 50 bucks.

Tuesday, from the same entity, he can attend a music event, Hootie and the Blowfish, a terrific group of artists recording on Atlantic RECORDS, at the Merriweather Post Pavilion. That would be allowed from the same entity.

Then on Wednesday, my staff member could go to the special screening of ''Don Juan DeMarco'' which includes a cocktail reception and dinner at 7 and then seeing the movie before everyone else in the country got to see it. That was April 11, 1995.

If he is not tired at this point of all the entertainment, the same lobbyist or individual on Thursday could then treat him to the Cubs versus the Phillies, including a special train departing from Union Station for Philadelphia and presumably back.

And then on Friday, winding down for the weekend, the same lobbyist then invites the staff member or the Senator to the ''Russian Roulette Vodka Tasting'' to kick off the weekend.

Mr. President, this is what the Lott amendment will allow, and I believe in almost every one of these instances, it could be up to $50 and not a dime or a shot of the vodka will count toward the $100 aggregate. Even though this is not quite as bad, certainly, as the original McConnell substitute, it still provides an enormous loophole that will preserve, in large part, this lifestyle we are trying to eliminate. I suggest the body soundly—soundly—reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

Mr. LEVIN. I will be happy to yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my good friend from Michigan, I do not know that I need that much time, because I feel, like the Senator from Wisconsin, covered the ground in a very thorough way.

Initially, we had in the original bill, the McConnell-Dole bill—what was the aggregate on the original version?

Mr. FEINGOLD. The amount was under $100. There was no aggregate under the original version.

Mr. WELLSTONE. Under $100, no aggregate.

Mr. FEINGOLD. No, that did not have to be counted.

Mr. WELLSTONE. Now we have this amendment which is just barely an improvement. My colleague from Wisconsin said the original proposal was under $100, no aggregate, all you can eat. This reads, ''The prohibitions of this paragraph do not apply to gifts with value of less than $50.''

Mr. President, Senators should be clear about the vote. What this is saying is that you would like for a lobbyist to be able to on any number of occasions——

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. WELLSTONE. I will be pleased to.

Mr. MCCONNELL. Let me say, I listened carefully to the suggestion from both the Senator from Wisconsin and the Senator from Minnesota as to what could arguably be under the amendment offered by the Senator from Mississippi with regard to $50–$100. Yes, I agree that is possible, but anyone who did that would be before the Ethics Committee and be in a lot of trouble.

The Ethics Committee has frequently acted against Senators who have engaged in improper conduct, even when it did not violate a specific provision of the rules of the Senate Committee on Ethics or, for that matter, the rules of the Senate.

So we do not fail to go forward if there is clear and obvious misconduct. I will concede to my friends from Wisconsin and Minnesota——

Mr. WELLSTONE. I was pleased to yield for a question. I think the Senator's comments are helpful. I wonder if I could get some time on the other side. We have little time left.

Mr. MCCONNELL. Since I was making a statement and not asking a question, I will let the Senator finish.

Mr. WELLSTONE. I think the Senator's comments are important. I do not want to cut him off, but I want to reserve what time I have left.

My point is really simple. I just think that this may be the most important vote of all because, again, we ought to just let go of this. And for people in Minnesota, it is just not credible to say, ''We passed important reform on the taking of gifts.'' ''What was it?'' ''Well, we could take a gift on many occasions from a lobbyist as long as it was under $50 and it would never apply to any limit.''

People will just laugh at that. That is not reform. That is my first point.

My second point, Mr. President, which may or may not move colleagues, but I would like to talk about the flip side of the coin. It does seem to me, Mr. President, that for a lot of people in Minnesota, a lot of hard-pressed people, we cut the low-income energy assistance in the House of Representatives. They eliminated it. There are a lot of wage earners, there are a lot of senior citizens, there are a lot of students, there are a lot of farmers, there are a lot of neighborhood people in the cities, there are a lot of regular people who cannot afford to take us out for $50. Where do they fit into this equation? Maybe they have a shot at taking us out for $20, so that we go out to dinner with them and not just with lobbyists. Let us have a little equality here, and that is the second part of my argument.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute left.

Mr. WELLSTONE. I yield the rest of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 13 minutes and 54 seconds; the Senator from Mississippi has 16 minutes and 10 seconds.

Mr. LOTT. Mr. President, how much time does the Senator need?

Mr. MCCONNELL. Five minutes.

Mr. LOTT. I yield 5 minutes, and more, if he needs it, to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I just want to make clear that any Member of the Senate who chose to take multiple gifts under $50, the hypothetical that my friends from Wisconsin and Minnesota could very legitimately claim is possible under a plain reading of the Lott amendment, would necessarily be in serious trouble before the Ethics Committee.

There is no question that under section 2(A)(1) of the rules of the Select Committee on Ethics that that would be considered improper conduct. Under the Senate Code of Conduct, subsection (A), I think it would clearly constitute misconduct.

I just want to assure my friend, reasonable people can differ about the propriety of this amendment, but I did not want it left unrebutted that one could engage in the kind of conduct that a plain reading of the Lott amendment might seem to permit when, in fact, it would be a clear violation of the kind of standards that we all know apply in the Senate.

I strongly recommend, as chairman of the committee, that whether the limit is put at $20 or whether it is put at $50, below which there is no aggregation, anybody who engages in that kind of blatant effort to circumvent the rule is going to have a very, very serious case before the Ethics Committee.

I suggest they get themselves a good lawyer because the chances are they are likely to get censured.

I thank the Chair very much. I thank my friend from Minnesota. I think it is important that we clear this up, that one could engage in this kind of conduct with impunity and expect not to be in deep, deep trouble.

Mr. LOTT. Absolutely, and if the Senator will yield, I appreciate him speaking up as chairman of the Ethics Committee in pointing this out. Also, I think it would be important that we note in the underlying bill that we are working on now, the substitute, a lot of discussion went into the fact that good faith is an important part of this. In fact, it talks about ''and in good faith believes to have a value of less than''; ''no formal recordkeeping is required, but a Member, officer, employee shall make a good-faith effort to comply with this paragraph.''

I think that language is very basic to what we are trying to do. If you really want to slight these rules, you probably can. We all ought to act in good faith. I know the Senate will do that. If we do some of the things outlined by some of the others, Senators will certainly have to answer to the Senate Ethics Committee.

I thank the Senator from Kentucky for his comments.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator from Louisiana, Senator BREAUX, be added as an original cosponsor of my amendment.

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

Mr. LEVIN. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to quickly respond to the statement of the Senator from Kentucky that the Ethics Committee certainly would take action against somebody who took a prime rib and a martini every day from the same individual. I do not understand that. This rule would simply say that that is fine. This rule would say that it does not come as a gift under the Senate rules if you took that for under $50 a day.

I cannot believe that there would be a very strong case before the Ethics Committee if that Senator were able to say: You voted and passed a rule that explicitly permits this. It is very unlikely that I or any member of the public is going to believe that that is sufficient. It is going to be legal under the Senate rules to have a very nice dinner, or at least a pretty nice dinner, and very nice lunch every single day of the year from the same lobbyist—actually, several times a day. This is completely unacceptable, in terms of what we can call reform. It is not sufficient to say the Ethics Committee is going to be able to slam the hammer down when all the Senator has to do is say the Senate expressly permitted it under this rule.

Mr. LEVIN. Mr. President, I yield myself 4 minutes.

First, let me comment on the point just made by the Senator from Wisconsin. I also do not understand how it can be argued in this amendment offered by my friend from Mississippi that gifts under $50 might somehow or other be limited, even though the amendment says there is no limit.

The amendment of the Senator from Mississippi says, ''The prohibitions of this paragraph do not apply to gifts with a value of less than $50.'' We talk about putting Members of the Senate in jeopardy with vague language. I do not know how it can then be argued by supporters of the amendment that, yes, maybe they do. Maybe the prohibitions of this paragraph do apply to gifts if given repeatedly in multiples, day after day. The language is pretty clear. You do not aggregate gifts. The prohibitions do not apply to gifts with a value of less than $50.

It seems to me that that is one of the fundamental flaws of this particular amendment—that the gifts are not aggregated, and that means you can have a gift each day of under $50 from the same source. And according to the language, the prohibitions of this paragraph do not apply.

Second, it seems to me we have a precedent for this $20 rule. That is the executive branch. And, by the way, the executive branch also aggregates gifts of under $20, as does the McCain substitute.

So we have a precedent in two ways. The executive branch rule reads as follows: ''An employee may accept unsolicited gifts having an aggregate market value of $20 or less per occasion''—That is the $20 rule—''provided that

the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed $50 in a calendar year.'' That is the $50 aggregate rule. So in the executive branch rules, which they have lived with successfully, we have precedent for both parts of this rule in the McCain substitute, both a $20 limit and the $50 aggregate.

Now, what we also do in the substitute is something very important. We avoid the recordkeeping. One of the problems with any aggregate is what about recordkeeping. Unless you say it is not necessary, you can run into a problem with recordkeeping because it simply is a cumbersome requirement if you have to keep records. So in the substitute it says, ''No formal recordkeeping is required by this paragraph, but a Member, officer, employee, shall make a good-faith effort to comply with the paragraph.'' We leave it up to the good faith of the Member to comply with the $50 aggregate rule.

Mr. President, this is a very significant change in the substitute. If this amendment passes, we are going to be pretty close to business as usual, because a $50 rule allows for the lunches and for the suppers, and if do you not aggregate gifts under $50, you have the situation where basically the gifts under $50 are unlimited. In both respects, it is much too close to business as usual.

Now, is it a change from $100? Yes, it is. I am the first to concede that. But does it come close to where we should be as an institution? I am afraid not. Therefore, I do hope that we will defeat this amendment.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we are ready for another unanimous-consent agreement that is very important. I would like to do that at this point, and then Senator MCCONNELL and Senator MCCAIN may have some comments.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., and at 9 a.m., there be 10 minutes for debate, to be equally divided on the Murkowski amendment, and the Senate proceed to vote on or in relation to the Murkowski amendment No. 1874.

I further ask that following the Murkowski vote, there be 10 minutes for debate, to be equally divided, to be followed by a vote on or in relation to the Lott amendment regarding limits, and that following the conclusion of the vote on the Lott-Breaux limits amendment, Senator Byrd be recognized to offer his amendment, on which there will be 45 minutes, to be divided, with 40 minutes under the control of the Senator from West Virginia, Senator Byrd, and 5 minutes under the control of Senator MCCONNELL, with a vote to occur on the Byrd amendment following the conclusion of the debate.

I further ask that following the disposition of the Byrd amendment, Senator Rockefeller be recognized to offer his amendment, and, if offered, limited to 10 minutes, to be equally divided in the usual form; following that debate, the Senate proceed to vote on or in relation to the Rockefeller amendment.

I further ask that following the disposition of the Rockefeller amendment, Senator WELLSTONE be recognized to offer his amendment, on which there would be 1 hour of debate, to be equally divided, to be followed by a vote on or in relation to the Wellstone amendment.

I further ask that following the disposition of the Wellstone amendment, Senator DOLE be recognized to offer his amendment, on which there will be 5 minutes under the control of Senator DOLE and 30 minutes under the control of Senator LEVIN, to be followed by a vote on or in relation to the Dole amendment.

I further ask that following the disposition of the Dole amendment, the Senate proceed to the closing debate, to be followed by third reading and final passage, as provided in the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield 5 minutes to Senator MCCONNELL.

Mr. MCCONNELL. Mr. President, I probably will not take 5 minutes. Again, at risk of being redundant, I do not want to leave anybody in the Senate, or out in the country, who cares about this issue with the impression that one could accept repetitious meals or gifts of any sort, day after day after day, and not be in serious trouble.

In fact, Mr. President, it is interesting to note that some of the most famous ethics cases in recent years have not been a violation of Senate rules. The current case before us that everyone is quite familiar with—certainly, I am—with regard to the Senator from Oregon, some of the charges relate to allegations of sexual misconduct. In fact, those are not technically a violation of Senate rules. But I think we would all agree it is a very serious case. The Keating Five case involved largely no violations of Senate rules. In fact, the Senate adopted a new rule after the Keating case, rule 43.

So regardless of how people may feel about whether the limit should be set at $20 and $50, or $50 and $100, I want to assure the Senate and the public, as chairman of the Ethics Committee, that anybody who took repetitious gifts carefully crafted to circumvent the spirit of this limit, whether it is set at $20 or $50, is in a heck of a lot of trouble. And a candidate for censure. Certainly, the argument can be made that it is technically possible. But, as a practical matter, anybody who did that would be in very serious trouble and would have obviously violated the standards that we all accept as appropriate as behavior of Senators.

I just wanted to make certain that everybody had a clear understanding that nobody—certainly not Senator LOTT or Senator BREAUX—is suggesting that this is the kind of thing that would be tolerated by the adoption of the $50 to $100 option.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I am happy to yield the remainder of my time or any portion thereof that the Senator from Arizona needs.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. MCCAIN. Mr. President, I do not intend to take more than 2 or 3 minutes here.

Perhaps the Senator from Kentucky is correct in that if someone, day after day, week after week, took $50 or $49.95 from the same person, that would be viewed as conduct unbecoming to a Member of the U.S. Senate.

Now we will talk about reality, Mr. President. The reality now is, day in day out, week after week, month after month, people do take from different sources—from different sources—significant amounts, in favors, meals, et cetera. It goes on all the time. We know it.

No, I do not believe that someone would take $50 a day from the same person. But I sure as heck do believe that someone would take $49.95 from a whole lot of different people.

Mr. President, just look at the gifts that come into our office on a daily basis. Look at it at Christmas time. Federal Express finds the Capitol to be the busiest place for them to go. There are baskets and all kinds of things that come in.

What is wrong with that? Nothing, except that we live differently from the rest of the American people. And the American people want us to live like they do. I do not know any average citizen in the State of Arizona who gets gratuities or meals, or whatever it is, to the tune of approaching $50 a day. I do not know of any. Not even business executives. No one, except we here in Congress.

Mr. President, the American people want us to live like they do. Perhaps, as Senator STEVENS said, in the grand days of the U.S. Senate, when I was not here and there were not problems and people lived a certain way, that was a different era.

It was articulated again over in the 1994 election. Turn on your talk radio anywhere in America. They believe that the Congress lives differently than they do, that we do not understand their everyday problems and issues and challenges because we live differently. They want us to live like them.

Yes, as the Senator from Mississippi said, we could go to zero, I guess. That may be a move that would be made if this one is defeated. I do not think that is appropriate. I think that $20 with an aggregate of $50 is appropriate.

I think most Americans would think that was appropriate. I do not believe, I just do not believe, that $50 a day

unending, from different sources, is what the American people think they could ever attain, and they do not think that we should live in that fashion.

This is, as the Senator from Wisconsin, the Senator from Minnesota, and the Senator from Michigan said, this is a very, very important amendment, because if we do pass this amendment, then it is fundamentally business as usual.

I do not think that this whole exercise was about business as usual. I think that the 1994 election was about change. I think this is one of the changes. This is not the most earth-shaking change. This is not up there with the balanced budget amendment. It will not be the end of the world if it fails.

But, Mr. President, there is an erosion in confidence on the part of the American people in Congress. I saw a poll not too long ago that 19 percent of the American people believe that Congress can be counted on to do the right thing some of the time—some of the time. I do not think it was an accident that the U.S. Senate—I believe the first act we passed was unfunded mandates; and the second was—what? Put Congress under the rules that the American people live by. The laws that we pass that apply to them apply to us.

It seems to me that this amendment again removes us from the average American into a rather rarefied stratosphere in which very few other Americans are able to circulate.

Mr. President, I hope we will defeat this amendment. I do not underestimate how important this amendment is. I thank the Senator from Michigan for yielding me time. I reserve the remainder of my time.

Mr. LOTT. Mr. President, I yield myself such time as may be consumed.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. LOTT. Mr. President, I think the Senate would function a lot better if, in fact, we did live more like ordinary citizens with families. Maybe it would be a good idea if we begin by being home at night. That is where most Americans are today. They are at home with their kids and their wives and their husbands. They are living like normal human beings. And here we are. Where were we last night? We were here. Where were we the night before? We were here.

Now, I want to meet the Senator that is having lunch and dinner every day of the week around here. It does not happen. We come back in here, most of us come flying in from Wisconsin, Minnesota, Kentucky, Mississippi, all the way from Arizona, we get here in the afternoon on Monday and gripe like the devil if we have a vote before 6 o'clock on Monday. It would be good enough if we worked on Monday morning like average citizens, instead of Monday night. So, we get here in the afternoon, and we are in session. We do not start voting until 5 o'clock or 6 o'clock.

When are Senators going to go to dinner? Senators are here voting. OK, Tuesday—Tuesday we have policy luncheons. We all eat together. Democrats eat at their policy luncheon, and we eat at ours. There ain't no luncheon.

And at night we are here. Maybe the average Member, at least in my case, I get roped or rooked into having to go to dinner maybe once a week. I am doing better now. It is more like once every 2 weeks. So I do not have lunches off of Capitol Hill hardly ever. I eat up here with my colleagues. A lot of the time we are doing business and enjoying each other's company a little bit.

The idea that we can be bought for a steak but not for a hamburger, I do not understand that. I like hamburgers better anyway. It is OK if Members go out to a luncheon and get hamburgers, but it is not OK if Members go to dinner and have a steak. Give me a break.

Again, I am arguing we should be reasonable and rational. This $20 limit is not rational. The inference is Members can go for steak for dinner every night. I guess Members could go out to an $18 chicken luncheon every day.

I realize the language has good faith in there. I think good faith applies to the $50 limit like it does to the $20 limit. We are not going to be going out pressing the limit every day. We are going to act in good faith. We are all acting in good faith.

I want to make this point. This amendment that would put the limit at $50 with the aggregate of $100 is different, fundamentally different, big time different from the existing law which says Members report if it is over $100 and the limit is $250, and meals are exempted always—which they should be.

Now, I do not believe anybody can be bought for a meal or a bunch of meals. That is ridiculous. So, we are making a big change from $100 and $250 limit, down to $50 and $100.

This amendment is not about business as usual. And business as usual around here is not that Senators go out and get bought for a $50 gift or a $50 or $60 steak dinner. We should have tight rules. We should be careful. We should watch out for the image and the perception of this institution, because we all are affected by the misconduct of only one. But we should not put ourselves in a position where we cannot comply with logical rules, and where we cannot have free and normal contact, at least with our constituents. Most people think you are talking about limiting all those big-time slick-suited Washington lawyer-lobbyists. This limits, also, how we can interact with our constituents from down home—or up home, if you are from up North.

We have made a lot of progress. I think we will be better off with this bill. But I think if we go with this $20 and $50 limit, it will be trouble.

Mr. President, I have no further requests for time. I believe all time is about expired or has been yielded back.

Mr. LEVIN. I have not yielded back my time.

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes 27 seconds remaining, and the Senator from Mississippi has 2 minutes 3 seconds remaining.

Mr. LOTT. Mr. President, I reserve the remainder of my time unless we are ready to yield our time, I say to the Senator from Michigan.

Mr. LEVIN. Mr. President, I do not know of anybody on our side who wishes to use any of the time. I will just yield myself 30 seconds to say, wherever you draw a line, someone is going to argue that we cannot be bought for $20, we cannot be bought for $50, we cannot be bought for $100—wherever you draw the line. The question is, we have to draw a line and we have to draw it a lot lower than where the line is currently drawn because it is too loose. It is unlimited meals, it is unlimited tickets, it is recreational travel. We have to draw much tighter lines.

We have a precedent in the executive branch. There is a $20 gift rule. It has not created any big problems. It works. And they do aggregate. That means gifts under $20 count toward the aggregate limit of $50. That is our substitute. It is based on that pattern. It works. It has not gotten folks into trouble.

It seems to me, if the executive branch can function as they have with a $20 limit and gifts below $20 counting towards a $50 aggregate, we ought to be able to live under that limit as well.

I yield the remainder of my time and I do ask unanimous consent that Senator HARKIN be added as a cosponsor to the pending substitute.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. FORD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1877

Mr. FORD. Mr. President, I have a technical amendment to change some language on page 16, line 25. I have cleared this with the majority leader, the majority whip, chairman of the Ethics Committee, all those who are cosponsors. I think I have cleared it.

So I ask unanimous consent that I might offer an amendment at this time.

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

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 1877.

Mr. FORD. 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:

On page 16 of the McCain substitute on line 25 insert after ''shall take effect on'' the following: ''and be effective for calendar years beginning on''.

Mr. FORD. Mr. President, this is just a technical amendment that changes the language on that line and page. I have cleared it all. I will not debate it.

The PRESIDING OFFICER. Is there further debate? The Senator from Mississippi.

Mr. LOTT. Has this been agreed to?

Mr. FORD. Not yet.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1877) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I wanted to thank the Senator from Kentucky and the Senator from Mississippi, my friends from Minnesota and Wisconsin as well as the Senator from Michigan. This is a very contentious issue. A great deal of emotion has been associated with it. I think we have addressed the issues tonight in an informative and not exactly emotionless, but certainly a professional, manner.

I thank all of them for their contributions. And I again thank the staff on both sides of the aisle for I think very important contributions.

I thank my friend from Mississippi for his indulgence.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

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

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.)

REPORT RELATIVE TO ORGANIZATIONS THAT THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 68

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to organizations that threaten to disrupt the Middle East peace process that was declared in Executive Order No. 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On January 23, 1995, I signed Executive Order No. 12947, ''Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process'' (the ''order'') (60 Fed. Reg. 5079, January 25, 1995). The order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the order. The order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the order (collectively ''Specially Designated Terrorists'' or ''SDTs'').

The order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the order are effective upon the date of determination by the Secretary of State or his delegate, or the Director of the Office of Foreign Assets Control (FAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On January 25, 1995, FAC issued a notice listing persons blocked pursuant to Executive Order No. 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 *Fed. Reg.* 5084, January 25, 1995). The notice identifies 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order No. 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition the notice provides 9 name variations or pseudonyms used by the 18 individuals identified. The FAC, in coordination with the Secretary of State and the Attorney General, will continue to expand the list of terrorist organizations as additional information is developed. A copy of the notice is attached to this report.

3. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 21, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $55,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Justice.

4. Executive Order No. 12947 provides this Administration with a new tool for combatting fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations to preclude diversion of such donations to terrorist activities.

In addition, I have sent to the Congress new comprehensive counterterrorism legislation that would strengthen our ability to prevent terrorist acts, identify those who carry them out, and bring them to justice. The combination of Executive Order No. 12947 and the proposed legislation demonstrate the United States' determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism.

I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1995*.

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House disagree to the amendments of the Senate to the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints Mr. PACKARD, Mr. YOUNG of Florida, Mr. TAYLOR of Mississippi, Mr. MILLER of Florida, Mr. WICKER, Mr. LIVINGSTON, Mr. FAZIO, Mr. THORNTON, Mr. DIXON, and Mr. OBEY as managers of the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–248. A resolution adopted by the New Jersey State Federation of Women's Club relative to children; to the Committee on Finance.

POM–249. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Finance.

''SENATE JOINT RESOLUTION NO. 12

''Whereas, the Aquatic Resources Trust Fund (Wallop-Breaux) was enacted by the U.S. Congress so that the safety and education of the nation's boaters would receive funding similar to that provided for fish and wildlife programs; and

''Whereas, Aquatic Resources Trust Fund monies are not general funds, but rather trust funds derived from the tax boaters pay on marine fuel and, therefore, represent a prime example of the user fee concept, i.e. user pays, user benefits; and

''Whereas, in Tennessee, these funds have helped to steadily decrease boating fatalities so that the past three years have been the lowest on record; and

''Whereas, the loss of these funds will be devastating to Tennessee's boating program by reducing the education and enforcement programs by nearly half; and

''Whereas, the current administration did not ask for these funds as a part of the proposed federal budget, thereby ending an enormously successful program engineered through the cooperative efforts of the American League of Anglers and Boaters, Fish and Wildlife Agencies, Congress, and others; and

''Whereas, these funds cannot be used for budget deficit reduction but rather will transfer to the Sport Fisheries account of the Aquatic Resources Trust Fund, thereby bypassing the intent of the enabling legislation; and

''Whereas, there was bipartisan support in the 103rd Congress in the form of HR 4477 to reinstate this vital funding on a sustained basis; and

''Whereas, there appears to be movement to address this same boating safety funding dilemma in the early days of the 104th Congress: Now, therefore, be it

''*Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby memorializes the United States Congress to enact legislation which would reinstate Aquatic Resources Trust Fund (Wallop-Breaux) monies on a sustained funding basis to assure the continued proven success of Tennessee's, as well as other states', boating safety and education program, and be it further

''*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation.''

POM–250. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

''RESOLUTION 369

''Whereas, the health insurance benefits of nearly 100,000 retired coal miners, with an average age of 73, are in jeopardy due to pending bills in the United States Congress; and

''Whereas, the coal mining industry is vital to the economy of Alabama and other states threatened by these pending bills; and

''Whereas, these bills, if enacted, could relieve more than 400 corporations and companies from contributing into a health care fund established to replace several financially-troubled funds and would result in severe hardship to retired coal miners, imperil the economic stability of the communities in which these miners live, and would impose additional fiscal burdens on the social service systems of the various states: and

''Whereas, most of the retirees that would be affected worked their entire lives in appallingly dangerous and severe conditions, and to now deny benefits is unthinkable to fair-minded persons throughout the country: Now therefore be it

''*Resolved by the House of Representatives of the Legislature of Alabama*, That we hereby express our strongest opposition to the passage or consideration of any pending bills before the United States Congress that would eliminate or reduce benefits for coal miners and their widows.

''*Resolved further*, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, and to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate as an expression of our opposition.''

POM–251. A resolution adopted by the Greater Miami Chamber of Commerce of the City of Miami, Florida relative to Cuba; to the Committee on Foreign Relations.

POM–252. A resolution adopted by the House of the Legislature of the State of Indiana; to the Committee on Foreign Relations.

''HOUSE RESOLUTION NO. 74

''Whereas, China has been a divided nation since 1949, and the governments of the Republic of China on Taiwan (hereinafter cited as ''Taiwan'') and the People's Republic of China on Mainland China (hereinafter cited as ''Mainland China'') have exercised exclusive jurisdiction over separate parts of China;

''Whereas, Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

''Whereas, Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994 balloting for local and provincial officials:

''Whereas, the 21 million people on Taiwan are not represented in the United Nations and their human rights as citizens of the world are therefore severely abridged;

''Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

''Whereas, Taiwan has much to contribute to the work and funding of the United Nations;

''Whereas, Taiwan has demonstrated its commitment to the world community by responding to international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by proving financial donations, medical assistance, and other forms of aid;

''Whereas, the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as an observer at the General Agreement on Tariffs and Trade as the first step toward becoming a contracting party to the organizations;

''Whereas, the United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

''Whereas, Taiwan has repeatedly stated that its participation in international organization is that of a divided nation, with no intention to challenge the current international status of Mainland China;

''Whereas, the United Nations and other international organizations have established precedents concerning the admission of separate parts of divided nations, such as Korea and Germany; and

''Whereas, Taiwan's participation in international organizations would not prevent or imperil a future voluntary union between Taiwan and mainland China any more than the recognition of separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany: Now, therefore, be it

''*Resolved by the House of Representatives of the General Assembly of the State of Indiana:*

''Section 1. Taiwan deserves full participation, including a seat in the United Nations,

and the government of the United States should immediately encourage the United Nations to establish an ad hoc committee for the purpose of studying membership for Taiwan in that organization and its related agencies.

''Section 2. The principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, and the United States Senate Majority Leader.''

POM–253. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

''JOINT RESOLUTION NO. 30

''Whereas, The residents of the State of Nevada have enjoyed a sister-state relationship with the residents of the Republic of China on Taiwan for the past 10 years; and

''Whereas, the commercial interaction with the Republic of China on Taiwan has grown substantially in recent years to the benefit of the State of Nevada; and

''Whereas, the Republic of China on Taiwan has successfully established a democratic, multiparty political system; and

''Whereas, working in a cooperative atmosphere with the United States, the role of the Republic of China on Taiwan in international developmental programs and humanitarian relief operations has expanded significantly during the past decade; and

''Whereas, seven Central American countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 48th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community, based on the principle of universality, and in accordance with the established pattern of parallel representation by divided countries in the United Nations: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That our ongoing commercial relationship with the people of the Republic of China on Taiwan be recognized as serving our mutual interest in an equitable and reciprocal manner; and be it further

''*Resolved,* That the contributions of the Republic of China on Taiwan in light of her democratic government and humanitarian service abroad, be accorded appropriate recognition by the residents of the State of Nevada; and be it further

''*Resolved,* That the Congress of the United States is hereby urged to give due consideration to the readiness of the people of the Republic of China on Taiwan for its further contributions to broaden participation in the international community, including the United Nations and such forums as multilateral trade associations and humanitarian relief organizations; and be it further

''*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and to Director General Jyhyuan Lo of the Taipei Economic and Cultural Office in San Francisco; and be it further

''*Resolved,* That this resolution becomes effective upon passage and approval.''

POM–254. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

''JOINT RESOLUTION NO. 38

''Whereas, a parent who disagrees with a court's decision relating to the custody of his child may choose to leave the United States with that child; and

''Whereas, international cases of parental abduction of children have increased dramatically; and

''Whereas, since 1977, the Office of Children's Issues of the United States Department of State has been notified in the cases of approximately 7,000 American children who were abducted from the United States or prevented from returning to the United States by one of their parents; and

''Whereas, the Office of Children's Issues has more than 1,200 unresolved cases of international abduction of children on file; and

''Whereas, the United States Department of State is not authorized to intervene in the private legal matters of parents or to enforce an agreement relating to the custody of a child who is living with a parent outside the United States: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada Legislature hereby urges Congress to enact legislation which would require that any application for a passport for a child under the age of 16 years must be signed by: ''1. Both parents, if the parents and the child live together; 2. The parent or parents who has been awarded custody of the child; or 3. The surviving parent, if a parent is deceased; and be it further

''*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

''*Resolved,* That this resolution becomes effective upon passage and approval.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, with amendments:

H.R. 1905. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–120).

By Mr. SHELBY, from the Committee on Appropriations, with amendments:

H.R. 2020. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30 1996, and for other purposes (Rept. No. 104–121).

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996'' (Rept. No. 104–122).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (1h) Kenneth Leroy Fisher, 000–00–0000, U.S. Naval Reserve.

Rear Adm. (1h) John Henry McKinley, Jr., 000–00–0000, U.S. Naval Reserve.

Rear Adm. (1h) John Francis Paddock, Jr., 000–00–0000, U.S. Naval Reserve.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (1h) Roger George Gilbertson, 000–00–0000, U.S. Naval Reserve.

DENTAL CORPS OFFICER

To be rear admiral

Rear Adm. (1h) James Conley Yeargin, 000–00–0000, U.S. Naval Reserve.

SUPPLY CORPS OFFICER

To be rear admiral

Rear Adm. (1h) Robert Cameron Crates, 000–00–0000, U.S. Naval Reserve.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. George K. Muellner, 000–00–0000, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Jared L. Bates, 000–00–0000, U.S. Army.

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. James J. Hughes, Jr., 000–00–0000.
Brig. Gen. William D. Jones, 000–00–0000.
Brig. Gen. Melvin C. Thrash, 000–00–0000.

To be brigadier general

Col. John W. Hubbard, 000–00–0000.
Col. John D. Havens, 000–00–0000.
Col. Ronald D. Tincher, 000–00–0000.
Col. Peter B. Injasoulian, 000–00–0000.
Col. Alfred E. Tobin, 000–00–0000.
Col. James W. O'Toole, 000–00–0000.
Col. Francis D. Vavala, 000–00–0000.
Col. Michael H. Harris, 000–00–0000.
Col. Albert A. Mangone, 000–00–0000.
Col. David P. Rataczak, 000–00–0000.
Col. Thomas D. Kinley, 000–00–0000.
Col. Joseph J. Taluto, 000–00–0000.
Col. Norman A. Hoffman, 000–00–0000.
Col. Ewald E. Beth, 000–00–0000.
Col. Gene Sisneros, 000–00–0000.
Col. Gus L. Hargett, Jr., 000–00–0000.
Col. Harold J. Stearns, 000–00–0000.

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. Woodrow D. Boyce, 000–00–0000.
Brig. Gen. Robert J. Brandt, 000–00–0000.
Brig. Gen. Joseph H. Langley, 000–00–0000.
Brig. Gen. John B. Ramey, 000–00–0000.

To be brigadier general

Col. John D. Larson, 000–00–0000.
Col. Rosetta Y. Burke, 000–00–0000.
Col. Burney H. Enzor, 000–00–0000.
Col. Frank P. Baran, 000–00–0000.
Col. Robert M. Benson, 000–00–0000.
Col. Edward L. Correa, Jr., 000–00–0000.
Col. William R. Labrie, 000–00–0000.
Col. Namen X. Barnes, 000–00–0000.
Col. Randal M. Robinson, 000–00–0000.
Col. Paul D. Monroe, Jr., 000–00–0000.
Col. Lloyd D. McDaniel, Jr., 000–00–0000.

Col. Stanley R. Thompson, 000–00–0000.
Col. Holsey A. Moorman, 000–00–0000.
Col. Bradley D. Gambill, 000–00–0000.
Col. Harvey M. Haakenson, 000–00–0000.
Col. David T. Hartley, 000–00–0000.
Col. Donald F. Hawkins, 000–00–0000.
Col. Earl L. Doyle, 000–00–0000.
Col. David M. Wilson, 000–00–0000.
Col. James T. Carper, 000–00–0000.
Col. William T. Thielemann, 000–00–0000.
Col. Frederic J. Raymond, 000–00–0000.

The following U.S. Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of sections 3371, 3384, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. William J. Collins, Jr., 000–00–0000.
Brig. Gen. Joe M. Ernst, 000–00–0000.
Brig. Gen. Steve L. Repichowski, 000–00–0000.
Brig. Gen. Joseph A. Scheinkoenig, 000–00–0000.
Brig. Gen. James W. Warr, 000–00–0000.

To be brigadier general

Col. Stephen D. Livingston, 000–00–0000.
Col. Joseph L. Thompson III, 000–00–0000.
Col. Roger L. Brautigan, 000–00–0000.
Col. John G. Townsend, 000–00–0000.
Col. Michael L. Bozeman, 000–00–0000.
Col. William B. Raines, Jr., 000–00–0000.
Col. Jamie S. Barkin, 000–00–0000.
Col. John L. Anderson, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John A. Dubia, 000–00–0000, U.S. Army.

The following-named officer to be placed on the retired list of the U.S. Marine Corps in the grade indicated under section 1370, of title 10, United States Code:

To be lieutenant general

Lt. Gen. Robert B. Johnston, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsiblity under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Kenneth A. Minihan, 000–00–0000, U.S. Air Force.

(The above nominees were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of June 5, June 13, June 21, June 26, and July 12, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 5, 13, 21, 26 and July 12, 1995 at the end of the Senate proceedings.)

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (list begins with Kenneth Leroy Fisher) (Reference No. 163).

*In the Army Reserve there are 20 promotions to the grade of major general and below (list begins with James J. Hughes, Jr.) (Reference No. 339).

*In the Army Reserve there are 26 promotions to the grade of major general and below (list begins with Woodrow D. Boyce) (Reference No. 369).

*In the Army Reserve there are 13 promotions to the grade of major general and below (list begins with William J. Collins, Jr.) (Reference No. 370).

**In the Air Force there are 12 appointments to the grade of second lieutenant (list begins with Ann M. Brosier) (Reference No. 421).

**In the Navy there are 282 appointments to the grade of captain and below (list begins with Mark A. Armstrong) (Reference No. 422).

**In the Navy and Naval Reserve there are 21 appointments to the grade of captain and below (list begins with Lawrence D. Hill, Jr.) (Reference No. 441).

**In the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel (list begins with Gayle W. Botley) (Reference No. 442).

**In the Air Force there are 43 promotions to the grade of lieutenant colonel and below (list begins with Steven J. Austin) (Reference No. 458).

**In the Air Force and Air Force Reserve there are 33 appointments to the grade of colonel and below (list begins with Angelo J. Freda) (Reference No. 459).

**In the Air Force and Air Force Reserve there are 8 appointments to the grade of lieutenant colonel and below (list begins with Vincent F. Carr) (Reference No. 460).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Richard C. Beaulieu) (Reference No. 461).

**In the Navy there are 2 promotions to the grade of lieutenant commander (list begins with Kenneth V. Kollermeier) (Reference No. 462).

**In the Army there are 185 promotions to the grade of lieutenant colonel (list begins with Denise J. Anderson) (Reference No. 463).

*Maj. Gen. George K. Muellner, USAF to be lieutenant general (Reference No. 469).

*Maj. Gen. Jared L. Bates, USA to be lieutenant general (Reference No. 470).

*Maj. Gen. John A. Dubia, USA to be lieutenant general (Reference No. 471).

*Lt. Gen. Robert B. Johnston, USMC to be placed on the retired list in the grade of lieutenant general (Reference No. 473).

**In the Air Force Reserve there are 69 promotions to the grade of colonel (list begins with James W. Amason) (Reference No. 474).

**In the Army Reserve there are 21 promotions to the grade of colonel and below (list begins with Frank M. Hudgins) (Reference No. 475).

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Robert D. Allen) (Reference No. 476).

*Maj. Gen. Kenneth A. Minihan, USAF to be lieutenant general (Reference No. 508).

**In the Army there are 222 promotions to the grade of lieutenant colonel (list begins with David C. Anderson) (Reference No. 509).

**In the Navy there are 484 promotions to the grade of commander (list begins with Jose A. Acosta) (Reference No. 510).

Total: 1,549.

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. FEINGOLD:

S. 1078. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational businesses located in rural communities eligible for loans under the business and industry loan program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COATS:

S. 1079. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for charitable contributions to organizations providing poverty assistance, to allow taxpayers who do not itemize to deduct charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRYOR, and Mr. ROTH):

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; to the Committee on Government Affairs.

By Mr. SIMPSON (for himself and Mr. BAUCUS):

S. 1081. A bill to terminate the application of title IV of the Trade Act of 1974 to Bulgaria; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1082. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Old State House of Connecticut; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS:

S. 1083. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1084. A bill to provide for the conveyance of the C.S.S. Hunley to the State of South Carolina, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. MCCONNELL, Mr. SIMPSON, Mr. KYL, Mr. BROWN, Mr. NICKLES, Mr. GRASSLEY, and Mr. SHELBY):

S. 1085. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUYE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO,

Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 157. A resolution commending Senator Robert Byrd for casting 14,000 votes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1078. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational businesses located in rural communities eligible for loans under the business and industry loan program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL COMMUNITY TOURISM ACT OF 1995

• Mr. FEINGOLD. Mr. President, I rise today to introduce S. 1078, the Rural Community Tourism Act of 1995, and discuss an issue of importance to rural America and, in particular, to the economy of rural Wisconsin. This legislation would amend current law to allow the Secretary of Agriculture to promote tourism and recreation in rural communities. Specifically, it would amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational-type businesses located in rural communities eligible for guaranteed loans under the Rural Business and Cooperative Development Service's [RBCDS] Business and Industry [B&I] Loan Guarantee Program within 90 days after the enactment of this legislation. This is an issue that I became aware of and especially interested in after a constituent approached me last year at my Rusk County listening session held in Ladysmith, WI, to express his frustration at a problem tourist resort owners were having in securing financing for rural development. The constituent owns a tourist lodge in northern Wisconsin and was interested in obtaining funding from the RBCDS's B&I Program. The B&I program was established by the Rural Development Act of 1972 with the aim of improving America's rural economy by creating, developing, or financing business, industry, and employment in rural America. After inquiring about obtaining such funding, the constituent was informed that tourist resorts were prohibited from receiving funding under the B&I program.

That did not make too much sense to me especially since tourism can certainly play a significant role in the development of rural areas, so I contacted the agency about the program. When the B&I program was first established in 1972, no restrictions were placed on guaranteeing loans to tourist or other recreational-type businesses located in rural communities. However, on July 6, 1983, the Rural Development Administration revised its internal lending policy relative to the B&I Program and placed restrictions on the program's regulations by prohibiting such funding to tourist or recreation facilities.

I was advised that the agency was currently reviewing their loan guarantee policy. I urged them to consider changing their internal lending policy to allow guaranteed business and industry loans to be made to recreational-type businesses located in rural areas. In fact, a General Accounting Office report released in July 1992, on the patterns of use in the B&I Program came to the same conclusion. It suggests that the underutilization of the program is due, in part, to the restrictions placed on using B&I funds for activities related to tourism, and recommends revising the B&I Program regulations to allow the selective use of loan guarantees for these activities.

By all indications, the agency seems to be leaning in favor of making this change to the B&I Program—a change that would reflect the kind of rural development needs in communities such as those in northern Wisconsin, and indeed in communities across rural America. Although my office has been in regular contact with the agency about this policy change, I am told that they are still reviewing it—almost a year after we first contacted them about this matter. However, rural America and, in particular, rural Wisconsin communities simply do not have the luxury to wait until Federal agencies finally decide to act.

Mr. President, rural America is at a crossroads in terms of converting from traditional resource-based economies which are becoming less economically viable, to other types of activities which also make a substantial contribution to better living in these areas. Tourism can certainly play a major role in improving the quality of life in many rural communities and, in fact, rural tourism should be recognized for what it truly is—a legitimate means to enhance economic development in, and the competitiveness of, rural America. Nationally, tourism is a $400 billion a year industry, and is a $5.6 billion industry in Wisconsin alone.

Tourism can, and does, create jobs which help to improve the economic climate in rural communities and provide lasting community benefits. However, without economic assistance to help stimulate growth in rural development, successful transition to tourism may prove difficult.

Mr. President, I urge my colleagues to support this noncontroversial legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1078

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Community Tourism Act of 1995''.

SEC. 2. LOANS FOR TOURISM IN RURAL COMMUNITIES.

The first sentence of section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) promoting the planning, development, or financing of tourist or recreational businesses located in rural communities''.

SEC. 3. REGULATIONS.

To carry out paragraph (4) of section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) (as amended by section 2), the Secretary of Agriculture shall publish—

(1) interim final regulations not later than 45 days after the date of enactment of this Act; and

(2) final regulations not later than 90 days after the date of enactment of this Act.•

By Mr. COATS:

S. 1079. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for charitable contributions to organizations providing poverty assistance, to allow taxpayers who do not itemize to deduct charitable contributions, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE CHARITY REFORM ACT

Mr. COATS. Mr. President, I rise today to introduce the Comprehensive Charity Reform Act. This legislation is designed to expand the ability of private and religious charities to serve the poor by making it easier for taxpayers to make donations to these organizations. It is an important, urgently needed reform, but it also symbolizes a broader point.

The Congress is currently focused on the essential task of clearing away the ruins of the Great Society. Centralized, bureaucratic antipoverty programs have failed—and that failure has had a human cost. It is measured in broken homes and violent streets. Our current system has undermined families and fostered dependence.

This is undeniable. But while our Great Society illusions have ended, the suffering of many of our people has not. Indifference to that fact is not an

option. We cannot retreat into the cocoon of our affluence. We cannot accept the survival of the fittest. No society can live without hope—hope that its suffering and anguish are not endless.

Mr. President, I was recently invited to attend a session designed to address some of the problems of homelessness and despair that was conducted by a mission organization here in Washington, DC. It is just blocks from the Federal effort at dealing with homelessness—the John L. Young Center, which has been the subject of extraordinary controversy, drug dealing, crime, management problems, and the subject of numerous investigative reports in some of our local media.

The Federal project stands in stark contrast to an organization called the Gospel Mission, a shelter and drug treatment center for homeless men in the same neighborhood.

At the Gospel Mission, I think we have seen the shape of hope. It is not found in the ivory towers of academia. It is not found in the marble temples of official Washington. I found it 5 blocks from here, in a place so distant from Congress it is almost another world.

The Reverend John Woods came to a desolate Washington neighborhood in 1990 to take over the Gospel Mission, a shelter and drug treatment center for homeless men. The day he arrived, he found crack cocaine being processed in the backyard. A few days later, the local gang fired shots into his office to scare him away. Instead of leaving, he hung a sign on the door extending this invitation: ''If you haven't got a friend in the world you can find one here. Come in.''

The Gospel Mission is a place that offers unconditional love, but accepts no excuses. Men in rehabilitation are given random drug tests. If they violate the rules, they are told to leave the program. But the success of the mission comes down to something simple: It does more than provide a meal and treat an addiction, it offers spiritual challenge and renewal.

Listen to one addict who came to Reverend Woods after failing in several governmental rehabilitation programs: ''Those programs generally take addictions from you, but don't place anything within you. I needed a spiritual lifting. People like Reverend Woods are like God walking into your life. Not only am I drug-free, but more than that, I can be a person again.''

Reverand Wood's success is particularly clear compared to Government approaches. The Gospel Mission has a 12-month rehabilitation rate of 66 percent, while a once heralded Government program just 3 blocks away rehabilitates less than 10 percent of those it serves—while spending 20 times as much as Reverend Woods.

This is just one example. It is important, not because it is rare, but because it is common. It takes place in every community, in places distant from the centers of Government. But it is the only compassion that consistently works—a war on poverty that marches from victory to victory. It makes every new deal, new frontier, and new covenant look small in comparison—a war against poverty that is not directed out of a Federal agency but by many individuals, by organizations, by communities, gathered together asking, How can we help in a more effective way?

Several months ago, I asked a question: How can we get resources into the hands of these private and religious institutions where individuals are actually being helped? And how can we do this without either undermining their work with restrictions or offending the first amendment?

This legislation is an answer. It is composed of six elements, designed to increase both the depth of charitable giving to poverty relief, and the breadth of charitable giving more generally:

First, a $500 charity tax credit—$1,000 for married taxpayers filing jointly—which will provide more generous tax benefits to taxpayers who decide to donate a portion of their tax liability to charities that focus on fighting or preventing poverty.

Second, I am advocating an above-the-line deduction for charitable contributions made by nonitemizing taxpayers. Significant amounts of funds are donated each year by those who do not itemize on their tax return and, therefore, do not take the charitable deduction available to them if they do itemize. I think those people ought to be encouraged and rewarded for their contributions.

So I am in this legislation expanding the base for charitable giving with an above the line for those who do not itemize.

Third, I want to remove the 3 percent floor on itemized deductions that currently exists in the Tax Code for taxpayers of a certain income level and higher because I think we ought to do everything we can to encourage private contributions to charity.

Fourth, I ask for an extension of the deadline for all charitable giving until April 15 to encourage giving up to the very date of filing.

Fifth, we are requiring that any Government poverty assistance program disclose the percentage of funds it actually spends on the poor rather than on administrative costs. Taxpayers will be able to see exactly how their tax dollars are actually being spent and compare that expenditure with operations, organizations, community service, outreach programs, and nonprofit programs. This will allow us to measure the actual assistance that reaches the poor through our Government spending on anti-poverty programs and compare it with private programs.

Finally, we have a provision that instructs the General Accounting Office to develop standards to determine the success rates and cost effectiveness of Government welfare programs.

Mr. President, the purpose of the legislation is twofold. First, we want to take a small portion of the welfare spending in America and give it through the Tax Code to private and religious institutions that effectively provide individuals with hope, dignity, help and independence. Without eliminating a public safety net, we want to focus some attention and resources where we believe it can make a difference.

Second, Mr. President, I would like to promote an ethic of giving in America. When individuals make these contributions to effective charities, it is a form of involvement beyond writing a check to the Federal Government. It encourages a new definition of citizenship in which men and women examine and support the programs in their own communities that serve the poor.

I hope that my colleagues will take a careful look at this new approach to compassion. It is important not only for us to spread authority and resources within the levels of Government, but I think we need to spread these resources to things beyond Government, the institutions that cannot only feed the body but can touch the soul.

Mr. President, we have had a nearly three-decade-long experiment with Government compassion. As I said, many programs that have been enacted by Congress were well intended, in an effort to reach out to people in need. But we have seen the bankruptcy of many of those programs in the lives of the individuals who were the recipients of those programs. We see a litany of broken families and broken homes, of hopeless people, of taxpayer funds eaten up in administrative costs, put into programs that are simply not making a difference in the lives of the people for whom they were intended.

We have also had the example of the contrast—local churches, local nonprofit charitable organizations. I could start naming a whole list of organizations that have said we are not going to wait for a Government program or Government bureaucrat to describe how we should reach out to those in our community that are in need. We are going to roll up our sleeves and design a program. And whether it is providing free medical care through a doctors' association or health clinic, whether it is providing food through a nutrition effort, or a food center, whether it is providing help to a welfare family or others in need, we have seen the effectiveness of these programs. We have seen rehabilitation rates for substance and drug abusers and others that far exceed those that the Federal Government programs can offer. We have seen this offered at a cost far less than what the taxpayers provide in Government programs.

Can private charity replace Government? I am not suggesting that Federal, State and local governments will not have to be involved in poverty relief. But private initiates can offer a

viable alternative that the Government can at least encourage. I believe a charity credit will go a long way toward nurturing and encouraging those private efforts that I think are going to be more and more important as we begin to reform and reduce the scope of the Government involvement, because government alone simply has not worked for the well being of our people.

Mr. President, I ask unanimous consent that additional material describing and explaining this proposal be included in the RECORD along with the text of the bill itself.

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

S. 1079

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 ''Comprehensive Charity Reform Act''.

SEC. 2. CREDIT FOR CHARITABLE CONTRIBUTIONS TO CERTAIN PRIVATE CHARITIES PROVIDING ASSISTANCE TO THE POOR.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

''SEC. 23. CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions which are paid by the taxpayer during the taxable year.

''(b) LIMITATION.—The credit allowed by subsection (a) for the taxable year shall not exceed $500 ($1,000 in the case of a joint return under section 6013).

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section, the term 'qualified charitable contribution' means any charitable contribution (as defined in section 170(c)) made in cash to a qualified charity but only if the amount of each such contribution, and the recipient thereof, are identified on the return for the taxable year during which such contribution is made.

''(d) QUALIFIED CHARITY.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified charity' means, with respect to the taxpayer, any organization which is described in section 501(c)(3) and exempt from tax under section 501(a), and—

''(A) which, upon request by the organization, is certified by the Secretary as meeting the requirements of paragraphs (2) and (3), or

''(B)(i) which is organized to solicit and collect gifts and grants which, by agreement, are distributed to qualified charities described in subparagraph (A),

''(ii) with respect to which at least 85 percent of the funds so collected are distributed to qualified charities described in subparagraph (A), and

''(iii) which meets the requirements of paragraph (5).

''(2) CHARITY MUST PRIMARILY ASSIST THE POOR.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the predominant activity of such organization will be the providing of services to individuals and families which are designed to prevent or alleviate poverty among such individuals and families.

''(3) MINIMUM EXPENSE REQUIREMENT.—

''(A) IN GENERAL.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the annual poverty program expenses of such organization will not be less than 70 percent of the annual aggregate expenses of such organization.

''(B) POVERTY PROGRAM EXPENSE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The term 'poverty program expense' means any expense in providing program services referred to in paragraph (2).

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) any management or general expense,

''(II) any expense for the purpose of influencing legislation (as defined in section 4911(d)),

''(III) any expense primarily for the purpose of fundraising, and

''(IV) any expense for a legal service provided on behalf of any individual referred to in paragraph (2).

''(4) ELECTION TO TREAT POVERTY PROGRAMS AS SEPARATE ORGANIZATION.—

''(A) IN GENERAL.—An organization may elect to treat one or more programs operated by it as a separate organization for purposes of this section.

''(B) EFFECT OF ELECTION.—If an organization elects the application of this paragraph, the organization, in accordance with regulations, shall—

''(i) maintain separate accounting for revenues and expenses of programs with respect to which the election was made,

''(ii) ensure that contributions to which this section applies be used only for such programs, and

''(iii) provide for the proportional allocation of management, general, and fundraising expenses to such programs to the extent not allocable to a specific program.

''(C) REPORTING REQUIREMENTS.—An organization shall not be required to file any return under section 6033 with respect to any programs treated as a separate organization under this paragraph, except that if the organization is otherwise required to file such a return, such organization shall include on such return the percentages described in the last sentence of section 6033(b) which are determined with respect to such separate organization.

''(5) ADDITIONAL REQUIREMENTS FOR SOLICITATION ORGANIZATIONS.—The requirements of this paragraph are met if the organization—

''(A) maintains separate accounting for revenues and expenses, and

''(B) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

''(e) COORDINATION WITH DEDUCTION FOR CHARITABLE CONTRIBUTIONS.—

''(1) CREDIT IN LIEU OF DEDUCTION.—The credit provided by subsection (a) for any qualified charitable contribution shall be in lieu of any deduction otherwise allowable under this chapter for such contribution.

''(2) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply.''

(b) RETURNS.—

(1) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—Subsection (e) of section 6104 of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended by adding at the end the following new paragraph:

''(3) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—

''(A) IN GENERAL.—Every qualified charity (as defined in section 23(d)) shall, upon request of an individual made at an office where such organization's annual return filed under section 6033 is required under paragraph (1) to be available for inspection, provide a copy of such return to such individual without charge other than a reasonable fee for any reproduction and mailing costs. If the request is made in person, such copies shall be provided immediately and, if made other than in person, shall be provided within 30 days.

''(B) PERIOD OF AVAILABILITY.—Subparagraph (A) shall apply only during the 3-year period beginning on the filing date (as defined in paragraph (1)(D) of the return requested).''

(2) ADDITIONAL INFORMATION.—Section 6033(b) of such Code is amended by adding at the end the following new flush sentence:

''Each qualified charity (as defined in section 23(d)) to which this subsection otherwise applies shall also furnish each of the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services; management and general; fundraising; and payments to affiliates.''

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

''Sec. 23. Credit for certain charitable contributions.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the 90th day after the date of the enactment of this Act in taxable years ending after such date.

SEC. 3. DEDUCTION FOR CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—In the case of an individual who does not itemize deductions for the taxable year, the amount allowable under subsection (a) for the taxable year shall be taken into account as a direct charitable deduction under section 63.''

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 of such Code is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end thereof the following new paragraph:

''(3) the deduction for charitable contributions under section 170(m).''

(2) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the deduction for charitable contributions under section 170(m).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 4. CHARITABLE CONTRIBUTION DEDUCTION NOT SUBJECT TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Subsection (c) of section 68 of the Internal Revenue Code of 1986 (relating to overall limitation on itemized deductions) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end thereof the following new paragraph:

''(4) the deduction under section 170 (relating to charitable, etc., contributions and gifts).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

SEC. 5. CHARITABLE CONTRIBUTIONS MADE BEFORE FILING OF RETURN.

(a) IN GENERAL.—Subsection (a) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TIME WHEN CONTRIBUTIONS DEEMED MADE.—The taxpayer may elect to treat any charitable contribution which is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) as being made on the last day of such taxable year. Such an election, once made, shall be irrevocable.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 6. FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS.

(a) IN GENERAL.—Each applicable welfare program shall publish in the Federal Register and other publications generally available to the public within a reasonable period of time following the end of a fiscal year the following information for the fiscal year:

(1) Information required to be included on a return under section 6033 of the Internal Revenue Code of 1986 by an organization described in section 501(c)(3) of such Code, including expenses for program services, administrative and general costs, and fundraising.

(2) The percentages determined by dividing the following categories of the program's expenses for the year by its total expenses for the year: program services; management and general; and fundraising.

(b) ADDITIONAL AVAILABILITY.—Each applicable welfare program shall make the information described in subsection (a) available at its principal office and at any of its regional or district offices. Upon request of an individual made at any such office, the program shall provide a copy of the information to such individual without charge other than a reasonable fee for any reproduction and mailing costs. Such request shall be met within 30 days (or immediately if made in person).

(c) APPLICABLE WELFARE PROGRAM.—For purposes of this section, an applicable welfare program is a Federal, State, or local welfare or public assistance program for which Federal funds are appropriated.

SEC. 7. STANDARDS FOR DETERMINING SUCCESS OF GOVERNMENTAL WELFARE PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study with respect to applicable welfare programs to develop standards to determine—

(1) whether such programs meet the needs for which the programs were established, and

(2) if such programs meet such needs, whether they do so in a cost-effective manner.

For purposes of this subsection, the term ''applicable welfare program'' has the meaning given such term by section 6(c).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Congress the results of the study conducted under subsection (a), including the standards described therein.

COMPREHENSIVE CHARITY REFORM ACT

SECTION I. CHARITY TAX CREDIT

Provides a $500 tax credit ($1,000 for married persons filing jointly) for taxpayers who make charitable contributions to organizations focused on fighting or alleviating poverty.

Organizations must spend 70% of their total expenses on poverty program expenses in order to qualify for the credit.

Multi-faceted organizations or churches that might not be entirely focused on poverty have the flexibility to elect to treat a poverty program as a separate organization provided that 70% of the program's aggregate expenses go toward poverty program services.

Organizations that take the election must maintain separate accounting for the program, ensure that contributions are only used for the program, and provide information regarding the allocation of funds.

Organizations that are organized for the purpose of soliciting and collecting funds can raise funds on behalf of qualified charities provided that at least 85% of the funds collected go directly to qualified charities and these organization comply with the reporting requirements in the bill.

Organizations that currently file tax form 990 must make their returns available to the public. In addition, these organizations must break down their program services; management and general; fundraising; and payments to affiliates as a percentage of total expense.

Taxpayers must take the credit in lieu of a deduction for the same contribution.

SECTION II. DEDUCTION FOR CHARITABLE CONTRIBUTIONS FOR NON-ITEMIZERS

Allows individuals who do not itemize on their taxes to take a deduction for all charitable contributions.

SECTION III. REMOVE CHARITABLE CONTRIBUTIONS FROM 3% FLOOR

Allows individuals to exclude charitable donations from the overall limitation on itemized deductions (the 3% floor).

SECTION IV. EXTEND THE DEADLINE FOR CHARITABLE DONATIONS UNTIL APRIL 15

Extends the deadline for making tax-deductible charitable donations until April 15th.

SECTION V. FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS

Requires that any government poverty assistance program that receive federal funds make available to the public an accounting of their budget broken down on a percentage basis of program services, administrative, general, and fundraising costs so that taxpayers will be able to see how their tax dollars are actually being spent.

SECTION VI. GAO STANDARDS FOR DETERMINING SUCCESS OF GOVERNMENTAL WELFARE PROGRAMS

Instructs the GAO to develop standards to determine the success rates and cost effectiveness of government welfare programs.

The ''Comprehensive Charity Reform Act'' has several elements.

CHARITY TAX CREDIT

The charity tax credit recognizes that society has a responsibility to help the most needy. Organizations that focus on providing poverty relief can elect to receive special treatment under the tax code for some of their contributions. Reform of antipoverty efforts should not just focus on federal, state, and local government programs but on encouraging the antipoverty efforts of private charities who often times have a much better success rate. The charity tax credit will allow taxpayers to choose for themselves who should receive a portion of their tax dollars—traditional government programs OR nonprofit charities who generally are more efficient and have a much better sense for what their local population needs.

As the current welfare debate shows we as a society are tired of the government monopoly in this area. The welfare system we have today is expensive, bureaucratic, impersonal and generic.

Private nonprofit and religious organizations take a holistic approach to rehabilitating a person who has temporarily found themselves in a very difficult situation. The emphasis here is on temporary—antipoverty assistance is not intended to be a way of life but rather a tool by which to change behavior and encourage personal responsibility for one's own life.

The charity tax credit will empower all taxpayers to take a role in how poverty relief efforts are structured. Currently, only about 28% of taxpayers itemize their tax returns and therefore, are eligible for favorable tax treatment for charitable giving. This bill will allow all taxpayers, whether they itemize or not, to receive a dollar for dollar credit for contributing to poverty fighting organizations. Inspiring more taxpayers to contribute to charities, will make people more aware of antipoverty efforts in their community, and may inspire them to volunteer their time as well.

This legislation would allow nonprofit poverty fighting organizations to qualify for charity tax credit contributions provided that these organizations spend at least 70% of their total expenses on program services focused on poverty efforts. Multi-faceted organizations or churches that might not be entirely focused on poverty have the flexibility to elect to treat a poverty program as a separate organization provided that 70% of the program's expenses go toward poverty program services. Organizations that take the election must maintain separate accounting for the program, ensure that contributions are only used for the program and provide information regarding the allocation of funds.

Determining what constitutes poverty fighting or alleviating poverty, is not intended to require soup kitchens or homeless shelters to ask for income statements from individuals seeking assistance from these types of programs. The Secretary in drafting regulations can use common sense discretion in determining if a program or organization focuses on poverty relief. Obviously, if an individual is standing in line for food then that person is poor and needs assistance.

In addition, qualified charities who currently file IRS form 990 must take their annual returns available to the public and calculate the breakdown of program services, management and general costs, fundraising expenditures and payment to affiliates as a percentage of total expenses. Nonprofits are already reporting this information on the IRS tax form 990. A great effort has been made to ensure that the reporting requirements necessary for enactment of this legislation would comport with the current requirements. And, the legislation does not expend the current scope of which nonprofits must file 990s. However, it will require that organizations that are currently exempt from filing the 990 such as churches to file the appropriate financial information about the poverty fighting program that is eligible for charity tax credit funds. However, it is important to emphasize that organizations do not automatically qualify for this treatment they must decide for themselves that they want to participate in the charity tax credit program and therefore adhere to the requirements of the program.

ABOVE THE LINE CHARITY TAX DEDUCTION

For taxpayers who do not itemize deductions on their tax returns (non-itemizers), this bill allows those taxpayers to deduct their charitable contributions before determining their Adjusted Gross Income (AGI).

The most recent figures available (1992) find that non-itemizers account for over 70% of those who file tax returns—81 million taxpayers. Of this group, 95% have incomes less than $50,000. According to figures from a group which tracks such information, Independent Sector, low and middle income Americans, give as a percentage of income, 30% more to charity than the average American.

While donations to charity are primarily motivated by altruistic concerns, it is clear that nonitemizers who give to charity are sensitive to tax considerations. Experience from the period of time when nonitemizers were permitted to take a charitable deduction exemplifies this point. In 1985, nonitemizers could deduct 50% of their contributions and, according to the IRS, they gave $9.5 billion. In 1986, when taxpayers could deduct a full 100% of their contributions, they gave $13.4 billion—a 40% increase.

The loss of this tax incentive translated into nonitemizers giving significantly less to charity than itemizers. Clearly, we should empower everyone—not just people of means to give back to their community through charitable donations.

CHARITABLE CONTRIBUTIONS NOT SUBJECT TO ITEMIZED LIMIT

This bill would remove charitable contributions from what is known as the ''3% floor.'' The 3% floor was enacted as part of the 1990 tax bill and was intended to reduce the amount of itemized deductions for those earning in excess of $100,000 (this figure was indexed and will be $114,700 for 1995). For these taxpayers, itemized deductions (including charitable contributions) are reduced by 3% of adjusted gross income in excess of the threshold amount. By taking charitable contributions out of this formula we offer individuals in this category a greater incentive to give.

EXTENSION OF CHARITABLE GIVING DEADLINE

This bill extends the deadline for making tax-deductible charitable donations until April 15th. Most taxpayers start taking note of allowable deductions when they start to fill out their tax returns, only to realize all too late that they could have given more to charity in the previous year and lower their tax liability. Current law already allows deductions for contributions to IRAs and Keogh plans up until filing time. By extending similar treatment to charitable contributions we can (1) assist with taxpayer's planning (2) increase the incentive for taxpayers facing penalties for underwitholding, and (3) help advertise the value of charitable giving tax incentive. We can also encourage those whose giving is curtailed at the end of the year by the holiday cash crunch.

FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS

This section of the bill requires that all poverty/welfare assistance government programs (federal, state, and local) that receive any federal funding to disclose and make available to the public how the program dollars are spent by outlining as a percentage of total expenses program services, administrative, general costs and fundraising (if applicable). With billions dollars being spent on government poverty fighting programs, taxpayers deserve to know exactly where their dollars are going. All too often key figures are buried in the trenches never to see the light of day.

GAO STANDARDS FOR GOVERNMENT WELFARE PROGRAMS

In order to hold government welfare programs more accountable for the taxpayer dollars they are spending, this legislation instructs the GAO to develop success and cost effectiveness standards. This will enable taxpayers as well as elected officials to evaluate if the government programs are actually accomplishing their stated purpose and doing so in a cost effective manner.

CONCLUSION

I believe this legislation will make great strides in ensuring that nonprofit private organizations take a much greater role in caring for our society's ailments. It is time that we recognize that government is not the answer to our social failings—its clearly too big and too bureaucratic to address these concerns. However, smaller private nonprofit organizations and religious organizations can have a tremendous influence the way we care for the downtrodden of our society.

By Mr. STEVENS (for himself, Mr. PRYOR, and Mr. ROTH):

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the thrift savings plan; to the Committee on Governmental Affairs.

THE THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1995

Mr. STEVENS. Mr. President, the thrift savings plan, TSP, was created in 1986 as one of three tiers of a new Federal employees' retirement system. I was the original sponsor of the Senate bills which led up to the passage of this landmark legislation. From all accounts, the TSP has proven to be a valuable retirement tool for all Federal employees.

Current law limits TSP investments to three options—the Government securities investment (G) fund, the common stock index investment (C) fund, and the fixed income investment (F) fund. This limitation was the result of a compromise in conference—the Senate-passed bill allowed additional funds at the discretion of the Federal Retirement Thrift Investment Board.

For some time now, Federal employee participants in the TSP have requested additional investment opportunities. In 1992, the Board began to look into the possibility of expanding into additional funds. As a result of that review, the Board recently recommended the addition to two funds—a small capitalization stock index investment fund and an international stock index investment fund.

Today I introduce legislation to authorize these two additional investment funds for the thrift savings plan. I am pleased to note that Senators PRYOR and ROTH have agreed to cosponsor this bill. I ask unanimous consent that the text of the bill and a section-by-section analysis prepared by the Federal Retirement Thrift Investment Board be reprinted in the RECORD.

Mr. President, I congratulate the Federal Retirement Thrift Investment Board for their decision to increase the investment opportunities for Federal employee investors and urge them to move quickly with their computer redesign program so that these new funds, once approved by Congress, can be available as soon as possible.

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

S. 1080

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 ''Thrift Savings Investment Funds Act of 1995''.

SEC. 2. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

''(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);'';

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out ''and'' at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out ''paragraph (7)(D)'' in each place it appears and inserting in each such place ''paragraph (8)(D)''; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(E) by adding at the end thereof the following new paragraph:

''(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D).''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out ''and'' at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

''(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

''(E) an International Stock Index Investment Fund as provided in paragraph (4).''; and

(B) by adding at the end thereof the following new paragraphs:

''(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

''(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

''(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

''(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio

shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.''.

SEC. 3. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3),'' and inserting in lieu thereof ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),''.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, and the Funds established under this Act shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

SECTION-BY-SECTION ANALYSIS

The proposed legislation would add two new investment funds to those currently offered by the Thrift Savings Fund: a Small Capitalization Stock Index Fund and an International Stock Index Investment Fund.

Section 1 of the proposed legislation designates its title as the ''Thrift Savings Investment Funds Act of 1995.''

Section 2 of the proposed legislation makes changes to section 8438 of title 5, U.S.C., which are necessary to authorize the addition of the two new investment funds. The legislation generally tracks the language currently found in section 8438 with respect to the Common Stock Index Investment Fund, to which the two new funds bear the greatest resemblance. Like that fund, the two new funds are required to be index funds which invest in indices that represent certain defined sectors of the equity markets.

Subsection (1) of section 2 adds the two new funds to the list of definitions found in subsection (a) of section 8438.

Subsection (2)(A) of section 2 makes changes necessary to add the two new funds to the list of those the Federal Retirement Thrift Investment Board is authorized to establish by subsection (b)(1) of section 8438. This is consistent with the statutory treatment of the current investment funds. That is, the Board is given the responsibility to choose indices and establish investment funds that fall within the parameters for each fund as set forth in the statute.

Subsection (2)(B) of section 2 adds two new paragraphs to section 8438(b) which describe the parameters of the two new investment funds.

New paragraph (3) of section 8438(b) describes the requirements for the Small Capitalization Stock Index Investment Fund. Under subparagraph (A) of paragraph (3), the Board must choose a commonly recognized index that represents the market value of the United States equity markets, but excluding that portion of the equity markets represented by the common stocks included in the Common Stock Index Investment Fund. It is intended, therefore, that the Small Capitalization Stock Index Investment Fund will be designed to replicate the performance of an index representing small capitalization stocks not held in the Common Stock Index Investment Fund. Subparagraph (B) of paragraph (3) requires the Board to invest the fund in a portfolio designed to replicate the performance of the index established in subparagraph (A).

New paragraph (4) of section 8438(b) describes the requirements for the International Stock Index Investment Fund. Under subparagraph (A) of paragraph (4), the Board must choose a commonly recognized index that is a reasonably complete representation of the international equity markets. The term ''international equity markets'' excludes the United States equity markets, which are represented by the other funds. Subparagraph (B) of paragraph (4) requires the Board to invest the fund in a portfolio designed to replicate the performance of the index established in subparagraph (A).

Section 3 of the proposed legislation amends section 8439(d) of title 5, U.S.C., to add a reference to the two new investment funds in the section requiring that each Thrift Savings Plan participant who invests in one of the enumerated funds sign an acknowledgement stating that he or she understands that the investment is made at the participant's own risk, that the Government will not protect the participant against any loss on such investment, and that a return on the investment is not guaranteed by the Government. As is the case with the Common Stock Index Investment Fund and the Fixed Income Investment Fund, the Small Capitalization Stock Index Investment Fund and the International Stock Index Investment Fund each carry the risk that an investment therein may lose value. Therefore, it is appropriate to require the participant to sign the same acknowledgement of risk statement prior to investing in either of these funds.

Section 4 provides that the amendments made by this legislation will become effective immediately. The additional funds will be offered to participants for investment in the soonest practicable TSP election period as determined by the Executive Director in regulations. By law, election periods are conducted every six months. The Board has recently determined to develop an entirely new computer software system, entailing uncertain lead times for procurement decisions and development processes. The new system's development will dictate the timeframe for the offering of new funds, which will be coordinated with its implementation.

By Mr. DODD (for himself, and Mr. LIEBERMAN):

S. 1082. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Old State House of Connecticut; to the Committee on Banking, Housing, and Urban Affairs.

THE CONNECTICUT OLD STATE HOUSE COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, today I am pleased to introduce the Connecticut Old State House Bicentennial Commemorative Coin Act.

The Old State House sits in the very center of Hartford, CT, and it is one of the single most important buildings in the entire State. It stands as a shining example of 18th century architecture and has been designated a Registered National Landmark by the Secretary of the Interior. In May 1996, the Old State House will celebrate its 200th birthday.

The Old State House is steeped in tradition and history. It is on this site that the Colony of Connecticut was actually founded. In May 1796, the State House opened its doors, and it was there that General Washington first met Comte de Rochambeau to begin the Yorktown strategy to end the Revolutionary War.

The Old State House served as a seat of government until 1878, and numerous historical figures have visited the building, including Mark Twain, Harriet Beecher Stowe, Lafayette, and Presidents Monroe, Jackson, Johnson, Ford, Carter, and Bush.

Since 1979, the Old State House has become a thriving landmark—a cultural and historical mecca for tourists and residents alike. Years of wear and tear have taken their toll on this magnificent structure, however, and a complete restoration project is ongoing. The Old State House hopes to expand its educational, cultural, and recreational services once it finishes a complete renovation.

Underway are plans to make the entire landmark accessible to the handicapped and the elderly. A full center and museum of Connecticut history will be created on-site, and there is to be a park and outdoor market adjacent to the Old State House.

The new Old State House is set to be rededicated on its 200th birthday in May 1996, when it will once again become a meeting place and focal point for the city of Hartford and the entire New England community.

The bill I am introducing today would authorize the issuance of 700,000, $1 silver coins, which would be emblematic of the Old State House and its role in the history of the city of Hartford, the State of Connecticut, and the United States. Funds raised through the sale of the coins would be spent on both the construction, renovation and preservation of the Old State House and on the educational programs about its historic significance.

This cost-neutral bill would raise up to $7 million to help underwrite the cost of the Old State House project. I urge my colleagues to join me in cosponsoring this bill and help preserve a piece of history.

By Mr. THOMAS:

S. 1083. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Finance.

THE NEW YORK CONVENTION COMPLIANCE ACT

• Mr. THOMAS. Mr. President, I introduce the New York Convention Compliance Act of 1995, a bill designed to protect the investments of U.S. companies overseas.

The New York convention refers to the Convention on the Recognition and Enforcement of Foreign Arbitral

Awards, a multilateral international treaty drafted in New York in 1958 which the United States joined in 1970. Binding arbitration clauses are frequently used in international business contracts to provide prompt and inexpensive dispute resolution. Signatories to the convention commit themselves to enforcing judgments of foreign arbitration panels in their domestic courts. Failure to enforce an arbitration judgment, unless based on one of the defenses specified under the convention, in my opinion raises an obligation on the part of the offending signatory to satisfy the debt at issue.

Arbitration clauses such as those governed by the convention are especially important in countries without a tradition of adhering to the rule of law. There, if a conflict arises triggering arbitration a neutral third-country forum provides for a resolution free from the possible xenophobic biases of local courts and the vagaries of an unresponsive judiciary.

One case in particular of which I am aware illustrates why adherence to the convention is so important to stable international trade. On June 4, 1988, Ross Engineering Co. of Florida, entered into an agreement with the Shanghai Far East Aero-technology Import & Export Co. [SFAIC] pursuant to which the latter was to manufacture industrial batteries for Ross' subsidiary Revpower with machinery, equipment, raw materials and engineering expertise supplied by Revpower. Some time afterwards, SFAIC breached two provisions of the agreement and effective January 1990 Revpower notified SFAIC that it was cancelling the agreement. Revpower then entered into negotiations with SFAIC to try to resolve the dispute, with no success.

Having exhausted its attempts to salvage the agreement, Revpower filed an arbitration claim against SFAIC with the Stockholm Chamber of Commerce as provided in the agreement. Despite foot-dragging and dilatory tactics on the part of SFAIC, on July 13, 1993, a unanimous arbitral panel ruled in Revpower's favor and granted it an award of US $6.6 million plus interest from 1991. SFAIC has refused to honor the award, however, despite its binding agreement to do so. Attempts to satisfy the judgment in the Shanghai Intermediate People's Court have proved similarly futile, the Court refusing to abide by its own regulations and take up the case. Attempts by Secretary Brown, Secretary Christopher, the USTR, myself, Senator CONNIE MACK, and countless others to try to get the Chinese to live up to their obligations under the convention have proved similarly fruitless. When asked directly by our Ambassador to China whether China would honor it, Minister Wu Yi replied flatly, ''No.''

While relatively small in the scheme of the full United States-Sino trade relationship, Revpower's award—which has now grown to almost $9 million—means a great deal to that company and its investors. More importantly, perhaps, I believe that it means a great deal more for the large number of other American and foreign firms that do business in China. Most, if not all, of those companies have arbitration clauses in their contracts with the Chinese identical to the one that Revpower had. If, as Revpower's experience suggests, foreign companies cannot rely on these clauses to resolve disputes effectively and equitably, then they and a stable business environment are all at risk. I have heard this concern voiced by a growing number of United States businessmen, and not just in relation to China but in several other countries not presently members of the WTO.

Mr. President, I invite my colleagues to join me in supporting this bill, and thereby recognize the close relationship between a country's respect for the rule of law and international treaty obligations and the prospects for its successful participation in the fledgling WTO.

Yet while on one hand these countries fail to honor the convention, on the other they clamor for accession to the World Trade Organization [WTO]. But Mr. President, how can they be relied upon to uphold the responsibilities incumbent on members if they have shown themselves unwilling to live up to the terms of the convention? WTO members have a profound and direct interest in ensuring that fellow members fulfill their voluntarily-assumed obligations under both the convention and GATT. Arbitration clauses such as those contemplated by the convention are one of the pillars of international commerce and trade. Its observance should be one of the minimum requirements for any nation seekins to become a full and equal partner in the international trade regime. This bill would provide, therefore, that before the United States will support membership for a particular country in the WTO, the President must certify that the petitioning country is living up to its obligations under the convention.●

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1084. A bill to provide for the conveyance of the C.S.S. *Hunley* to the State of South Carolina, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE C.S.S. ''HUNLEY'' CONVEYANCE ACT OF 1995

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would provide for the conveyance of the Civil War submarine, the C.S.S. *Hunley*, to the State of South Carolina.

On February 17, 1864, powered by a hand cranked propeller, the *Hunley* sank a frigate of the Union blockade, the U.S.S. *Housatonic*, by torpedoing a wooden spar loaded with 100 pounds of black powder into her side. This marked the first time in history that a warship had been destroyed by a submarine. The *Hunley* vanished following its victory, possibly from leaks created by the force of the blast.

Over 131 years later, the *Hunley* has been found intact, lying on its side, and covered in silt off the coast of Charleston, S.C. There is no question that, when raised from its current resting place, this national treasure should be displayed in South Carolina. Not only should it be made available to the public as the earliest example of successful submarine warfare, but also because of its place in southern history. The *Hunley* serves as a memorial to the nine men who perished on board fighting passionately for what they believed.

This legislation simply transfers the title of the *Hunley* from the Federal Government to the State of South Carolina. It is my understanding that the State will develop a program to ensure that research can be conducted on this historical military relic and that it will be properly preserved, stabilized, and displayed.

Over 30 men died in service to the *Hunley*. With the exception of the nine crew members that went down on that fateful day, all are buried in Magnolia Cemetery in Charleston. The Palmetto State would also like the honor of burying these nine valiant men, with full distinction, next to their compatriots.

Mr. President, the C.S.S. *Hunley* has spent the last 131 years off the coast of South Carolina. Passing this legislation will make this Civil War treasure a proud and permanent part of our State.

I ask unanimous consent that the full text of this measure be printed in the RECORD.

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

S. 1084

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

SECTION 1. CONVEYANCE OF C.S.S. HUNLEY TO STATE OF SOUTH CAROLINA.

(a) CONVEYANCE REQUIRED.—The President shall direct the appropriate Federal official to convey to the State of South Carolina, without consideration, all right, title, and interest of the United States in and to the C.S.S. Hunley, a sunken Confederate submarine located in a harbor in close proximity to Charleston, South Carolina.

(b) TERMS AND CONDITIONS.—The official under subsection (a) may require such terms and conditions in connection with the conveyance under that subsection as the official considers to be necessary to ensure the proper preservation of the C.S.S. Hunley.

By Mr. DOLE (for himself, Mr. MCCONNELL, Mr. SIMPSON, Mr. KYL, Mr. BROWN, Mr. NICKLES, Mr. GRASSLEY, and Mr. SHELBY):

S. 1085. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on Governmental Affairs.

THE EQUAL OPPORTUNITY ACT 1995

Mr. DOLE. Mr. President, earlier this year, I promised to introduce legislation to get the Federal Government out of the business of dividing Americans, and into the business of uniting Americans.

Today, I am fulfilling this commitment.

The Equal Opportunity Act of 1995, which I introduce today, stands for a simple proposition: The Federal Government should not discriminate against, nor should it grant preferences to, any individual because of that individual's race, color, ethnic background, or sex.

Whether it is employment, or contracting, or any other federally conducted program, our Government in Washington should work to bring its citizens together, not divide us. Our focus should be protecting the rights of individuals, not the rights of groups through the use of quotas, set-asides, numerical objectives, and other preferences.

Let me be frank. While I have questioned and opposed group preferences in the past, I have also supported them. That is my record, and I am not hiding from it.

But many of us who supported these policies never imagined that preferences would become a seemingly permanent fixture in our society. They were designed to be temporary remedies, targeted at specific problems suffered by specific individuals.

Unfortunately, during the past 25 years, we have seen the policies of preference grow, and grow, and grow some more. Pitting individual against individual, group against group, American against American.

For too many of our citizens, our country is no longer the land of opportunity—but a pie chart, where jobs and other benefits are often awarded not because of hard work or merit, but because of someone's biology.

We have lost sight of the simple truth that you do not cure discrimination with more discrimination.

I fully expect that the professional civil rights establishment in Washington will be out in force denouncing this initiative, defending the status quo, and claiming that we are somehow ''turning back the clock'' and unraveling decades of civil rights progress.

And no doubt about it, great progress has been made in the four decades since the civil rights revolution began with the landmark Brown versus Board of Education decision.

Countless young men and women of all races attend and graduate from our finest universities. Thousands of African-Americans have been elected to public office—in Congress, in State legislatures, as mayors of our Nation's largest cities, as Governor of Virginia. And Colin Powell has inspired us all, rising from the ranks of the ROTC to become our Nation's top military official, Chairman of the Joint Chiefs of Staff.

But for the millions of Americans who each day evade the bullets, send their kids to substandard schools, and wade through the dangerous shoals of our Nation's underclass, progress seems to be nothing more than a mirage. A mirage that fades away, leaving the stark realities of life behind.

And what are those realities?

The reality is that the national assessment of educational progress has released its findings on the reading ability of America's graduating high school seniors for 1994. According to the study, only 12 percent of black high school graduates are proficient in reading. Fully 54 percent have below basic reading skills, which means they are condemned to 50 more years of life on the bottom rung of the economic ladder.

These children do not need preferences. They need schools that work.

The reality is that the U.S. Justice Department estimates that 1 out of every 21 black men in America today can be expected to be murdered, a death rate double that of U.S. soldiers during World War II.

Last week, 12-year-old Quinton Carter of Queens Village, New York, was shot dead in a dispute over 25 cents with a 16-year-old. The viciousness of this senseless act is no longer shocking to us because children killing other children in arguments over sneakers or other items of clothing have become all too commonplace.

These young men and women—the victims of violence—do not need preferences. They need more police, more protection from the scourge of crime, and laws that keep violent criminals behind bars.

And, Mr. President, the reality is that millions of children today are born into homes without fathers. In some neighborhoods, the out-of-wedlock birthrate has climbed to a staggering 80 percent. And study after study has concluded that children of single parents are far more likely than those in two-parent homes to fail in school, or to be a victim or perpetrator of crime.

Again, these children do not need preferences. They do not need a set-aside. They need homes, and families and communities that care.

Mr. President, it is time to stop making government policy by race because making government policy by race is a diversion from reality, an easy excuse to ignore the problems that affect all Americans, whatever their race or heritage may be.

We must begin by ending the ridiculous pretense of quota tokenism—special contracts, a set-aside there, a couple of TV stations, a seat or two in the Cabinet. This is a band-aid. A diversion. A corruption of the principles of individual liberty and equal opportunity upon which our country was founded.

This legislation may not be perfect. And it certainly will not solve all our problems. But it is a starting point—a starting point in a national conversation, not just on the future of affirmative action, but on the future of American.

Mr. President, 12 years ago it was my privilege to serve as floor manager for the legislation marking Martin Luther King, Jr.'s, birthday as a Federal holiday.

And in leading off the final debate on that bill, I said these words: ''A nation defines itself in many ways; in the promises it makes and the programs it enacts; the dreams it enshrines or the doors it slams shut.''

A nation also defines itself by how it treats its citizens. Does it divide them by focusing on the policies of the past? Or does it unite them by focusing on the realities of the present?

The choice is ours.

Mr. President, I ask unanimous consent that the full text of the Equal Opportunity Act, a section-by-section summary, and statements by Dr. William Bennett of Empower America; Milton Bins, chairman of the Council of 100; Linda Chavez of the Center for Equal Opportunity; and Brian Jones, president of the Center for New Black Leadership, be reprinted in the RECORD immediately after my remarks.

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

S. 1085

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 ''Equal Opportunity Act of 1995''.

SEC. 2. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or department or agency of the Federal Government—

(1) may intentionally discriminate against, or may grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex, in connection with—

(A) a Federal contract or subcontract;

(B) Federal employment; or

(C) any other federally conducted program or activity;

(2) may require or encourage any Federal contractor or subcontractor to intentionally discriminate against, or grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex; or

(3) may enter into a consent decree that requires, authorizes, or permits any activity prohibited by paragraph (1) or (2).

SEC. 3. RECRUITMENT AND ENCOURAGEMENT OF BIDS.

Nothing in this Act shall be construed to prohibit or limit any effort by the Federal Government or any officer, employee, or department or agency of the Federal Government—

(1) to recruit qualified women or qualified minorities into an applicant pool for Federal employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such recruitment or encouragement does not involve using a numerical objective, or otherwise granting a preference, based in whole or in part on race, color, national origin, or sex,

in selecting any individual or group for the relevant employment, contract or subcontract, benefit, opportunity, or program; or

(2) to require or encourage any Federal contractor or subcontractor to recruit qualified women or qualified minorities into an applicant pool for employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such requirement or encouragement does not involve using a numerical objective, or otherwise granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any individual or group for the relevant employment, contract or subcontract, benefit, opportunity, or program.

SEC. 4. RULES OF CONSTRUCTION.

(a) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Nothing in this Act shall be construed to prohibit or limit any act that is designed to benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(b) INDIAN TRIBES.—Nothing in this Act shall be construed to prohibit or limit any action taken—

(1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes; or

(2) under a treaty between an Indian tribe and the United States.

(c) BONA FIDE OCCUPATIONAL QUALIFICATION, PRIVACY, AND NATIONAL SECURITY CONCERNS.—Nothing in this Act shall be construed to prohibit or limit any classification based on sex if—

(1) sex is a bona fide occupational qualification reasonably necessary to the normal operation of the Federal Government entity or Federal contractor or subcontractor involved;

(2) the classification is designed to protect the privacy of individuals; or

(3)(A) the occupancy of the position for which the classification is made, or access to the premises in or on which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any Act or any Executive order of the President; or

(B) the classification is applied with respect to a member of the Armed Forces serving on active duty in a theatre of combat operations (as determined by the Secretary of Defense).

SEC. 5. COMPLIANCE REVIEW OF POLICIES AND REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the head of each department or agency of the Federal Government, in consultation with the Attorney General, shall review all existing policies and regulations that such department or agency head is charged with administering, modify such policies and regulations to conform to the requirements of this Act, and report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the review and any modifications to the policies and regulations.

SEC. 6. REMEDIES.

(a) IN GENERAL.—In any action involving a violation of this Act, a court may award only injunctive or equitable relief (including but not limited to back pay), a reasonable attorney's fee, and costs.

(b) CONSTRUCTION.—Nothing in this section shall be construed to affect any remedy available under any other law.

SEC. 7. EFFECT ON PENDING MATTERS.

(a) PENDING CASES.—This Act shall not affect any case pending on the date of enactment of this Act.

(b) PENDING CONTRACTS, SUBCONTRACTS, AND CONSENT DECREES.—This Act shall not affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) FEDERAL GOVERNMENT.—The term ''Federal Government'' means the executive and legislative branches of the Government of the United States.

(2) GRANT A PREFERENCE.—The term ''grant a preference'' means use of any preferential treatment and includes but is not limited to any use of a quota, set-aside, numerical goal, timetable, or other numerical objective.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SECTION-BY-SECTION SUMMARY—THE EQUAL OPPORTUNITY ACT OF 1995

The purpose of this Act is to ensure that all Americans are treated equally by the Federal government in Federal employment, Federal contracting and subcontracting, and Federally-conducted programs. This Act furthers the cause of equal opportunity and non-discrimination by embracing the view that rights inhere in individuals, not in groups.

This Act endorses those Federal ''affirmative action'' programs that are designed to recruit broadly and widen the opportunities for competition, without guaranteeing the results of the competition or resorting to preferences on the basis of race, color, national origin, or sex. However, the Act would prohibit those Federal ''affirmative action'' programs that seek to divide Americans through the use of quotas, set-asides, timetables, goals, and other preferences.

Section 1. Short Title. Section 1 provides that the Act may be cited as the ''Equal Opportunity Act of 1995.''

Section 2. Prohibition against Discrimination and Preferential Treatment. Section 2 prohibits the Federal government or any officer, employee, or agency of the Federal government from intentionally discriminating against, or granting a preference to, any individual or group, in whole or in part, on the basis of race, color, national origin, or sex. This prohibition applies to Federal employment, contracting, subcontracting, and the administration of Federally-conducted programs. The use of race, color, national origin, or sex ''in part'' (*i.e.*, as one factor) in a hiring or promotion decision, a contract or subcontract award, or a decision to admit a person to a Federal program, is forbidden by Section 2. When race, ethnicity, or sex is used as a so-called ''plus'' factor in determining the outcome of a decision, that is a preference.

Section 2 also explicitly prohibits the Federal government or any officer, employee, or agency of the Federal government from requiring or encouraging any Federal contractor or subcontractor intentionally to discriminate against, or grant a preference to, any individual or group, in whole or in part, on the basis of race, color, national origin, or sex.

As originally conceived, Executive order 11246 equated ''affirmative action'' with the principle of non-discrimination. Pursuant to Executive Order 11246, each Federal contractor is required to agree that it ''will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin'' and that the contractor ''will take affirmative action to ensure that applicants are employed . . . without regard to their race, color, religion, sex, or national origin.'' Unfortunately, bureaucratic implementation of the Executive Order over a period of years has converted it from a program aimed at eliminating discrimination to one which relies on it in the form of preferences. Section 2 aims not to overturn Executive Order 11246, but to restore its original meaning and purpose.

Section 2 also forbids the Federal government from entering into a consent decree that requires, authorizes, or permits any preferences otherwise forbidden by this Act.

Section 2(1)(c) applies to programs wholly administered by the Federal government. Nothing in Section 2, nor anything in this Act, affects programs or activities merely receiving Federal financial assistance. For example, Title IX of the Education Amendments of 1972, prohibiting discrimination in Federally-assisted education programs, is unaffected by this Act. In addition, this Act does not affect the Voting Rights Act or its enforcement.

Section 2 does not forbid preferences on any basis other than race, color, national origin, or sex. Thus, a preference in contracting based on economic criteria, the size of the company seeking the contracting business, veteran's status, or some other neutral social criteria is not forbidden by this Act, so long as every American has an equal opportunity to meet the criteria without regard to race, color, national origin, or sex.

In addition, Section 2 does not forbid state and local governments or private entities, including Federal contractors or recipients of Federal financial assistance, from voluntarily engaging in racial, ethnic, or gender preferences that are otherwise permitted by law. Moreover, nothing in this Act affects a court's remedial authority under any other statute. Although this Act aims at reforming only the executive and legislative branches of the Federal government, it should not be construed as expressing implicit approval of preferences granted by other entities or in remedial court orders.

Section 3. Recruitment and Encouragement of Bids. Section 3 provides that nothing in the Act shall be construed to prohibit or limit any effort by the Federal government 1) to recruit qualified members of minority groups or women, so long as A) no numerical recruitment goals are set, and B) there is no preference granted in the actual award of a job, promotion, contract, or other opportunity, or 2) to require the same recruitment of its contractors and subcontractors, so long as the Federal government does not require numerical recruitment goals or preferences in the actual award of the benefit.

All affirmative steps required by Federal agencies of their contractors and subcontractors, otherwise authorized by law and consistent with this Act, remain lawful under this Act. For example, Federal agency requirements that contractors cast their recruiting nets widely remain valid, so long as such agencies do not require contractors to set numerical racial, ethnic, and gender objectives for recruitment and do not require actual hiring or other employment decisions to be made, in whole or in part, with regard to color, ethnicity, or sex. Consistent with these conditions, for example, Federal agencies can require a contractor to: send notices of its job opportunities to organizations, if available, with large numbers of minorities or women in their membership; include educational institutions with large numbers of

minorities and women among the educational institutions at which the contractor recruits; and spend a portion of the budget it uses to advertise its job opportunities with media outlets, if available, that are specially targeted to reach minorities and women.

Section 4. Rules of Construction. Section 4(a) provides that nothing in the Act shall be construed to prohibit or limit Federal assistance to a historically Black college or university on the basis that the institution is an historically black college or university.

Historically Black colleges and universities were founded as a response to the intentional exclusion of African-Americans from institutions of higher learning, both public and private. These institutions are open to students of all races on a non-discriminatory basis. Thus, Federal assistance to historically Black colleges and universities is not a ''preference'' for purposes of this Act.

Section 4(b) provides that nothing in this Act shall be construed to prohibit or limit any action taken (1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes, or (2) under a treaty between an Indian tribe and the United States.

Section 4(c) provides that nothing in the Act shall be construed to prohibit or limit gender classifications that are bona fide occupational qualifications reasonably necessary to the normal operation of the Federal government entity or Federal contractor involved. The courts have determined that bona fide occupational qualifications may apply to jobs such as prison guards or occupations raising similar privacy concerns.

Section 4(c) also provides that nothing in the Act shall be construed to prohibit or limit gender classifications that (1) are designed to protect the privacy of individuals, (2) are adopted for reasons of national security, or (3) involve combat-related functions.

Section 5. Compliance Review of Policies and Regulations. Section 5 establishes a compliance review procedure: Within 1 year of the date of enactment, the head of each department and agency of the Federal government, in consultation with the Attorney General, must (1) review all existing policies and regulations for which the department or agency head is charged with administering, (2) modify those policies and regulations to conform to the requirements of this Act, and (3) report to the Committee on the Judiciary of the Senate and House of Representatives the results of the review and any modifications to the policies and regulations.

Section 6. Remedies. Section 6(1) outlines the remedies for those who have been aggrieved by violations of the Act. These remedies are limited to injunctive or equitable relief (including but not limited to back pay), a reasonable attorney's fee, and costs. Section 6(2) provides that nothing in this section shall be construed to affect any remedy available under any other law.

Section 7. Effect on Pending Cases. Section 7(a) provides that nothing in this Act affects any case pending on the date of enactment of this Act. Section 7(b) provides that nothing in this Act shall affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

Section 8. Definitions. Section 8(1) defines the term ''Federal Government'' to mean the executive and legislative branches of the Government of the United States.

Section 8(2) defines the term ''grant a preference'' to mean use of any preferential treatment and includes the use of a quota, set-aside, numerical goal, timetable, or other numerical objective.

''Numerical objectives'' have an inherently coercive effect. They exert an inevitable pressure to take into consideration the characteristic which is the subject of the numerical objective. The degree of pressure or coercion turns in part on the consequences that may follow, or may reasonably be expected to follow, the failure to achieve the objective. When established or induced by the government, these consequences can include increased government scrutiny or the threat of it, more paperwork, on-site investigations, the inability to bid for a contract, or financial or other penalties.

Consequently, it is not enough to oppose ''quotas,'' as if the label itself is the offending practice. It is the practice and mechanism of racial, ethnic, and gender preference, not its particular label in a given circumstance, that is objectionable.

Moreover, preferences can consist of other practices not tied to numerical objectives. For example, if a Federal agency were to advise its supervisors that proposing to hire a person not in a designated racial, ethnic, or gender group will subject that proposed hiring decision to closer scrutiny than the proposed hiring of a member of such designated groups, this act would be a preference.

Section 8(3) defines the term ''historically Black college or university'' to mean a Part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

WRITTEN STATEMENT OF WILLIAM J. BENNETT, THE EQUAL OPPORTUNITY ACT OF 1995

I congratulate Senator Dole and Congressman Canady for their introduction of ''The Equal Opportunity Act of 1995.''

This legislation is both significant and morally serious. It re-dedicates this country to the noble proposition that America ought to be a color-blind society. Racism and discrimination are still ugly stains on the American landscape, and where they occur, we need to use existing laws to stamp them out. Republicans need to be principled, not politically opportunistic, when addressing the issue of race. And race should never be used as a ''wedge issue'' in any campaign.

That said, Republicans should be confident and unambiguous in articulating the case for a color-blind society and against race-based preferences. Counting by race is noxious. It has divided and balkanized this country. If we continue to count by race, hire by race, admit by race, and keep calling attention to race, we will divide by race. Since the implementation of preference programs, we have moved away from Martin Luther King, Jr.'s vision of a society where we are judged by the ''content of our character'' and not by the ''color of our skin.'' It is time to return to the American ideal that we are one people. The best way to achieve a color-blind society is actually to be a color-blind society, in law and spirit.

The Dole-Canady legislation puts the federal government on the moral high ground on civil rights. If this legislation passes, the federal government can no longer engage in preferential-treatment practices that result in reverse discrimination. The federal government can no longer take race, gender, or ethnicity into account in its employment or contracting practices, or in the implementation of any federally-conducted program or activity. Instead, all people, regardless of race or gender, will be guaranteed justice and equal protection when dealing with the federal government.

There is still more work to be done. But the Dole-Canady bill is a very good start. It is consistent with American principles. This is important legislation; it deserves to be passed.

CENTER FOR EQUAL OPPORTUNITY,
July 26, 1995.

Hon. ROBERT DOLE,
U.S. Capitol, Washington, DC.

DEAR SENATOR DOLE: After 25 years of racial and gender preferences for minorities and women, the time has come to begin treating Americans as individuals rather than as members of groups. Most Americans now reject the specious categorization and double standards so pervasive in public employment, government contracting, and university admissions. They want a return to the simple principle of non-discrimination embedded in the 1964 Civil Rights Act: ''Nothing . . . shall be interpreted to require . . . preferential treatment [be granted] to any individual or any group because of the race, color, religion, sex, or national origin on such individual or group.''

Americans have waited long enough for non-discrimination on the basis of race and sex to mean exactly what it says. Your longstanding commitment to colorblind equal opportunity provides me with great hope that we will soon see this day, and your bill is an important first step in this fight. I applaud your courage and know that you will continue to apply your leadership on this important issue.

Sincerely,

LINDA CHAVEZ.

STATEMENT OF MILTON BINS, CHAIRMAN, COUNCIL OF 100

The Council of 100, a national network of African American Republicans founded in 1974, applauds the leadership and measured approach taken by Sen. Bob Dole today in introducing the ''Equal Opportunity Act of 1995.'' This act provides a unifying and coherent framework in which to foster inclusion and equal opportunity for all Americans without discriminating against any American on the basis of race, color, national origin or sex.

The long-delayed national conversation about the role of the federal government in promoting equal opportunity will now take place where it should: in the Congress of the United States. It is time for the American people to speak through their elected representatives as we build a new national consensus in support of inclusion, fairness and equal protection of the law.

A fair reading of the act will allay concerns that the legislation represents the ''opening salvo'' of a Republican-led assault on affirmative action, and is part of a plan to roll back the gains African Americans in particular have made over the past 30 years. Rather, its purpose is to remove a major roadblock—group preferences—that divide and Balkanize Americans along racial, ethnic and gender lines as we struggle to build an opportunity society for all of us.

The act calls for vigorous enforcement of nondiscrimination laws. It leaves in place remedies to redress discrimination available under any law, including the Civil Rights Act of 1964. It does not prohibit voluntary efforts such as minority outreach and recruitment. In fact, casting a wider net to increase the pool of qualified applicants is expressly encouraged. The act also exempts historically black colleges and universities in recognition of their unique role in fostering educational opportunities for all Americans.

The myopic fixation on past wrongs that can never be righted and on remedies that have had limited impact on expanding employment and business opportunities keep African Americans looking backwards. While we ''cannot escape history,'' we do not have to be trapped by our history. As Frederick Douglass said, ''We have to do with the past only as we can make it useful to the present

and to the future.'' We believe the future will belong to those who are prepared and who are willing to compete in a knowledge-based, global economy.

Today begins the hard work of formulating a new paradigm for equal opportunity for all Americans. The Council of 100 looks forward to working with Sen. Dole as he points us toward the future with the ''Equal Opportunity Act of 1995.''

CENTER FOR NEW BLACK LEADERSHIP,
Washington, DC, July 27, 1995.

EQUAL OPPORTUNITY ACT OF 1995

Senator Dole's introduction of the Equal Opportunity Act of 1995 is an important first step in restoring the nondiscrimination principle to American civil rights law.

Racially preferential public policy is not only unfair to members of nonpreferred groups but also to many of its ostensible beneficiaries. When our public policy suggests that members of certain races, taken as an undifferentiated whole, are incapable of competing without the helping hand of the state, our leaders send a dangerously stereotypical message to the larger society.

To be sure, state-sanctioned categorization of people based upon race and gender may once have been a practical tool for remedying manifest disadvantage resulting from systematic exclusion of groups from the American mainstream. Today, however, race and gender are simply insufficient proxies for disadvantage. To suggest otherwise is disingenuous and destructive.

We can restore the moral foundation of civil rights policy in two ways. First, by confronting and punishing acts of discrimination where they exist. The acknowledgment that discrimination remains a factor of life for too many Americans must stiffen our resolve to deal with the problem constructively. However, such an acknowledgment need not inevitably lead to categorical racial and gender preference.

Instead, our leaders must deal forthrightly with the very real economic and cultural problems confronting many of America's poorest communities today. The tragic circumstances of the truly disadvantaged should be acknowledged and accommodated when appropriate. However, the suggestion that race and disadvantage are inextricably linked is insidious in its effect.

American public policy must move beyond the era of stereotypical racial and gender categories, toward an era that demands that similarly situated individuals, regardless of race or gender, compete under the same standard. Senator Dole's bill quite rightly moves us in that direction by removing federal policy from the thicket of racial and gender double standards.

BRIAN W. JONES,
President.

INDEPENDENT WOMEN'S FORUM,
July 27, 1995.

Hon. ROBERT J. DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The Independent Women's Forum commends you and Congressman Canady for your action today. The Equal Opportunity Act of 1995 will insure an historic debate about how to expand the economy and create opportunities for all Americans. Preferences, set-asides, and quotas do not create jobs or opportunities—they create bitterness, division, hostility and disrespect. The Independent Women's Forum has long realized that, although women have benefited by so-called affirmative action, at many times it was at the expense of minorities, our brothers, husbands, and other loved ones. The time has come to rethink whether the social implications of these programs have not done more damage than good. The Independent Women's Forum looks forward to engaging in this discussion.

Most respectfully,

BARBARA J. LEDEEN,
Executive Director for Policy.

ADDITIONAL COSPONSORS

S. 143

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 143, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 284

At the request of Mr. DOLE, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Missouri [Mr. BOND], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 284, a bill to restore the term of patents, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 641, supra.

S. 885

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. GORTON] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 885, a bill to establish United States commemorative coin programs, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 133

At the request of Mr. HELMS the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

AMENDMENT NO. 1859

At the request of Mrs. KASSEBAUM the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Amendment No. 1859 proposed to S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE RESOLUTION 157—COMMENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUYE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr.

HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas, the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas, he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas, he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

CHAFEE AMENDMENTS NOS. 1861–1870

(Ordered to lie on the table.)

Mr. CHAFEE submitted 10 amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

AMENDMENT NO. 1861

On page 8, strike paragraph (4) (lines 11 through 13) and insert the following:

''(4) an explanation of the factual conclusions upon which the rule is based; and''.

AMENDMENT NO. 1862

On page 11, strike lines 2 through 10 and insert the following: ''give an interested person the right to petition for the issuance, amendment, or repeal of a rule.''.

AMENDMENT NO. 1863

On page 30, at the end of line 22, add the following: ''The court shall, to the extent practicable, consolidate all petitions with respect to a particular action into one proceeding for that action.''.

AMENDMENT NO. 1864

On page 34, strike subsection (i) with respect to termination of rules (lines 20 through 25) and insert the following:

''(i) COMPLETION OF REVIEW.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).''.

AMENDMENT NO. 1865

Beginning on page 35, strike subsections (a), (b) and (c) of section 624 (page 35, line 10, through page 38, line 5) as modified by the Dole Amendment No. 1496 and insert the following:

''(a) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law both with a requirement of this section and any requirement of the statute authorizing the rule, such requirement of this section shall not apply to the rule.

''(b) REQUIREMENTS.—Except as provided in subsection (c), no final major rule subject to this subchapter shall be promulgated unless the agency head publishes in the Federal Register a finding that—

''(1) the benefits from the rule justify the costs of the rule;

''(2) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

''(3) the rule adopts the alternative with greater net benefits than the other reasonable alternatives that achieve the objectives of the statute.

''(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may (and if the agency head has a nondiscretionary duty to issue a rule, shall) promulgate the rule, if the agency head finds that—

''(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

''(2) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.''.

AMENDMENT NO. 1866

On page 39, lines 12 and 13, strike ''may be considered by the court solely for the purpose of'' and insert in lieu thereof the following: ''may not be considered by the court except for the purpose of''.

AMENDMENT NO. 1867

On page 39, strike subsection (e) with respect to interlocutory review (page 39, line 18, through page 40, line 7) as modified by the Nunn Amendment No. 1491.

AMENDMENT NO. 1868

Strike section 636 with respect to deadlines for rulemaking (page 40, line 8 through page 41, line 12) and insert the following:

''§ 626. Deadlines for Rulemaking

''(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.''.

AMENDMENT NO. 1869

On page 68, line 3, insert after ''subchapter'' the following: ''and the requirements of section 624''.

AMENDMENT NO. 1870

Beginning on page 74, strike subparagraphs (E), (F), and (G) (page 74, line 22, through page 75, line 8) and insert the following:

''(E) unsupported by substantial evidence in a proceeding subject to section 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

''(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.''.

THE HANFORD LAND MANAGEMENT ACT

GORTON (AND OTHERS) AMENDMENT NO. 1871

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. GORTON (for himself, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill (S. 871) to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhanced Environmental Cleanup and Management Demonstration Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress hereby finds that—

(1) Defense Nuclear Facilities were used to produce nuclear weapons materials to defend the United States in World War II and thereafter. These facilities played a critical role in securing the defense and overall welfare of the country.

(2) Defense Nuclear Facilities are now among the most contaminated sites in the country. Many are listed on the National Priorities List compiled pursuant to the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Contamination and inadequate waste management practices at Defense Nuclear Facilities pose threats to workers, surrounding communities, and the environment.

(3) Although the Department has begun to address the contamination and manage its waste, it has achieved too little progress for the significant amount of money spent.

(4) Problems with environmental restoration and waste management at Defense Nuclear Facilities are attributable to a number of factors. Among these is inefficient management by the Department at headquarters and at the Defense Nuclear Facilities, including outmoded contracting procedures, lack of competition, cumbersome bureaucratic processes, and the lack of a clear chain of command. All of these things have contributed to confusion and inefficiency at many Defense Nuclear Facilities.

(5) Internal orders issued by the Department of Energy often hinder compliance with environmental laws and add unnecessary cost to environmental restoration.

(6) Regulatory requirements applicable to Defense Nuclear Facilities can be complex and, at times, redundant. Frequently, the Department is accountable to several regulatory agencies.

(7) Cleanup decisions are often made without consideration of the future land uses.

(b) PURPOSES.—The purposes of this Act are to require significant regulatory reform measures, and to require that Defense Nuclear Facilities be managed more efficiently.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''adjoining State'' means any State other than a host State, the border of which is located within 50 miles of a Defense Nuclear Facility.

(2) The term ''Defense Nuclear Facility'' means a former or current Defense nuclear production facility now owned and managed by the Department of Energy.

(3) The term ''Department'' means the Department of Energy.

(4) The term ''environmental agreement'' means an agreement, including an interagency agreement, between the department of Energy and/or the Environmental Protection Agency that sets forth requirements and schedules for achieving compliance with Federal or State environmental laws.

(5) The term ''Hanford Reservation'' means the Defense Nuclear Facility located in southeastern Washington owned and managed by the Department of Energy.

(6) The term ''host State'' means a State with a Defense Nuclear Facility located within its boundaries that is subject to this Act.

(7) The term ''interagency agreement'' means an agreement entered into pursuant to the provisions of section 120(e) of the Comprehensive Environmental, Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(e)).

(8) The term ''Land Use Council'' means, with respect to a Defense Nuclear Facility, a congressionally chartered council with the authority to develop a future land use plan at such facility.

(9) The term ''Secretary'' means the Secretary of Energy.

(10) The term ''Site Manager'' means a presidentially appointed Department of Energy official delegated with full authority from the Secretary to oversee and direct all operations at a Defense Nuclear Facility.

(11) The terms ''TPA'' and ''Tri-Party Agreement'' mean the Hanford Federal Facility Agreement And Consent Order as amended among Washington State, the Department, and the Environmental Protection Agency.

SEC. 4. APPLICABILITY.

(a) HANFORD RESERVATION.—The Department's Hanford Reservation in southeastern Washington shall be subject to this Act.

(b) OTHER DEFENSE NUCLEAR FACILITIES.—A Governor of a State hosting a Defense Nuclear Facility the fiscal year 1995 environmental management budget of which was $500,000,000 or more may submit a request to the President that the facility be covered by the terms of this Act. Within 60 days after receipt of such a request, the President shall, unless the President determines that such application is not in the national interest, appoint a Site Manager for the facility pursuant to section 5. Thereafter, such Defense Nuclear Facility shall be subject to this Act.

SEC. 5. SITE MANAGER.

(a) POLICY.—The President shall appoint, within 60 days after enactment of this Act, a Site Manager for the Hanford Reservation. For other Defense Nuclear Facilities, the President shall appoint a site manager, within 60 days of receipt of a request from the Governor of a host State submitted pursuant to section 4(b). The Site Manager shall be appointed from a list of 3 candidates for such position to be provided by the Secretary.

(b) SCOPE.—In addition to other authorities provided for in this Act, the Site Manager for a Defense Nuclear Facility shall have full authority to oversee and direct all operations at the facility including the authority to—

(1) enter into and modify contractual agreements to enhance environmental cleanup and management at the Defense Nuclear Facility;

(2) manage congressionally appropriated environmental management funds allocated to the Defense Nuclear Facility, with the ability to transfer funds among accounts in order to facilitate the most efficient and timely cleanup of the Facility;

(3) negotiate amendments to the Tri-Party Agreement or other environmental agreements for the Department;

(4) manage Department personnel at the Facility; and

(5) carry out recommendations of the Department of Energy Office of Environmental Health and Safety where the Site Manager determines that those recommendations are consistent with the goals set forth in this Act, except that if the Site Manager elects not to carry out such recommendations, the Site Manager shall provide to the Governor of the host State and the Secretary a statement of the reasons therefor.

Decisions by the Site Manager to disregard recommendations made by the Department of Energy's Office of Environmental Health and Safety shall take effect unless the President determines within 21 days of implementation of the issuance of the decision that the particular decision is not in the national interest and where the State concurs with the President's opinion. In such cases, the President and the host State shall certify within such 21-day period that the recommendation does not add prohibitively to costs at the site and that the alternative meets important environmental or human health or safety concerns.

(c) ADDITIONAL DUTIES.—The Site Manager for any Defense Nuclear Facility subject to this Act shall prepare the following for each remedy selected under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 at such facility if the cost of the remedy exceeds $25,000,000:

(1) An analysis of the incremental costs and incremental risk reduction or other benefits associated with the selected remedy

(2) An assessment of the costs and risk reduction or other benefits, including protection of human health or the environment, or the fostering of economic development, associated with implementation of the selected remedy.

(3) A certification of each of the following:

(A) That the assessment under paragraph (2) is based on an objective and unbiased scientific and economic evaluation.

(B) That the remedy will substantially advance the purpose of protecting human health or the environment against the risk addressed by the remedy.

(C) That there is no alternative remedy that is allowed by the statute that would achieve an equivalent reduction in risk in a more cost-effective manner.

The assessments and certifications required under this paragraph may be set forth in several documents or a single document, as determined by the Site Manager. Completion of such assessments and certifications shall not delay selection or implementation of a remedy and shall be completed prior to or concurrent with the selection of a remedy.

(d) CLEANUP STANDARDS.—The Site Manager shall select remedial actions for a Defense Nuclear Facility in accordance with the provisions of section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)), except that the remedial actions need not attain any relevant and appropriate standard, requirement, criteria, or limitation.

(e) METRIC SYSTEM.—The Site Manager for any Defense Nuclear Facility subject to this Act may exempt the facility from the requirements of the Metric System Conversion Act of 1975 (15 U.S.C. 205a and following).

SEC. 6. DEPARTMENT ORDERS.

(a) EXISTING ORDERS.—The internal orders of the Department of Energy, whether or not they have been adopted as regulations, shall not apply at a Defense Nuclear Facility subject to this Act 60 days after the confirmation of the Site Manager except for those orders that the Site Manager deems essential for the protection of human health or the environment, or to the conduct of critical administrative functions.

(b) NEW ORDERS.—The Site Manager of a Defense Nuclear Facility subject to this Act may adopt a new order only after finding that the order is essential to the protection of human health or the environment, or to the conduct of critical administrative functions, and, to the extent possible, will not unduly interfere with efforts to bring the Defense Nuclear Facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 7. STATE EXERCISE OF REGULATORY AUTHORITY.

(a) STATE EXERCISE OF AUTHORITIES UNDER CERCLA.—(1) Notwithstanding any other provision of law, a host State may exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at any Defense Nuclear Facility subject to this Act if the host State complies with the provisions of this section.

(2) A host State that elects to exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall notify the Administrator in writing. Within 60 days of the Administrator's receipt of the State's notification, the Administrator shall provide for the orderly transfer of her authorities at the Defense Nuclear Facility to the host State. The host State and the Department shall amend any existing interagency agreement to reflect the transfer of authorities at the Defense Nuclear Facility.

(3) A host State that elects to exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall retain its authority under section 310 of that Act (42 U.S.C. 9659) to enforce compliance with any requirement of an interagency agreement with the Department, including the authority to compel implementation of a remedy selected by the State and shall have the authority granted under section 109 of that Act (42 U.S.C. 9609(a)(1)).

(4)(A) At a Defense Nuclear Facility where the Administrator's authorities under section 120(e)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(e)(4)) have been transferred to the host State pursuant to this section, and the host State does not concur in a remedy proposed by the Site Manager, the parties shall enter into dispute resolution as provided in their interagency agreement.

(B) The final level of such disputes shall be to the Site Manager and the Governor of the host State, and if the Site Manager and the Governor do not reach agreement, the host State shall select the final remedy: *Provided, however*, That before reaching the final level of dispute, the remedy selection dispute shall be reviewed by a mediator selected by the host State and the Site Manager. The mediator shall be experienced in contaminated site remediation, and radionuclide exposure issues. The mediator may consult with representatives of the National Academy of Sciences, and other qualified experts as the mediator deems necessary. If the mediation does not result in the parties reaching agreement, the mediator shall recommend the remedy he deems appropriate. The mediation process shall be completed as quickly as possible, and in no event shall take more than 90 days to complete. If the Governor disagrees with the mediator's recommendation, the host State shall issue the final determination on the dispute, with a written rationale for such determination.

(C) In selecting a remedy, the Site Manager, the mediator, and the host State shall consider the remedy selection criteria in section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621), and in the National Contingency Plan, the provisions of this Act, and the assessment and the certification prepared by the Site Manager under section 5(c) of this Act.

(5) Remedial actions selected for Defense Nuclear Facilities or portions thereof shall be consistent with the Future Land Use plan developed by the Land Use Council. Remedial actions, including cleanup standards, shall be selected using reasonable maximum exposure scenarios that are consistent with the future land uses set forth in the Future Land Use plan. Appropriate institutional controls shall be implemented whenever the concentration of hazardous substances remaining after completion of the remedial action would pose a threat or potential threat to human health under a residential use exposure scenario.

(b) REDUNDANCIES.—The host State shall integrate, to the maximum extent possible, the requirements of applicable laws over which it has jurisdiction, to eliminate redundancies that do not contribute to the environmental management program.

(c) ADJOINING STATES.—(1) The Site Manager shall provide to any adjoining State those opportunities for review and comment regarding any response action at a Defense Nuclear Facility that are provided pursuant to section 121(f)(1)(D),(E),(G), and (H) by the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(f)(1)(D),(E),(G), and (H)).

(2) A host State shall enter into negotiations with, and is authorized to enter into a Memorandum of Understanding with, an adjoining State addressing issues of mutual concern regarding a Defense Nuclear Facility. Nothing in this paragraph shall delay implementation of this section.

(3) If a host State brings an action to compel implementation of a remedial action pursuant to this section, an adjoining State may intervene as a matter of right in such action.

(d) PENALTIES.—All funds collected by the host State from the Federal Government as penalties or fines imposed for the violation of any environmental law at a Defense Nuclear Facility shall be used by the host State only for projects to protect the environment at or near the facility from threats resulting from the facility or to remedy contamination associated with the facility.

SEC. 8. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

The Site Manager shall integrate, to the maximum extent possible, the requirements of the National Environmental Policy Act (42 U.S.C. 4321) with other applicable State and Federal regulatory requirements. Where an analysis of environmental impacts and public comment process has been completed under other applicable law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following) or State environmental laws, for any decision, project, or action conducted at a Defense Nuclear Facility, and the Site Manager determines that the analysis and process are substantially equivalent to that required by the National Environmental Policy Act, the Site Manager need not conduct another environmental analysis or public comment process under the National Environmental Policy Act.

SEC. 9. LAND USE COUNCIL.

(a) COUNCIL ESTABLISHED.—There is hereby established a Land Use Council for each Defense Nuclear Facility for which a Site Manager has been appointed under this Act. Each Land Use Council shall develop a future land use plan for all lands within the Defense Nuclear Facility boundaries that are managed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and are listed on the National Priorities List. The Council shall not specify future land use for lands outside National Priority List site boundaries. At the Hanford Reservation, the Council shall not specify future land use for the Fitzner-Eberhardt Arid Lands Ecology Reserve or the Wahluke Slope. The plan shall be given full consideration in developing and selecting remedial actions for the Defense Nuclear Facility.

(b) MEMBERSHIP.—Each Land Use Council shall make decisions by majority vote. The members of the Council for a Defense Nuclear Facility shall include the Site Manager for the Defense Nuclear Facility who shall be a voting member and the following additional members appointed by such Site Manager:

(1) One voting member nominated by the Governor of the host State.

(2) One voting member nominated by the elected officials of counties and cities contiguous to or within 15 miles of a Defense Nuclear Facility.

(3) One nonvoting member consisting of the chair of the site advisory board, established by the Department at the Defense Nuclear Facility or such members designee.

(4) One nonvoting member appointed by the national laboratory in closest proximity to the Defense Nuclear Facility.

(c) PLAN ADOPTION.—The Land Use Council shall adopt, within 24 months after confirmation of the Site Manager, a Future Land Use plan for the Defense Nuclear Facility. To support remedial action decisions, the Council shall use a phased approach in developing a future land use plan. Prior to completion of the full plan, but no later than 9 months after the Site Manger's confirmation, the Council shall adopt land use plans for portions of the Facility to support scheduled remedial action decisions as requested by the Site Manager.

(d) CONTENT OF THE PLAN.—The Future Land Use Plan for a Defense Nuclear Facility shall include—

(1) lands that should be retained by the Department for its use or for the maintenance of institutional controls needed to protect the public or environment from hazardous substances or radioactive materials;

(2) lands designated for industrial use;

(3) lands designated for commercial use;

(4) lands designated for residential use;

(5) lands designated for agricultural use;

(6) lands designated for recreational use; and

(7) lands designated for open space.

(e) PLAN CRITERIA.—In developing the Future Land Use Plan, the Land Use Council shall consider information it deems appropriate, including—

(1) the degree to which lands within the Defense Nuclear Facility could be reasonably remediated given technological considerations;

(2) the cost of remediation;

(3) the risks to human health and the environment;

(4) the land use history of the facility and surrounding lands, current land uses of the facility and surrounding lands, recent development patterns in the proximity of the facility, and population projection for the area;

(5) land use plans prepared for adjacent lands and for the facility, including for the Hanford reservation, the report of the Future Site Working Group;

(6) Federal or State land use designations, including Federal facilities and national parks, State groundwater or surface water recharge areas, recreational areas, wildlife refuges, ecological areas, and historic or cultural areas;

(7) the proximity of contamination to residences, sensitive populations or ecosystems, natural resources, or areas of unique historic or cultural significance;

(8) the potential for economic development; and

(9) recreation, open space, cultural, and other noneconomic values.

(f) CONSULTATION.—In preparing the land use plan, the Council shall consult with—

(1) adjoining States,

(2) affected Indian Tribes,

(3) affected local governments,

(4) appropriate State and Federal agencies, and

(5) the public.

All Council meetings shall be open to the public and shall be scheduled and conducted to promote public participation. Adjoining States, affected Indian Tribes, affected local governments, appropriate State and Federal agencies, and the public shall be given an opportunity to comment on the land use plans prior to their adoption. The Council shall advise commentors of the disposition of their comments.

SEC. 10. TECHNOLOGY DEMONSTRATIONS.

(a) IN GENERAL.—The Site Manager shall promote the demonstration, certification, verification, and implementation of new environmental technologies at Defense Nuclear Facilities.

(b) CRITERIA.—The Site Manager shall establish a program at the Defense Nuclear Facility for testing environmental, waste characterization and remediation technology at the site. In establishing such a program, the Site Manager is authorized to—

(1) establish a simplified, standardized and timely process for the testing and verification of new technologies;

(2) solicit and accept applications to test environmental technology suitable for waste management and environmental restoration activities at Defense Nuclear Facilities, including prevention, control, characterization, treatment, and remediation of contamination; and

(3) enter into cooperative agreements with other public and private entities to test environmental technologies at the Defense Nuclear Facility.

(c) SAFE HARBORS.—At the request of the Site Manager, the Secretary shall seek to provide regulatory or contractual ''safe harbors'' to limit liability of companies using technology approved for use at a Defense Nuclear Facility for use at other Department of Energy facilities.

(d) NUCLEAR MATERIAL.—When source, special nuclear, or by-product materials are involved, agreements with private entities under section 9, subsection (b), shall—

(1) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(2) indemnify, protect, and hold harmless the contractor from and against all liability, including liability for legal costs, for any preexisting conditions at any part of the Defense Nuclear Facility managed under the agreement;

(3) indemnify, protect, and hold harmless the contractor from and against all liability to third parties (including liability for legal costs and for claims for personal injury, illness, property damage, and consequential damages) arising out of the contractor's performance under the contract, unless such liability was caused by conduct of the contractor which was grossly negligent or which constituted intentional misconduct; and

(4) provide for indemnification of subcontractors as described in subparagraphs (1), (2), and (3).

SEC. 11. CONTRACT REFORM AND FEDERAL GOVERNMENT OVERSIGHT.

(a) CONTRACTING STRATEGIES.—The Site Manager, in entering into and managing all contracts at Defense Nuclear Facilities (including contracts for design, construction, operation and maintenance of treatment, storage and disposal facilities), may ensure effective, efficient and consistent implementation of the Federal Acquisition Regulation (hereinafter in this section referred to as ''FAR'') and the Federal Acquisition Streamlining Act (hereinafter in this section referred to as ''FASA'') requirements and shall—

(1) encourage market-based management and practices;

(2) maximize competition in new procurements;

(3) maintain an effective capability to recompete existing contracts;

(4) maximize efficient and effective use of multiyear contracting practices that enhance commercialization and privatization;

(5) maximize use of incentives and performance guarantees;

(6) assure coordination and integration of all contractor-developed designs, plans, and schedules;

(7) maximize application of best commercial standards and specifications in all contracts;

(8) consult to maximum extent possible, the host State regarding contracting strategies and oversight, including project plans, facility designs, and schedules and cost estimates; and

(9) maximize use of fixed-price contracts in lieu of cost-plus reimbursement contracts.

(b) MULTIYEAR CONTRACTING.—The Site Manager is authorized to enter into and implement multiyear contracts, in accordance with FAR and FASA requirements and the provisions of this Act for the design, construction, operation and maintenance of treatment, storage and disposal facilities by private entities. The Site Manager shall do so when the Site Manager determines that such a contract will maximize public resources and result in efficient and timely environmental improvements. In entering into such a contract, the Site Manager shall not jeopardize the funding of environmental agreement obligations. The Site Manager may use Department of Defense FAR multiyear funding and termination liability procedures in lieu of civilian agency FAR procedures if the Site Manager demonstrates this to be beneficial to the United States.

(c) ASSISTANCE IN IMPROVING CONTRACTING STRATEGIES AND GOVERNMENT OVERSIGHT.—The Site Manager shall obtain the expertise necessary to implement performance oriented incentive based contracting and procurement practices. To accomplish this, the Site Manager may obtain the involvement of qualified representatives from other Federal agencies in—

(1) developing improved contracting strategies, and participating in selection of contract sources; and

(2) the oversight and administration of contracts.

The Secretaries of involved agencies shall ensure selection of qualified and knowledgeable representatives to assist and advise the Site Manager. The Site Manager may also, to the extent allowed by the FAR separately consult with the private sector.

SEC. 12. ENVIRONMENTAL AGREEMENTS NOT AFFECTED.

Nothing in this Act shall impair the force or effect of any environmental agreement, except to authorize re-negotiation to incorporate the changes required to comply with provisions of this Act.

SEC. 13. REPORT TO CONGRESS.

Two years after the effective date of this Act, and every two years thereafter, the Site Manager for each Defense Nuclear Facility subject to this Act shall submit to Congress a report evaluating progress or cleanup made under the provisions of this Act. The report shall identify efficiencies achieved and moneys saved through implementation of this Act and shall identify additional measures that would increase the pace and lower the cost of environmental management activities at the facility. The Site Manager shall also report specific actions undertaken to implement business and contracting strategies that maximize the use of fixed price and incentive based contracting in lieu of cost reimbursement contract arrangements. The Site Manager shall also specify in his report the utility of commercial standards, specifications and practices, as well as improvements in the effectiveness and efficiency of Federal contract oversight and administration activities within his purview.

SEC. 14. NATIONAL HISTORIC PRESERVATION ACT.

Federal structures at a Defense Nuclear Facility smaller than 100,000 square feet shall be exempt from the National Historic Preservation Act (16 U.S.C. 470 and following) unless the Site Manager deems these structures appropriate for National Historic Preservation Act protection, and deems that such action will not delay cleanup activities or increase cleanup costs at the facility. National Historic Preservation Act review for structures larger than 100,000 square feet shall be limited to no more than 30 days.

SEC. 15. ENVIRONMENTAL HEALTH AND SAFETY.

The Department of Energy Office of Environmental Health and Safety shall enforce safety and health activities at Defense Nuclear Facilities.

SEC. 16. PRIVATIZATION OF WASTE CLEANUP AND MODERNIZATION ACTIVITIES OF DEFENSE NUCLEAR FACILITIES.

(a) CONTRACT AUTHORITY.—Notwithstanding any other law, the Site Manager may enter into 1 or more long-term contracts, with a private entity located within 75 miles of a Defense Nuclear Facility, for the procurement of products or services that are determined by the Site Manager to be necessary to support environmental management activities at such facilities, including the design, construction, and operation of treatment, storage, and disposal facilities.

(b) CONTRACT PROVISIONS.—A contract under subsection (a)—

(1) shall be for a term of not more than 30 years;

(2) may include options for 2 extensions of not more than 5 years each;

(3) when source, special nuclear, by-product, hazardous materials are involved, shall include an agreement to—

(A) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(B) indemnify, protect, and hold harmless the contractor from and against all liability (including liability to 3rd parties for legal costs and for claims for personal injury, illness, property damage, and consequential damages) relating to pre-existing conditions at any part of the Defense Nuclear Facility arising out of the contractor's performance under the contract unless such liability was caused by conduct of the contractor which was negligent or grossly negligent or which constituted intentional misconduct; and

(C) provide for indemnification of subcontractors as described in subparagraphs (A) and (B);

(4) shall permit the contractor to obtain a patent for and use for commercial purposes a technology developed by the contractor in the performance of the contract;

(5) shall provide for fixed or performance based compensation; and

(6) shall include such other terms and conditions as the Site Manager considers appropriate to protect the interests of the United States.

(c) PREFERENCE FOR LOCAL RESIDENTS.—In entering into contracts under subsection (a), the Site Manager shall give preference, consistent with Federal, State, and local law, to entities that plan to hire, to the maximum extent practicable, residents in the vicinity of the Defense Nuclear Facility who are employed or who have previously been employed by the Department of Energy or a private contractor at the facility.

(d) PAYMENT OF BALANCE OF UNAMORTIZED COSTS.—

(1) DEFINITION.—For purposes of this subsection, the term ''special facility'' means land, a depreciable building, structure, or utility, or depreciable machinery, equipment, or material that is not supplied to a contractor by the Department.

(2) CONTRACT TERM.—A contract under subsection (a) may provide that if the contract is terminated for the convenience of the Government, the Secretary shall pay the unamortized balance of the cost of any special facility acquired or constructed by the contractor for performance of the contract.

(3) SOURCE OF FUNDS.—The Secretary may make a payment under a contract term described in paragraph (2) and pay any other costs assumed by the Secretary as a result of

the termination out of any appropriations that are available to the Department of Energy for operating expenses, not including funds allocated to environmental management activities at the site, for the fiscal year in which the termination occurs or for any subsequent fiscal year.

(e) LIMITATION.—Funds appropriated pursuant to this or any other Act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided in advance in an appropriation Act, and

(2) if such contract contains each of the following provisions:

(A) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that contract.

(B) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year.

(C) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

(f) LEASE OF FEDERALLY OWNED LAND.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Site Manager may lease federally owned land at a Defense Nuclear Facility to a contractor in order to provide for or to facilitate the construction of a facility in connection with a contract under subsection (a).

(2) TERM.—The term of a lease under this paragraph may be either the expected useful life of the facility to be constructed, or the term of the contract.

(3) TERMS AND CONDITIONS.—A lease under paragraph (1) shall—

(A) require the contractor to pay rent in amounts that the Site Manager considers to be appropriate; and

(B) include such other terms and conditions as the Site Manager considers to be appropriate.

(g) COMMERCIAL STANDARDS.—The Site Manager shall, whenever practicable, apply commercial standards to contractors used in the performance of a contract under subsection (a).

SEC. 17. PREFERENCE AND ECONOMIC DIVERSIFICATION FOR COMMUNITIES AND LOCAL RESIDENTS.

(a) PREFERENCE.—In entering into a contract or subcontract with a private entity for products to be acquired or services to be performed at a Defense Nuclear Facility, the Site Manager and contractors under the Site Manager's supervision shall, to the maximum extent practicable, give preference to an entity that is otherwise qualified and within the competitive range (as determined under section 15.609 of title 48, Code of Federal Regulations, or a successor regulation, as in effect on the date of the determination) that plans will—

(1) provide products and services originating from communities within 75 miles of the facility;

(2) avert, to the maximum extent practicable, the dismissal of employees employed by the Department or a private contractor at the facility, and protect, to the maximum extent possible, the continuity of service and benefits of such employees;

(3) hire residents living in the vicinity of the facility, especially residents who have previously been employed by the Department or its contractors at the facility, to perform the contract; and

(4) invest in value-added activities in the vicinity of the facility to mitigate adverse economic development impacts resulting from closure or restructuring of the facility.

(b) APPLICABILITY.—Preference shall be given under subsection (b) only with respect to a contract for an environmental management activity that is entered into after the date of enactment of this Act.

SEC. 18. JURISDICTION.

The United States District Court for the district in which a Defense Nuclear Facility is located shall have exclusive jurisdiction over any claims arising under this Act with respect to such facility.

SEC. 19. STABLE FUNDING.

It is the sense of the Senate that stable levels of funding are essential to carry out this Act. The Site Manager and the President are encouraged to seek funding levels not lower than that allocated during fiscal year 1996

SEC. 20. EXPIRATION.

The provisions of this Act shall expire 10 years after its enactment, but Congress may review and revoke any provisions of this Act after 5 years if Congress determines that enactment of this Act has not accelerated cleanup or reduced costs at the Defense Nuclear Facility.

Mr. GORTON. Mr. President, the Department of Energy's defense nuclear complex—and Hanford in particular—has been maligned and criticized long enough. Today, in a truly bipartisan spirit, my colleagues and I are offering substantive, workable, and dramatic solutions to the Nation's Environmental and Waste Management Program. Congressman HASTINGS and I have worked with Senator MURRAY, the State of Washington, and with the support of our delegation, to forge a creative new course for the Department of Energy and its massive cleanup operations. The old paradigm of bureaucratic cleanup is being tossed. Accountability and responsibility are the new standards to be employed at Hanford and other DOE sites. As most of us know, Hanford is no small problem—in complexity or cost. This amendment's foundations lie in four areas: Leadership, future land use, regulatory reform, and privatization. Those ideas have been cooperatively crafted into the legislation being introduced today. Let me emphasize some of Hanford's shortcomings, and how we have set out to correct them.

LEADERSHIP

DOE is plagued with a gaping absence of firm, decisive leadership. Likewise, Hanford and its communities suffer from an overabundance of committees, review processes, open-ended debates and rule by consensus, rather than decision. This process simply has not worked. Paper-shuffling bureaucrats in Washington, DC try to manage, direct, and understand paper shuffling bureaucrats in Richland. Part of this is simply fear: Third party lawsuits, disproportional stakeholder influence, and uncertainty over DOE's future has driven management into circular uncertainty. If Richland can't do it, DC will—if DC is not to blame, then the field staff is at fault. Accountability seems to be lost and cleanup ultimately is left in a vapid holding pattern.

This amendment changes the nature of leadership at Hanford and puts complete authority for cleanup decisions—and all other site operations—under the site manager's purview. To emphasize the importance of the task, and the quality of the person in charge, the President shall appoint the site manager for Hanford, with the advice and consent of the Senate. With this step, DOE headquarters is tacitly removed from the decisionmaking process. Accountability and responsibly are focused locally. There will be no room for excuses if the job is not being done promptly and properly.

LAND USE

Any attempt to deal with Hanford's cleanup problems must tackle the enigmatic, yet important, issue of how clean is clean. To determine how clean certain portions of land will be, you must decide thresholds of cleanliness, and ultimately determine what those lands will be used for once the job is finished. This amendment invests proportional authority for these decisions into local voices, as these are the people most affected by cleanup and future land use issues. Today the Federal Government has complete authority for the use, and final disposition, of 562 square miles in Washington State. We wanted to give local imput some teeth—more than merely an advisory role. To do that, we established a process that enables State and local representatives to be on equal footing with the Federal Government in land use decisions. In that vein, this amendment establishes a land use council to make difficult, yet essential, decisions on how clean portions of the site will be. Our amendment does not address final disposition of land, and specifically exempts the Hanford ALE and REACH from the land council's purview. This is a bold attempt to tackle what is perhaps the most contentious, and difficult, issue to address at Hanford and our other defense nuclear facilities.

REGULATORY REFORM

Like the proverbial kitchen with too many cooks, DOE's defense nuclear facilities suffer from an overabundance of regulators—each with an agenda and each with the potential to make a job significantly more cumbersome than it needs to be. Contrary to rumors and unfounded, naive speculation, we are not gutting environmental or safety laws at Hanford. Indeed, we are streamlining the process. Under this amendment, Washington State becomes the sole regulator at Hanford—a job it is prepared, and capable, to do. We have worked closely with the Governor and attorney generals' offices to ensure the conditions under which Washington will accept these new responsibilities. Currently, three regulators govern site cleanup at Hanford: EPA, DOE, and Washington State. EPA, for example, has only 8 employees at Hanford. A surprising statistic, yet its influence is disproportional to the role it plays.

The added presence of another regulator, however, forces DOE to follow many of the same regulations and processes Washington State already requires. One regulator simplifies the oversight role, and arguably increases safety, saves money, and assures compliance.

PRIVATIZATION

As I have said many times in the past, engaging private sector know-how will make for better, cheaper, quicker cleanup. He have included the major portions of the privatization bill I sponsored with Congressman HASTINGS. Privatization is not the only solution for Hanford's problems, as the rest of this amendment demonstrates. it is, however, a significant portion of how we are going to expedite fast cleanup for lower cost. There have been numerous statements of general support for privatization—this amendment codifies those abstract thoughts into concrete legislation. Provided it thinks clearly before it acts, DOE will truly benefit from the enhanced privatization tools it receives under the provisions of this Act.

Mrs. MURRAY. Madam President, today I am pleased to submit a substitute amendment with my colleagues, Senators GORTON, HATFIELD, and PACKWOOD, that I believe will dramatically improve the way business is done at the Hanford Reservation in Washington State.

Hanford is the biggest, most toxic defense nuclear facility in the United States. Its recent annual budgets have cost American taxpayers almost $2 billion per year. Hanford is home to 80 percent of this Nation's spent plutonium. Its radioactive and other toxic materials are being stored in dangerous conditions and/or are already seeping into the ground water, toward the Columbia River. In other words, Hanford is a costly mess.

Earlier this year, Senators JOHNSTON and MURKOWSKI introduced their vision of how to improve cleanup at Hanford. In S. 871, which this amends, they suggest abandoning the environmental agreement between the Federal Government and the State of Washington and allowing the Department of Energy to establish its own cleanup agenda and environmental standards. We cannot support that approach because we believe the people of the region must have a say in the way cleanup is conducted. The people of the Tri-Cities proudly built Hanford; they deserve a role in restoring Hanford.

So, we take a different approach and offer a comprehensive bill addressing many issue impacting the cost and speed of cleanup at Hanford. The most fundamental and sweeping concept of the bill is its emphasis on increasing the role of the State in regulating cleanup. We create a single regulator primarily applying a single law: The State assumes jurisdiction of CERCLA, or Superfund. The amendment also reaffirms the Tri-Party Agreement, ensuring the people of the Tri-Cities and Washington State continue to have a voice in Hanford cleanup and restoration.

Anther important aspect of this amendment is its emphasis on the adjacent community and its stability. The people of the Tri-Cities have worked hard to help America win the cold war. They have sacrificed their environment and given of their working lives. This amendment encourages new companies to provide a continuity of benefits and preferential hiring to former site employees. It urges private contracts to be let to companies based in the area. It also encourages greater privatization and commercialization of new technologies in order to attract new businesses to the area—and then keep those companies there after cleanup is completed.

The amendment contains several other concepts I would like to emphasize. It streamline decisionmaking by giving a presidentially-appointed site manager significantly more authority to make decisions, transfer money, negotiate contracts, waive duplicative regulations, manage personnel, and select cleanup remedies. The amendment also establishes a land use council to help define cleanup objectives and standards for areas on the Superfund national priorities list. Finally, it urges a stable level of funding for cleanup to allow long-term planning.

I want to conclude by saying that this truly is a bipartisan amendment. We elected officials, Democrats and Republicans representing both State and Federal Government, put our energy together to find solutions to the problems facing Hanford. We worked long and hard and none of us got everything we wanted. Had I been the sole author of this amendment, it would have been a different bill. However, I strongly support most of this amendment and believe it will hasten cleanup and benefit the people we represent—and the people who elected us and this Nation's taxpayers. I look forward to continuing to work with my colleagues in the Senate and with Representatives HASTINGS and DICKS, Governor Lowry, and Attorney General Gregoire to push this amendment and make it the law.

THE CONGRESSIONAL GIFT REFORM ACT OF 1995

MCCAIN (AND OTHERS) AMENDMENT NO. 1872

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, Mr. GRAMS, Mr. BURNS, Mr. ABRAHAM, Mr. WARNER, and Mr. HARKIN) proposed an amendment to the bill (S. 1061) to provide for congressional gift reform; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

''(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $20, and a cumulative value from one source during a calendar year of less than $50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

''(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

''(c) The restrictions in subparagraph (a) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

''(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

''(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

''(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is

otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

''(14) Bequests, inheritances, and other transfers at death.

''(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

''(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

''(19) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

''(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

''(22) Food or refreshments of a nominal value offered other than as a part of a meal.

''(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

''(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

''(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

''(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

''(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

''(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

''3. A gift prohibited by paragraph 1(a) includes the following:

''(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

''(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

''(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

''(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

''(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

''(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

''(2) the date and amount of the contribution; and

''(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

''5. For purposes of this rule—

''(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

''(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

''6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.''.

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

BROWN AMENDMENT NO. 1873

Mr. BROWN proposed an amendment to amendment No. 1872 proposed by Mr. McCAIN to the bill S. 1061, supra; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

''(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000, or

''(2) greater than $5,000,000.

''(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000;

''(2) greater than $5,000,000 but not more than $25,000,000;

''(3) greater than $25,000,000 but not more than $50,000,000; and

''(4) greater than $50,000,000.

''(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or 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 section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

(b) Blind Trust Assets.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

''4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

MURKOWSKI AMENDMENT NO. 1874

Mr. MURKOWSKI proposed an amendment to amendment No. 1872 proposed by Mr. McCAIN to the bill S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . TRAVEL AND LODGING TO CHARITABLE EVENTS.

Notwithstanding any provision of the Rule, The term ''gift'' does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

LOTT (AND BREAUX) AMENDMENT NO. 1875

Mr. LOTT (for himself and Mr. BREAUX) proposed an amendment to amendment No. 1872 proposed by Mr. McCAIN to the bill S. 1061, supra; as follows:

On page 1, strike lines 9 through 12, and on page 2, strike lines 1 through 4; and, insert the following:

''(2) No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than $100 or more from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than $50.''

STEVENS AMENDMENT NO. 1876

Mr. STEVENS proposed an amendment to amendment No. 1872 proposed by Mr. McCAIN to the bill S. 1061, supra; as follows:

On page 2 of the amendment, strike lines 12 through 20 and insert in lieu thereof the following:

''(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.''

FORD AMENDMENT NO. 1877

Mr. FORD proposed an amendment to amendment No. 1872 proposed by Mr. McCAIN to the bill S. 1061, supra; as follows:

On page 16 of the McCain substitute on line 25, insert after ''shall take effect on'' the following: ''and be effective for calendar years beginning on''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Wednesday August 2, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the implementation of Public Law 103–176, the Indian Tribal Justice Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, July 27, 1995 session of the Senate for the purpose of conducting a hearing on spectrum reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 27, 1995, for purpose of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nomination of John Garamendi to be Deputy Secretary of the Interior.

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

COMMITTEE ON FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, July 27, 1995 beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the Medicaid Distribution formula.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, July 27 at 9:30 a.m. for a hearing on S. 929, the Department of Commerce Dismantling Act.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 27, 1995 at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 27, 1995, at 10:00 p.m. to hold a hearing on ''Prison Reform: Enhancing the Effectiveness of Incarceration''

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

ADDITIONAL STATEMENTS

NOTICE OF INTENTION TO AMEND SENATE RULE 34

• Mr. BROWN. Mr. President, I submit the following notice in writing:

''In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34.''

I ask that the amendment be printed in the RECORD.

The amendment follows:

At the appropriate place, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

''(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000, or

''(2) greater than $5,000,000.

''(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000;

''(2) greater than $5,000,000 but not more than $25,000,000;

''(3) greater than $25,000,000 but not more than $50,000,000; and

''(4) greater than $50,000,000.

''(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or 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 section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

''4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.•

LEGISLATING PRAYER IN SCHOOLS TRIVIALIZES WHAT PRAYER IS ABOUT

• Mr. SIMON. Mr. President, Dr. Paul Jersild is a professor of theology and ethics at Lutheran Theological Southern Seminary in Columbia, SC.

Recently, I had a chance to read a column he wrote for the Columbia newspaper, the State, on the issue of prayer in the schools.

At a time when there is much political malarkey being spread about this issue and a lot of concerned people on both sides, I think it is worthwhile to listen to a voice of reason.

I have known Paul Jersild for many years and trust his instinct and good judgment.

I ask that his column be printed in the RECORD.

The column follows:

[From the Columbia (SC) State, June 2, 1995]

LEGISLATING PRAYER IN SCHOOLS TRIVIALIZES WHAT PRAYER IS ABOUT

[By Paul Jersild)

South Carolinians—and the South in general—tend to be ''more religious'' than the rest of the nation. What that means can be debated, but one thing is clear enough: Residents of this state are more likely to support a constitutional amendment which would legalize prayer in the public schools.

What is it, exactly, that we would accomplish by such an amendment?

The recent debate on NBC's ''Meet the Press'' between Ralph Reed, executive director of the Christian Coalition, and White House adviser George Stephanopoulos brought out an important point in answering this question. Stephanopoulous noted that under present law, students can pray before meals in school, express their religious views in classroom discussions or even gather at the flagpole before school begins to start off the day with a prayer.

It is the advocacy of religion on the part of government that is at issue here. No one denies that students can pray, and, in that sense, prayer is not the real issue. What Mr. Reed argued is that an amendment is needed in order to reverse what he sees as a climate of hostility toward expressions of religious faith in public life. The question in my mind—and it is shared by many Christians—is whether an amendment is the appropriate solution to the kind of problem posed by Mr. Reed.

Here I see a disturbing aspect to religion in the South. Baptists make up the vast majority of church members in this region, and they represent one of the most revered and important traditions in American religious and political history. From their beginnings, Baptists have been known for their vigorous advocacy of separation of church and state in order to assure their own freedom and that of others to practice the religion of their choice.

But now, with their majority status in the South, Baptists seem to have forgotten this honored tradition. Many of them have become more concerned with politically enforcing a religious practice which they regard as essential to maintaining their version of civic religion. Concern for minority religious groups and non-believers has disappeared as they insist on the ''rights'' of the majority.

The irony of this situation is obvious, for it is largely their own notable history that has taught us to beware of majoritarian attempts to enforce religious views and practices on the rest of the population.

This whole development carries an important lesson concerning the vagaries and pitfalls of trying to politically shape the practice of religion.

There is, indeed, a proper role for religious ceremony in the public realm, and separation of church and state should not be understood as the elimination of all religious expression in public life. But when prayer is used as a political weapon to counteract what is perceived as a hostile environment, it is being grossly misused. Passing a law does not create a community of faith where, alone, prayer is both vital and necessary. Enforcing prayer in the classroom (or a silent moment for prayer) turns it into a symbolic act for the sake of a political purpose, which destroys or, at least, trivializes what prayer is about.

Since Christians disagree among themselves about the wisdom of a prayer amendment, it should be clear that this is not an issue of the church against the state or the rest of society. It is an ideological battle being waged by certain Christians who want to implement their particular vision of a ''Christian'' society. If we can actually legislate that goal, it is not worth achieving.●

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

● Mr. SANTORUM. Mr. President, 2 days ago in Bosnia and Herzegovina, the town of Zepa, the second safe haven fell to the Bosnian Serbs, lending increasing urgency to the need to pass S. 21, the Dole-Lieberman bill. Mr. President, the U.S. Congress has voted on the issue of the arms embargo many times, but the fall of two U.N. safe havens has dramatically highlighted this ill-fated policy as never before. The failure of the U.N. peacekeepers to protect the enclaves and themselves is coupled with the knowledge that the Bosnian Government troops have been effectively rendered useless by their lack of heavy weaponry. As the fighting continues to escalate in Bihac, a third U.N. safe haven, it is time for the Clinton administration to abandon this doomed policy, accept that UNPROFOR must be withdrawn, and lift the arms embargo on the Bosnian Government.

We have been warned many times by the Clinton administration that this bill 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. Mr. President, the conflict has already escalated. More U.N. troops are being deployed, and as the United States and European leaders issue more empty threats, the reality is that the indecisiveness and ineffectiveness of the West has invited the Serbs to step up their assaults. As of this week, two safe havens have fallen, a third is under siege, and in the past 4 days in Sarajevo, at least 20 people have been killed, while more than 100 people have been wounded. The U.N. mission has failed and has been declared more of a hindrance than a help by the Bosnian Prime Minister. The peace talks have failed because the Bosnian Serbs have determined that, judging by their recent military success, they have more to gain by fighting than by negotiating a peace settlement. The Bosnian Serbs already have control of 70 percent of Bosnia-Herzegovina due in large part to a near monopoly of heavy weapons.

This situation in Bosnia, particularly the ''dual key'' approach has eroded United States credibility and undermined NATO cohesion while contributing to the decline of the effectiveness of the U.N. peacekeepers. Mr. President, this is not a partisan issue, I am not blaming the Clinton administration, many of the problems with our policy in Bosnia began with the previous administration. This is a moral issue. The U.N. peacekeepers have not been able to achieve their mission. They are no longer capable of delivering humanitarian supplies to the enclaves, they are no longer capable of protecting the safe havens, and judging by the ease with which the peacekeepers have been killed and taken hostage, they are no longer capable of protecting themselves. Mr. President, this is not the fault of the troops in Bosnia. They were sent into a situation as noncombatants though they were seen as combatants by Serbs. 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. 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. The United Nations and NATO have been humiliated and weakened as Serb violations of U.N. resolutions were met with silence and empty promises.

The arms embargo against Bosnia was adopted by the Security Council of the United Nations in 1991 when Yugoslavia was still intact. It was requested and supported by the then Government of Yugoslavia in Belgrade, the Milosevic government. It is a cruel twist of fate that the results of this arms embargo has hurt the very people who have been the victims of the war. This embargo has had no effect on the Bosnian Serbs who have inherited the powerful former Yugoslav army but has devastated the Bosnian Moslems. We can no longer stand by helplessly and watch as a country, recognized by the United Nations, is promised assistance that is too little, too late.

Two days ago, Bosnian Serb leaders Karadzic and his military chief of staff, Ratko Mladic, were charged with genocide, war crimes, and crimes against humanity by the U.N. International Criminal Tribunal. Mr. President, the world has recognized the atrocities of this tragic situation. Let us finally act to give the Bosnian Moslems the capacity to fight back and to defend themselves. Let us stop punishing these helpless civilians for the error of our policy.

A TOOL FOR A COLORBLIND AMERICA

● Mr. SIMON. Mr. President, there is a great deal of nonsense in the political oratory on affirmative action. Like policies on education, religion or any other good thing, it can be abused.

But fundamentally, it will make America a better place. It has made America a better place and is making America a better place.

We still have a long way to go before we are a nation without prejudices and without the discrimination that comes from prejudices.

Chancellor Chang-Lin Tien of the University of California-Berkeley had an op-ed piece in the Los Angeles Times that I think provides a needed balance.

I urge my colleagues to read it.

At this point, I ask that the op-ed piece be printed in the RECORD.

The material follows:

[From the Lost Angeles Times, July 18, 1995]

A TOOL FOR A COLORBLIND AMERICA

(By Chang-Lin Tien)

As an Asian American, I have endured my share of affirmative action ''jokes.'' Even when I became chancellor of UC Berkeley, I was not spared teasing about how affirmative action was the reason I landed this coveted post at one of America's great universities.

Opponents of affirmative action use examples like this to argue that affirmative action tars all minorities with the same brush of inferiority—whether or not we benefit directly.

Affirmative action is not the source of the problem. As much as America would like to believe otherwise, racial discrimination remains a fact of life. Whether we preside over major universities or wash dishes, people of color confront discrimination.

In my first months as chancellor, I was encouraged by friends to get coaching to eliminate my accent. While a European inflection conjures up images of Oxford or the belles-lettres, Asian and Latino accents apparently denote ignorance to the American ear.

Our nation is far from fulfilling the Rev. Martin Luther King Jr.'s dream of a country where people are judged on the content of their character, not the color of their skin.

King's immortal words challenged America to live up to its founding principle—that all men are created equal. It is an ideal all Americans embrace. Yet it has needed redefining as America has struggled to broaden its concept of democracy to include women and races other than Caucasian.

King's challenge is especially relevant today as this country undergoes a phenomenal demographic transformation. His challenge will resonate on Thursday when the UC Board of Regents considers eliminating race and ethnicity in admissions and hiring.

As an educator, I know that America's demographic shift poses tremendous challenges. American universities must educate more leaders from all racial and ethnic groups so they can succeed in a diverse environment.

How can America's educators accomplish this? Affirmative action has been an effective tool for diversifying our student body while preserving academic excellence. Yet its opponents argue that affirmative action runs counter to the principle of individual rights on which this country was founded. Affirmative action, they believe, is based on the ''group rights'' of racial and ethnic groups.

I agree that affirmative action is not a panacea. It is a temporary measure that can be eliminated when we have forged a colorblind society. That time has not yet come. It's painfully clear that equal opportunity is still a dream for many Americans.

Although colleges and universities cannot correct the nation's inequities, we can be a beacon of hope by offering an education to help minority youth realize the American dream.

It is here where a fair, carefully crafted affirmative action process comes into play. At Berkeley and many other universities, in addition to strict academic criteria, student admissions policies take into account special circumstances that minority students have confronted.

Critics accuse us of bestowing special ''group rights'' to these minorities. They argue that the process should be devoid of such group considerations and that students should be judged solely as individuals.

This argument, however, does not take into account what I call ''group privileges''—advantages that certain groups of students accrue by virtue of birth, not by hard work. After all, the contest between white suburban students and minority inner-city youths is inherently unfair. Inner-city students struggle to learn in dilapidated schools where illegal drugs are easier to find then computers, while suburban students benefit from honors classes and Internet access.

Ultimately, we must rebuild America's public schools. Yet until America reverses the precipitous decline of its schools, we have to give special consideration to young people who have overcome countless obstacles to achieve academically.

Diversity benefits all students. It is critical to academic excellence. Only by giving students opportunities to interact and learn about one another will we prepare America's leaders for success in today's global village.

How else can universities prepare tomorrow's teachers for working with youngsters whose families come from nations around the world? How else can universities prepare business leaders to succeed in the international market?

Berkeley's experience discredits the persistent myth that affirmative action lowers academic standards. Our fall 1994 freshman class, in which no racial group constitutes a majority, is stronger academically than the freshman class of 10 years ago. Our graduation rates have climbed steadily. Today, 74% of our students graduate within five years. In the mid-1950's, when the student body was overwhelmingly white, 48% graduated within five years. We have diversified while strengthening our role as a premier university.

If America ends affirmative action before addressing the underlying causes of inequality of opportunity, racial divisions will deepen. Opportunities to dispel ingrained beliefs about different races through interaction and discussion will be lost. Many promising minorities will never have the opportunity to excel as academic, cultural, business and political leaders.

Most important for me as an educator, excellence in academic institutions that must prepare leaders for a diverse world will be jeopardized.

Instead of threatening the progress we have made, let us address the problems that foster unequal opportunity and racial strife. Only then can we look forward to the day when affirmative action can be eliminated and the vision of our founders will be fulfilled—that all Americans are created equal.●

ORDERS FOR FRIDAY, JULY 28, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, July 28, 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. 1061, the gift ban rule as under the previous order.

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

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will resume consideration of the gift ban rule tomorrow at 9 a.m. Approximately at 9:10 there will be two consecutive rollcall votes on or in relation to the gift ban rule.

Under the unanimous-consent agreement reached earlier, additional rollcall votes can be expected, and the Senate will complete action on the gift ban bill on Friday, as the leader promised we would do.

Also, Senators should be aware the cloture vote on the motion to proceed to the State Department reorganization bill has been postponed until Monday, and the cloture vote on the motion to proceed to the foreign assistance authorization bill has been vitiated.

The majority leader also announced the first rollcall vote on Monday will not occur until the bewitching hour of 6 p.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:55 p.m., recessed until Friday, July 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1995:

DEPARTMENT OF ENERGY

CHARLES B. CURTIS, OF MARYLAND, TO BE DEPUTY SECRETARY OF ENERGY, VICE WILLIAM H. WHITE, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES ALLAN HURD, JR., OF THE VIRGIN ISLANDS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF 4 YEARS, VICE JAMES W. DIEHM, RESIGNED.

DEPARTMENT OF STATE

DON LEE GEVIRTZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

JOAN M. PLAISTED, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ELISABETH GRIFFITH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1996, VICE JOAN R. CHALLINOR, RESIGNED.

MARC R. PACHECO, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2000, VICE BETTY SOUTHARD MURPHY, TERM EXPIRED.

LOUISE L. STEVENSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 1999, VICE A.E. DICK HOWARD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES R. CLAPPER, JR., 000–00–0000

EXTENSIONS OF REMARKS

KEEP THE GREAT LAKES ENVIRONMENTAL RESEARCH LAB OPEN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. BONIOR. Mr. Speaker, this House has long recognized that the work of NOAA benefits all Americans.

NOAA's research on weather, atmosphere, oceans, and space continues to help us understand the environment which we all depend upon for survival—and has shown us ways to better manage the resources we all need to live.

The Rogers Substitute restored important funding—not only for the vital research being done in the Gulf of Mexico—and the important work being conducted on coastal zone management—but for important research across America.

Let me tell you quickly why this is so important to those of us who live in the Great Lakes region.

The Great Lakes represent 95 percent of our nation's fresh water and they provide drinking water to 23 million people.

But there's something going on today in the Great Lakes that we don't clearly understand.

Researchers have found that mothers who ate fish from Lake Michigan during pregnancy and giving birth to infants who are developing slower.

Animals who call the Great Lakes home are showing actual physical deformities.

Worst of all, it was just 2 years ago that over 100 people died when Milwaukee experienced an outbreak of cryptosporidium in their drinking water.

That's why the work of the Great Lakes Environmental Research Lab is so important.

Since the outbreak in Milwaukee, the Great Lakes lab began an intense study of the shoreline to help prevent future disasters.

They're beginning to find answers—and coming up with new ways to keep our water safe.

And I'm glad this Congress recognized the good work this lab is doing today.

Mr. Speaker, NOAA and the programs it supports are making important strides for all Americans.

The Rogers Substitute to the Mollohan Amendment to the Commerce-State-Justice Appropriations Bill will ensure that their good work continues.

TURKEY'S PARLIAMENT TAKES IMPORTANT STEP FORWARD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to commend Turkey's Parliament and Prime Minister Ciller for taking an important step towards strengthening democracy. On Sunday, July 23, Turkey's Parliament approved 16 constitutional amendments which are part of a democratization plan introduced last year. The Parliament also agreed to resume work in September on amending article 8 of the Anti-Terror Law, which is widely used to criminalize anti-government and pro-Kurdish expressions. These reforms are considered prerequisites to Turkey's acceptance into a European Union customs agreement this fall. Mr. Speaker, I am very encouraged by the fact that the amendments were adopted by a vote of 360–32 after weeks of tumultuous debate.

These amendments are significant for the cause of democracy in Turkey. Their passage marks the first time the civilian government in Turkey has altered the 1982 constitution promulgated by the military. Prime Minister Ciller and the junior coalition partner, Republican Peoples Party deserve much praise for standing by the legislation despite strong opposition from Islamic and nationalist parties.

More specifically, Mr. Speaker, the amendments will broaden political participation by lowering the voting age from 20 to 18; adding 100 seats to the 450 seat Parliament; enabling MPs to switch parties; and allowing trade unions, student associations and other groups to engage in political activities. Language in the constitution praising the 1980 military takeover was also removed.

As I have said in the past, Mr. Speaker, it is in our Nation's best interest to maintain close relations with a stable, democratic Turkey. These amendments, and other efforts in the future, will place our bilateral relations on a much more firm footing. While there is more that needs to be done to address free speech issues and the situation of Turkey's Kurdish population, adoption of these amendments by such a wide margin indicates a commitment and willingness in the Parliament to move forward along this path.

Mr. Speaker, as someone who has spoken out in the past against actions taken by the Government of Turkey, I believe it is important to give the Turkish Government credit where credit is due. Reaction in the Turkish press to the amendments was resoundingly positive and public opinion is also likely to view the reforms in a positive light. Given this set of circumstances, I strongly encourage the Turkish MPs to immediately seize upon the momentum of this impressive showing and press on for further reforms.

Last week, Mr. Speaker, it looked as though partisan politics in Turkey would block the passage of any democratic reforms. Successful adoption of the amendments, though, has breathed new life into the reform debate underway in Turkey. Mr. Speaker, I believe that all who are concerned about human rights and regional stability should express support for the continued efforts of Turkey's Parliament and Government to continue this important process.

VISIT OF PRESIDENT KIM TO THE UNITED STATES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to welcome a very distinguished statesman and friend of the United States, President Kim Yong-sam of the Republic of Korea.

Since his ascension to the presidency in 1993, President Kim has worked tirelessly to promote democracy and economic liberalization in Korea. His efforts to further the advancement of ties between his country and the United States have been warmly received by the administration and those of us in Congress.

There is no doubt that Korea is well served by President Kim. His service to the country is practically unmatched, having been elected to the National Assembly at the young age of 25, and serving there for nearly 40 years. He is a man with a clear vision and intends to boldly lead his country into the 21st century.

It is precisely this kind of leadership that is needed in the new era dawning over Asia. In the last decade, Asian nations have become a force to reckon with in economic terms, and Korea is at the forefront of this revolution. They have become a marvelous model of success for developing countries such as Bangladesh, Sri Lanka, and Thailand. In no small term, the success visited upon Korea is a testament to the will and determination of the Korean people.

The United States has only to gain by continuing to support Korea and her people. Our relationship is truly limitless in its possibilities, and together we can certainly overcome any adversities.

I welcome President Kim to the United States, and applaud his leadership. This is a friendship of which the United States can truly be proud.

TRIBUTE TO DR. EVA SHAPIRO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to honor a truly noble citizen from my district, Dr. Eva Shapiro.

Dr. Shapiro died this year at the age of 100. She was born in Toledo, OH on November, 1894, the daughter of Russian immigrants. She grew up in a downtown neighborhood, as part of Toledo's Jewish community. Her grandfather, by the way, was Toledo's first Orthodox rabbi. Her father owned a small grocery store, and eventually started the first auto parts company in Toledo.

Eva Shapiro initially wanted to be a physician, but couldn't afford 6 years of medical

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school. Instead, she applied for, and won, a generous scholarship from the local B'nai B'rith. They paid for 4 years of dental school at Western Reserve in Cleveland, where she earned her degree in 1918. She returned to Toledo and started her own practice.

In those days, women dentists were not common, and she struggled at first—even the people from her own neighborhood were unwilling to let a woman take care of their teeth. But word spread that she did excellent work, and her practice grew. She was eventually able to pay back every nickle of that scholarship, so someone else could receive it.

Dr. Shapiro was one of the founders of the Toledo Dental Dispensary (today the Dental Center of Northwest Ohio), a nonprofit clinic for needy children and adults. She served on the Board of Trustees of the Dispensary from 1923 to 1960. In her own words,

> * * * we knew we had to have a dental dispensary, and a free one, because there were many people in Toledo that just could not afford to go to the dentist. * * * I even gave as much money as I could, and so did the other [dentists], and they started a dental dispensary. * * * we have dentists there that are very fine dentists, and they do beautiful, beautiful work.

Even with her practice and the time she spent as an active board member, Dr. Shapiro found time to be active in the Jewish Women's Council, Temple B'nai Israel, and the Toledo Museum of Art. She also gave energy and money to countless local charities.

In an interview 10 years ago, Dr. Shapiro said,

> Yes, I have no complaints. I think I had the best life that anybody could have. I had everything that I needed—the education. In those days what girl got a college education?

Dr. Eva Shapiro's energy, her unhesitating willingness to help those in need, and her love of life should be an example to us all. Toledoans are privileged to have known her and have been inspired by her pioneering life. We will cherish her memory.

MACKINAC ISLAND STATE PARK

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. STUPAK. Mr. Speaker, it is, indeed, an honor to bring to the attention of the U.S. Congress and the people of this Nation an event that is not only historically noteworthy, but one that will be most celebrated.

On Friday, August 4, 1995, the Mackinac Island State Park will celebrate its 100th anniversary as Michigan's first State park. This outstanding facility, located in Michigan's Upper Peninsula, has been the source of enjoyment for not just the citizens of my State of Michigan and of the United States, but the world, as well.

The park began first as a U.S. military reservation on Mackinac Island and later became this Nation's second national park. Upon expressing a desire to have this land as a State park, State officials worked for the passage of legislation in the 53d Congress that would permit the transfer of the land from the Federal Government to the State. On March 2, 1895, the authorizing legislation was passed. To wit:

ACT OF CONGRESS, 1895

MILITARY RESERVATION ON MACKINAC ISLAND TURNED OVER TO THE STATE OF MICHIGAN

Military Reservation on Mackinac Island, Michigan: The Secretary of War is hereby authorized, on the application of the governor of Michigan, to turn over to the State of Michigan, for use as a state park, and for no other purpose, the military reservation and buildings and the lands of the National Park on Mackinac Island, Michigan. *Provided*, That whenever the State ceases to use the land for the purposes aforesaid it shall revert to the United States.

Page 946, Fifty-third Congress, Session III, Ch. 189, 1895.

Following this act of Congress, discussions began between the State of Michigan and the Federal Government, culminating in a final transfer. To wit:

CERTIFICATE OF TRANSFER

Whereas, By an act of Congress, approved March 2, 1895, the Secretary of War was authorized, on the application of the Governor of Michigan, to turn over to the State of Michigan, for use as a State park and for no other purpose, the military reservation and buildings and the lands of the National Park on Mackinac Island, Michigan said act providing that whenever the State ceases to use the land for the purpose aforesaid it shall revert to the United States;

And Whereas, John T. Rich, Governor of the State of Michigan, has made formal application for the transfer to the State of Michigan of said military reservation and buildings and the lands of said National Park for the purpose specified in said act;

Now Therefore, This is to certify that the Secretary of War hereby turns over to the State of Michigan, for use as a State park and for no other purpose, the military reservation and buildings and the lands of the National Park on Mackinac Island, Michigan, subject to the provisions of said act of Congress.

Witness my hand and official seal this 3rd day of August, 1895.

SECRETARY LAMONT.

Mr. Speaker, on this occasion marking the one hundredth anniversary of Mackinac Island State Park, I congratulate the State of Michigan and the Mackinac Island State Park Commission and on behalf of the park's multitude of visitors, residents and property owners, thank them for maintaining Mackinac Island State Park as the outstanding retreat it is.

THE KOREAN WAR VETERANS MEMORIAL—LONG-OVERDUE TRIBUTE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. BONIOR. Mr. Speaker, this week we are honoring the millions of Americans who served our Nation during the Korean war.

They call Korea the forgotten war, but none of us can forget the valor of the veterans who fought and bled and died in Korea.

A long-overdue memorial is being dedicated Thursday, July 27, in Washington, on the Mall, a very short distance from the Lincoln Memorial. Granite, steel, wood, and stone have been shaped to form a memorial we can take pride in. You can look into the eyes of the men and women who served our country, and see their determination. You can gaze at a wall of granite, and see hundreds of faces, representing the men and women who provided support for the troops. You can pause for reflection at a memorial honoring the soldiers who are still unaccounted for.

As we dedicate the Korean War Veterans Memorial, we have much to remember.

This memorial will help us to come full circle—to close the wounds that until now have not healed, and to fulfill our need to remember all of those who have served.

We must remember the sacrifices made by veterans of the Korean war, and the conditions they faced; of the Marines who fought their way out of the frozen Chosin Reservoir, facing 120,000 Chinese troops and subzero temperatures; of those who made the stand in sweltering heat around Pusan; of our troops who landed at Inchon; of the terror at Heartbreak Ridge, at Pork Chop Hill, and Outposts Tom, Dick, and Harry.

More than 5½ million Americans in all served in the war. There were 54,246 who lost their lives. Forty-two years ago this week, the fighting stopped.

The Korean war led to an uneasy peace, and the cold war continued for decades. But through the efforts of those who served our Nation in Korea, and those who served before and after, our commitment to freedom never faltered.

However poignant and powerful the steel and granite of the memorial may be, we must do much more to honor the legacy of these veterans.

There are still 8,168 servicemen unaccounted for from the war, only 5 fewer than when the war ended. Efforts are underway with Russia and North Korea to seek clues to the missing and recover and return remains, but much more needs to be done.

We must also honor the commitment we made to those who served in Korea, and to all veterans. Keeping medical care for veterans affordable and accessible, and protecting the pensions they earned through service, are among our tasks in Congress.

I look forward to working to keep this legacy alive.

TRIBUTE TO WILLIAM GREBE SCHUETTE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor the birth of William Grebe Schuette. At 7:43 a.m. on July 21, 1995, the Honorable Bill Schuette, former Member of Congress, and his wife Cynthia welcomed their first son, William Grebe, into the world.

The birth of William Grebe Schuette marks an exciting time in the lives of the Schuette family, which also includes daughter Heidi. I hope that my colleagues will join me in wishing Bill, Cynthia, and Heidi a heart-felt congratulations on the new addition to their family.

HONORING THE PARENT PROJECT AND RUDY AND MONA GOMEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the Parent Project. The Parent Project is an organization managed by the parents of children who have Duchenne and Becker, a severe form of muscular dystrophy.

Duchenne is an incurable disease that causes the muscle cells to disintegrate. The disease affects only boys, afflicting about 1 in every 3,500—or more. Progressive muscle deterioration starts in the feet and slowly moves up the body, turning children into invalids, until the muscles in lungs and heart atrophy and die. Few boys with Duchenne have survived past their early twenties.

Because much about this disease is little known or understood, the Parent Project has assembled top medical researchers to advise them on what research and clinical trials offer the best hope for treating, and optimistically curing, Duchenne and Becker muscular dystrophies. The Scientific Advisory Board [SAB] serves as a clearinghouse for coordinating and monitoring constantly evolving developments within the scientific community. Thanks to recommendations made by the SAB, the Parent Project is able to fund viable research immediately. And as parents know, time is critical to saving the lives of their children.

What makes the Parent Project unique, and important, is that it links parents, patients, family, and friends with scientists who are investigating a treatment—and hopefully a cure—for Duchenne and Becker muscular dystrophies. It's a relationship that is critical to the success of obliterating this devastating disease.

The goal for the Parent Project is to raise $40 million to find a cure by the year 2000. The Parent Project is run by parent volunteers who raise money in different ways, be it by raffles, walk-a-thons, bake sales, dinner parties, and silent auctions. This Saturday, July 29, 1995, at the Naval Reserve Center in Santa Barbara, Rudy and Mona Gomez will host a fundraiser for the Parent Project.

Mr. Speaker, it is with great admiration that I rise in recognition of the Parent Project and Rudy and Mona Gomez for their perseverance in raising money to find the cure for this childhood robbing disease. I also ask that my colleagues join me in saluting these committed parents.

TRIBUTE TO ANDREW JACKSON TRANSUE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. KILDEE. Mr. Speaker, it is truly an honor and a privilege to rise before you today to pay tribute to the late Andrew Jackson Transue, a selfless servant to the people of Michigan and a personal friend of mine. Mr. Transue passed away on June 28, 1995, at the age of 92, but his long tenure of dedicated service will never be forgotten by the thousands of individuals whose lives he enriched.

Born and raised in Clarksville, MI, Mr. Transue graduated from Clarksville-Ionia County High School and received his Juris Doctorate from the Detroit College of Law. Never satisfied by past accomplishments, Mr. Transue's life was characterized by a continuous, unquenchable effort to better the lives of America's working people. The vigor with which Mr. Andrew Jackson Transue fought for the American working family was every bit the equal of that of his namesake.

Transue began his long career of public service in 1933 when he was elected county prosecuting attorney, and he continued to represent the common man from 1937 to 1939 as a New Deal Democrat in the 75th Congress. Later, he would serve as President of the Flint Lions Club and as a devoted 55-year member of the Court Street United Methodist Church. What Transue was perhaps most proud of, however, was the case he argued before the U.S. Supreme Court in 1952. Not only did he win that case, but he also succeeded in redefining the legal principle of ''criminal intent'' and in setting a precedent that would subsequently be cited in over 500 judicial rulings.

In light of these accomplishments, it is often difficult, even for those of us who knew him personally, to keep in mind that Mr. Transue should not be remembered primarily for his legal and electoral successes. Rather, we must remember him for his genuine concern for his fellow man and for the endearing legacy of compassion he has left behind. Never consumed by self-focused ambition, Mr. Transue was first and foremost a man dedicated to his community and to his late wife Vivian, and his children, Tamara and Andrea. His integrity, his wisdom, but most of all his passion, will never be forgotten by the many souls graced with his humanity.

S.O.S.—SAVE OUR SANCTUARIES!

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of increasing funds for our national marine sanctuaries. The cuts in this bill will be especially harmful to the people in northern California. There are three national marine sanctuaries off the spectacular northern California coast—Cordell Banks; Gulf of the Farallones; and Monterey Bay.

These stunning and unique sanctuaries need protection, Mr. Speaker. We should make every effort to preserve our precious marine areas. It is time to honor the commitment made when the U.S. Congress established the sanctuary program.

If California's coast is to be utilized by future generations as it is today, it must have strong protection now. Adequately funding the National Marine Sanctuary Program will help provide that protection.

The National Marine Sanctuary Program, a program which has been historically underfunded, is authorized in fiscal year 1996 for $20 million. This bill provides $9 million—less than half the authorized level, and $3 million less than last year.

It is time to take a stand for the preservation of our marine areas. It is time to take seriously our commitment to the National Marine Sanctuary Program. It is time to fight for the future well-being of our coastal waters, our coastal economies, and the Nation as a whole.

Vote ''yes'' on the Farr amendment.

TRIBUTE TO DEBORAH JUDE ANTHONY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TORRES. Mr. Speaker, it is with profound sadness that I inform my colleagues of the tragic death of Deborah Jude Anthony. I first met Debby when she participated in my district's Congressional Award program. Having earned the Silver Medal in October 1993, Debby was working on attaining her Gold Medal. She was expected to receive it in 1996.

Though she had spina bifida and cerebral palsy, Debby achieved more than most. In addition to earning the Congressional Award, Debby earned an athletic letter in swimming from Charter Oak High School and was to receive, in September, the Gold Award given to only 15 of 20,000 Girl Scouts each year.

According to news reports, on Monday night while at home, a freak short circuit in her wheelchair sparked a fire that killed her before emergency personnel arrived.

In a December, 1993, letter to me, Debby's mother, Judith D. Anthony, wrote about Debby's participation in the Congressional Award:

> As a mother of a physically disabled child, I watched Debby painfully struggling all these years—not to achieve—not even to keep up with her peers, but merely to survive. It has been a struggle against all odds. In a world where academic and physical achievements measure success, Debby did not have a chance. The Congressional Award, however, made success and achievement not only a possibility, but a reality for her. I truly believe this kind of award brings forth recognition of the true heroes of our youth, because it is based on personal development, service and physical challenge.

Mr. Speaker, Debby was and will continue to be an inspiration for me and a bright star in our community. Her presence will be sorrily missed. I ask my colleagues to keep her family in their thoughts and to join me in saluting this outstanding and accomplished young American.

TRIBUTE TO SGT. MICHAEL JUDE MCCUMBER, U.S. CAPITOL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to one of our own who passed away on July 25, 1995. Sergeant McCumber served honorably with the U.S. Capitol Police from August 25, 1975, until his untimely death on July 25, 1995, at the age of 41.

Sergeant McCumber was born on November 15, 1953 and was a native of the Washington, DC area. He graduated from St. John's College High School in Northwest Washington, DC.

Sergeant McCumber began his career with the Capitol Police on the midnight shift of the Senate Division. He also was assigned to the midnight shift of the Patrol and House Divisions. Sergeant McCumber was promoted in 1987 to his present rank and was assigned to the Communications Division. He later served as a supervisor at the Senate Division before being reassigned to his present assignment at the House Division in 1990.

Sergeant McCumber was a dedicated and respected member of the U.S. Capitol Police and was well liked by everyone who he came in contact with. He will be remembered foundly by his colleagues as a man with a unique sense of humor and wit. He will be greatly missed.

Sergeant McCumber is survived by his mother Mary, two children Amie and Edwin Thaddeus, and several sisters.

Mr. Speaker, Sergeant McCumber displayed a great devotion to his family as well as the congressional community which he faithfully served for the past 20 years. I am sure that my colleagues share my feelings of loss, as do those in the law enforcement community, by the passing of this dedicated officer and public servant. Our heartfelt prayers go out to his family, friends and fellow officers.

TRIBUTE TO MR. ELMER CERIN

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, on July 24, 1995, the U.S. Congress lost a valuable and extraordinary friend. Mr. Elmer Cerin, who walked the Halls of Congress and lobbied on behalf of critical women's health issues for almost two decades, passed away on Monday. Lobbyists are not uncommon here in Washington, DC, but Mr. Cerin was one of a kind. He was unique and special because he worked tirelessly, cheerfully, successfully, and for free.

As a longtime advocate for greater funding and research for breast cancer, Mr. Cerin provided tremendous help to me and to my staff. He built support for several bills that I sponsored, traveling to other congressional offices and meeting with staff and Members to get their cosponsorship. Despite any setbacks or discouragements that Mr. Cerin encountered, he had an exceptionally positive attitude that opened doors that might not have opened for others with less charisma and strength of character.

Mr. Cerin's incredible spirit was evident recently as he faced prostate cancer with great courage, strength, and dignity. He was a true prince among men and will be greatly missed. He will not be forgotten, however, as we continue to fight for the issues that were so important to Mr. Cerin in the weeks and years ahead.

THE CHRISTA McCAULIFFE FELLOWSHIP PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. MARKEY. Mr. Speaker, I rise today in support of the Christa McAuliffe Fellowship Program.

We must find a way to fund such a valuable program that has affected teachers and students in every State and territory. While I understand these are tight budgetary times, I think we owe it to the seven astronauts who gave their lives for our country to maintain this tribute. The astronauts of the Challenger mission gave their lives to our country; our memory, and ability to pay tribute, must not be so short-lived.

We are approaching the tenth anniversary of the Challenger shuttle explosion which struck the hearts of children and adults throughout the world. Seven astronauts, including Christa McAuliffe, the first teacher-astronaut, gave their lives in this devastating tragedy. In honor of those who gave their lives on this mission, the Christa McAuliffe Fellowship Program was established. This program serves not only as a living tribute to these brave astronauts, but also supports a unique and valuable program for teachers that recognize and develop excellence in teaching. It personifies the hope evident in Christa McAuliffe's statement about her teaching in Concord, NH, ''I touch the future, I teach.'' It would be a tremendous dishonor to their lives and memory to eliminate funding for this fellowship. However, it is now being criticized as ''too small to be effective on a national level.''

The Christa McAuliffe Fellowship Program has received approximately $2 million per year in Federal funding since 1987. Approximately 60–75 fellowships are awarded each year to outstanding teachers throughout the country. There have been over 600 participants in this program since its inception in 1987; 38 of these past fellows have gone on to receive Presidential awards. These fellows complete semester or year-long projects to enhance their own teaching skills and broaden the horizons of education. Their activities help students to experience subjects such as math and science in a fun way. These math and science skills are extremely important in our increasingly high-tech world. This high-tech world will result in a society of technological haves and have-nots unless our schools are able to teach our children effectively in these most important subjects. These teachers have developed many exemplary projects that provide for more benefit than their costs.

This fellowship, and other small, directed programs such as this, have a huge ripple effect; awardees of these programs donate much of their own time, energy and resources towards the development of their projects and they also share information between teachers, students, and Challenger Centers located throughout the Nation. This fellowship program inspires not only those familiar with the outstanding local achievements of past fellows, but also those who visit the network of Challenger Centers located throughout the U.S. and Canada. These Centers provide hundreds of thousands of children and teachers with unique educational experiences such as high-tech spaceflight simulators, satellite teleconferences for schools, and hands-on teachers' workshops.

Framingham State College, Christa McAuliffe's alma mater, has established a McAuliffe Center to honor Christa's life and her commitment to teaching. The mission of the Center is to carry out educational activities and research that will support teachers in their work, improve educational practice, offer students goals and incentives to enhance their development, and strengthen community support for public education. The Center also serves as the archive and distribution center for the teachers' award winning projects. In addition, Framingham State College is the site of one of the Challenger Learning Centers.

The Christa McAuliffe Center and all its activities are a fitting tribute to our Nation's first teacher-astronaut. Christa hoped her participation in the Challenger mission would encourage students and teachers to pursue their own dreams, explore exciting educational opportunities, and unleash their own imagination and creativity. As the network of the Challenger Centers expands and links teachers and students across the country, the legacy of Christa and the other Challenger astronauts continues to endure.

We must now restore our bipartisan commitment to education, a fundamental building block of a competitive economy. Now, even more than ever, opportunity in the global economy depends on skills and education. Education and advanced training are the key to economic growth. It is programs such as the McAuliffe Fellowship that help our Nation provide the education we need to continue to compete in the world economy and to provide our children with the knowledge and skills they will need to be productive and successful adults.

STABILIZING THE CO-OP MARKET

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TORRICELLI. Mr. Speaker, last fall, Jim Johnson, chairman of the Federal National Mortgage Association also known as Fannie Mae, came to New Jersey to join me in announcing an innovative co-op initiative that has helped countless Northern New Jersey families preserve the value of their co-op-apartment homes in a sagging co-op market. The initiative was modeled after a similar plan that was extremely successful in New York which my colleague Representative CHARLES SCHUMER and Queens Borough president Claire Schulman announced with Fannie Mae almost 2 years ago.

The reason the initiative works so well is that it allows co-op buyers to increase the portion of their mortgage payment which goes to pay for the underlying or blanket mortgage on the co-op building itself.

The challenge that co-op buyers faced in my district is that from 1989, when the housing market virtually collapsed, to 1993 the resale value of co-ops in Bergen and Hudson Counties, as in most of the State, declined by as much as 40 percent. That caused the pro-rata share—the share of the underlying co-op building mortgage—to exceed 30 percent of

the total mortgage payment. In the view of most mortgage lenders, a co-op mortgage with a pro-rata share greater than 30 percent of the total mortgage amount was viewed as too risky. This, in turn, meant that it was difficult to get a mortgage on a co-op apartment unit. Consequently, resale values of co-ops fell even further because few people could get loans to buy them. Families, who had counted on rising property values, were beginning to discover they owed more on their co-op apartments than they were actually worth.

This is where Fannie Mae stepped in and made a difference. A congressionally chartered, private company, Fannie Mae purchases loans made by lending institutions and combines them with other such loans in pools that are sold to investors—and therefore influences the underwriting standards used by lenders. By altering the standards on these loans, Fannie Mae made it easier to buy co-op apartments in buildings carrying a relatively higher level of debt in relation to market value.

Previously, end loans—mortgages for co-op unit owners—would be granted only when the unit's proportionate share of the underlying mortgage on the building was no more than 30 percent of the buyer's debt burden—the total of the underlying debt and the end loan itself.

I am pleased to say that by working together with Fannie Mae, we have been able to bring more lenders into the marketplace and made it easier for shareholders to refinance their individual loans or further a sale.

For many people, these co-ops represent a good portion of their savings. We need to help them preserve this investment, and while Fannie Mae's initiative is not a cure-all it has helped to stabilize the co-op market, increase the competition among co-op lenders and loan rates.

I would like all of my colleagues to know how much I appreciate Fannie Mae's responsiveness and flexibility on this issue. Fannie Mae is a unique institution with a unique mission—to help low- and moderate-income families buy homes. From my own experience, Fannie Mae takes this mission seriously and does not hesitate to step up to bat when they are needed.

Mr. Speaker I would like to submit the attached article by Rachelle Garbarine from the June, 23, New York Times.

MORE ENTER FIELD AFTER FANNIE MAE RELAXES MORTGAGE GUIDELINES

(By Rachelle Garbarine)

The sign in one window of the Chemical New Jersey bank branch in Fort Lee reads: ''We have co-op loans.''

On the face of it that may seem surprising given the fact that nearly one-third of the states's 27,000 co-op units are in Bergen County, and most of them are in Fort Lee.

But the reality is that until recently there were just two lenders offering potential unit owners mortgages for co-ops in Northern New Jersey. That along with restrictive bank rules on co-op mortgages adopted largely because of the excesses in the co-op market in the 80's and local banks lack of knowledge of the market made it difficult for prospective buyers to get such financing.

Mortages for unit owners are know as ''end loans.'' They are different form the co-op's underlying mortgage which is the building-wide loan that is repaid from a portion of the monthly maintenance fees shareholders pay to the corporation. While financing for these loans is tight there are considerably more lenders available.

Now Chemical is one of nine lenders from banks to mortgage companies offering end loans. And recently the National Cooperative Bank with offices in New York and Washington has also entered the scene to finance underlying mortgages.

A key element in the banks return to offering end loans was a program begun last October by the Federal National Mortgage Association or Fannie Mae. Fannie Mae a Congressionally chartered company purchases loans made by lending institutions and combines them with other such loans in pools that are sold to investors—and therefore strongly influences the underwriting standards used by lenders. Altering the standards on these loans, Fannie Mae made it easier to buy apartments in buildings carrying a relatively higher level of debt in relation to market value.

Previously, end loans would be granted only when the unit's proportionate share of the underlying mortgage on the building was no more than 30 percent of the buyer's debt burden—the total of the underlying debt and the end loan itself. Thus, if the underlying dept was $15,000, the buyer could get a loan to purchase a $35,000 unit ($15,000 being 30 percent of the combined $50,000 debt). Under the new standard, even if the underlying debt has risen to $18,500 the buyer can still get a $35,000 sale price ($18,900 is 35 percent of a total $54,000 debt).

The result is that the sales market has apartments in buildings with a higher debt burden in relation to market value should improve. That in turn should raise prices and make it still easier to get loans.

Last year Representative Robert G. Torricelli, Democrat of Hackensack, taking a cue from New York City elected officials, became a force in getting Fannie Mae to ease its standards on purchasing the end loans. That in turn has brought more lenders into the marketplace and made it easier for shareholders to refinance their individual loans or further a sale.

The underwriting revisions were designed to meet the needs of the 12,000 co-op unit shareholders in Mr. Torricelli's district, which includes parts of Bergen and Hudson Counties, and help investigate the sluggish co-op market. Fannie Mae said it would apply the North Jersey standards to shareholders across the state on a case-by-case basis and has waived the $100 project review fee assessed to co-op corporations.

Before the change ''people were prisoners in their homes,'' said Philip Goldberg, a spokesman for Representative Torricelli.

''For many people these co-ops represent a good portion of their savings,'' Mr. Torricelli said in a statement. ''We needed to help them preserve this investment.''

This was not the first time that Fannie May had eased its policies in response to co-op problems in the New York areas. In 1993 New York City officials, notably Queens Borough President Claire Schulman and Representative Charles E. Schumer, Democratic of Brooklyn, sought help in resolving some issues, chiefly the proportion of units that must be owner occupied. That October Fannie May liberalized its guidelines for co-op lending in the city.

Important changes include the reduction of the required percentage of units sold to owner occupants to 51 percent from 80 percent, counting sublets as owner-occupied units and increasing the pro-rata share from 30 to as much as 40 percent.

In New Jersey, which did not have the same level of sponsor defaults as in New York City or the same difficulty in owner-occupancy levels, the problem was the pro-rata share issue.

From 1989, when the housing market collapsed, to 1993 the resale value of co-ops in Bergen and Hudson Counties, as in most of the state, declined by as much as 40 percent. That caused the pro-rata share to exceed the 30 percent limit. Buyers couldn't buy and sellers couldn't sell, further depressing the market and value of units, said Fred Heller, president of the co-op board at the 235-unit Century Tower on Parker Avenue.

''The bigger the bargain the more all cash buyers were needed to buy the units,'' said Randy Ketive a partner at Oppler-Ketive Realtors in Fort Lee, which specializes in co-ops. ''Most everyone else was locked out of the market because they couldn't get loans.'' That led Mrs. Ketive, Mr. Heller and Lou Verde, a Fort Lee real estate lawyer who represents the 270-unit Northbridge Park Co-op, to let Representative Torricelli know of their concerns.

In October, Fannie Mae announced the New Jersey Co-op Program.

To participate in the program, eligible co-ops, among other things, must have 80 percent of its units owner-occupied and no more than 10 percent of its owners more than a month behind on the monthly payment. But Fannie Mae says that exceptions will be considered on a case-by-case basis.

While all those involved in the co-op problem acknowledge that the program is not a panacea, they say it is a good start and will make it easier to buy and sell in the future. As sales increase, prices will also adjust, said Mrs. Ketive.

This has clearly not yet happened. In the first six months of this year 99 co-ops were sold in Bergen County, compared to 101 for the same period last year. According to he Bergen County Multiple Listing Service.

But Mr. Heller said that he pro-rata share problem at his building had disappeared. And Mrs. Ketive, who called the program ''a shot in the arm,'' said it had helped remove many of the inexpensive units from the market. She added that prices are not stabilized.

Two-bedroom units in high-end co-ops, depending on size and location, cost $100,000 to $450,000 in Bergen County and $75,000 to $300,000 in Mudson County, Mrs. Ketive said. Those priced from $80,000 to $150,000 are most in demand, but there is an oversupply of studios and one-bedrooms, she added.

The changes have also drawn more lenders into the market and the competition has made mortgage rates more competitive.

Chemical has been offering share loans in New Jersey since late last year. ''If not for the changes we could not have been able to sell the loans on the secondary market and that would have increased the risk on our loan portfolio,'' said Robert Brown, vice president of residential mortgages at Chemical Bank New Jersey with offices in Princeton and Fort Lee. ''We see Fort Lee as a rich market,'' he said, adding that his bank had made 10 loans a month there.

Even in recent years, Dale Mortgage Corporation had continued offering co-op end loans. Marc Sovelove, vice president at Dale in Fairfield said through May his company did 50 end loans in New Jersey up from 31 from the same month last year. ''There are still other deterrents, but we see opportunities in the market,'' he said.

The program is also important because an active market for share loans returns liquidity to the markets and makes lenders of underlying mortgages more secure.

Since the start of the year the New York office of the National Cooperative Bank has refinanced the underlying loans on two co-op buildings in Fort Lee and is working on a third in East Orange, said Paulette Bonanno, vice president at the at the bank.

''The deals out there are now easier to make,'' said Charles Oppier of Oppier-Ketive Realtors. But, he added, the market, still hampered by buyer uncertainties over the economy and job security, now has to catch up with the program.

A MINOR REDUCTION IN THE NUMBER OF CARDIOLOGISTS WILL MEAN A LARGE REDUCTION IN AN ALREADY INSUFFICIENT NUMBER OF AFRICAN-AMERICAN CARDIOLOGISTS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. MFUME. Mr. Speaker, most authorities now agree that the current number of cardiologists practicing in the United States is more than sufficient to meet the anticipated demand for cardiovascular care.[1] However, even with this surplus, concerns persist with regard to the distribution of cardiologist over various practices roles (e.g., pediatric, clinical, interventional, research, etc.) and patient populations (e.g. identified by race, ethnicity, proximity to an urban center, etc.)., The harm in maldistribution over practice roles in easier to identify than the harm in maldistribution over patient populations. Furthermore, the maldistribution itself is easier to quantify and remedy in the former case than in the latter. Yet, just as we appreciate the need to correct the imbalance of cardiologist[2], we must also recognize that the dearth of doctors in poor communities seriously affect the health status of African-Americans.

In *Adarand* v. *Pena*, 1995 U.S. Lexis 4037 (1995), the Supreme Court's most recent affirmative action ruling released on June 13, 1995, was a significant setback on the general issue of affirmative action, but it does not pose an insurmountable hurdle for federal programs such as those that would increase the number of Black cardiologists. *Adarand* held that affirmative action programs must meet a standard of ''strict scrutiny'' and must be ''narrowly tailored.'' The Supreme Court was careful not to suggest that affirmative action programs were unconstitutional. While heightened standard requires more of a direct relationship between the programs administered and previous racial discrimination, the lack of Black cardiologists in the Medical profession and its subsequent impact on African-Americans communities should be sufficient to meet this burden.

African-Americans and the communities in which they live are typically underserved and the need for cardiovascular care greatly exceeds their proportion of the United States population. In fact, African-Americans have one of the highest rates of mortality from cardiovascular disease in the world. Significant intraracial, interracial, and ethnic differences in the incidence and management of cardiovascular disease have been repeatedly demonstrated. For instance, the prevalence of coronary heart disease, while similar for both African-American male and white men, is greater in African-American women than in white women.[3] The prevalence, and severity of hypertension is substantially greater in Africa-Americans than in whites. Yet the causes of these disparities have never been sufficiently explained.

Because cardiovascular disease is the most common cause of death in African-Americans, it is a pressing issue in the African-American community. Although there has recently been a steep nationwide decline in mortality from coronary heart disease and stroke, little of that much heralded improvement has trickled down to the African-American community. In fact, stroke mortality has increased in African-American men.

While there is a strong public consensus that social status and income are corrected with improved health and longevity, Dr. John Thomas of Meharry Medical College found that the mortality and morbidity of African-American physicians mimic that of high school dropouts. He reports a wide death gap between African-American and white physicians with white physicians living almost 10 years longer than African-American physicians.

Where African-Americans have benefitted from the decline in mortality, they have not done so in sufficient numbers to halt the widening of the gap between African-Americans and whites. If the mortality rate in African-Americans from all causes were reduced to that of white Americans, 60,000 fewer African Americans would die each year[4]. Cardiovascular disease accounts for more than 40 percent of the excess deaths in African American women and more than 20 percent of the excess deaths in African American men.[5]

Despite their disproportionate demand for health services, African Americans as a group do not receive sufficient cardiovascular care. They make fewer office visits for coronary disease than their white counterparts and are less likely to be seen by cardiovascular disease specialists[6]. Even when cost or insurance coverage is not an issue, African Americans receive fewer interventions that White Americans.

The cardiovascular care that African Americans receive is insufficient for many reasons. African Americans communities tend to be poorer and underserved with regard to all services, medical services included. Perhaps, more importantly, many of the medical professionals who serve in such communities lack a meaningful understanding of the cultural factors which may distinguish their patients from the mainstream. Insight into a patient's routines, traditions, family structure, diet, stresses, and other factors which are largely culturally determined are key to developing a treatment plan that works for that patient. African-American patients may be wary of the medical establishment that has not responded appropriately to their needs. There are still physicians who have separate rooms for Africa American and White patients. This wariness may make them less likely to make routine nonemergency visits to the doctor, to follow a treatment plan, or to follow up with a specialist. This situation is of special concern in the field of cardiology because so much of cardiovascular health depends on early detection of ''silent'' signs, such as hypertension. Furthermore, patients with cardiovascular diseases are often called upon to endure the unpleasant or even painful side effects of medication or give up activities they enjoy in order to combat a health problem that is not causing them pain. So much of cardiovascular disease and its treatment seems counterintuitive that it has been the subject of a great deal of misinformation and home remedy. Crisis care of cardiovascular diseases is not a good option.

African American cardiologists are the best hope for allaying many of these insufficiencies. The key reason is that many more African American doctors than other doctors locate their practices in socio-economically underserved areas[7]. A second reason which should not be overlooked is that African American cardiologists are more likely to have insight into the cultural differences in treating African Americans and are best situated to develop rapport with them. They are better able to instill confidence in their patients and thereby ensure their patients' compliance with treatment plans.

An increase in the number of African American cardiologists will increase their positive effect. African American patients have shown that they will; go out of their way to receive care at the hands of African American practitioners, but all too often they do not have the choice. In most American cities with an African American population of at least 5%, patients do not have the option of receiving their care from an African American cardiologist. Consequently, 80% of the cardiovascular care that African Americans receive is provided by practitioners who are not African American.

There are very few African American cardiologists. African Americans make up 11.2% of the U.S. population, but less than 3% of the U.S. physicians. There are approximately 15,000 board-certified cardiologists in the United States,[8] of whom less than 300 are African-American. A mere 1.5% of cardiologists in training are African-American.

The number of African American subspecialists is low for many of the same reasons that the number of Black professionals is generally low. The main reason is economics. As a group, African Americans have fewer financial resources than whites and so are less likely to have the luxury of pursuing subspeciality training. Their communities' need for their skills and their families' need for their earning power may push them into the work force earlier. By that reasoning, the proposed extension of training requirements from three to four years will weed out African American physicians even further from subspeciality training and Board certification.

Often white males benefit from the assumption that they are honest, competent, and possessed of a work ethic where their African American counterparts do not. Although this imbalance is largely due to an unwillingness on the part of Americans and the media to recognize these attributes where they are displayed by African Americans, there is also unmistakably a crisis in the African American community. Whatever the reason, unacceptable levels of violence, crime, drug abuse, welfare dependence, and other social ills pervade a segment of the African American community. The odor of bad apples tempt a segment of the population to throw up their hands at the whole barrel. African American professionals have paid dearly for this state of affairs. Every member of the Association of Black Cardiologists has a story to tell about the perseverance it took to overcome these presumptions.

A related reason for the low number of African American subspecialists is the self-perpetrating nature of prestige and connections. Only those who have the intangible benefits are in a position to acquire them. African Americans are less likely to have the benefit of role models and mentors to help them develop as black professionals and unlock career opportunities for them. The administrators who make the admissions and hiring decisions along a cardiologist's path to success remain

Footnotes at the end of article.

mostly white, which is perhaps not as important as the fact that they also remain mostly beholden to the status quo. For many of them, there is a network of relatives, family friends, colleagues, fraternity brothers, and club members to be considered for these choice slots before an opening is made available to a minority. Furthermore, even where the old boy network is not abused, many administrators consider it beyond the scope of their task to consider the populations their beneficiaries will serve. They have little reason to seek out or invest in a candidate who is not like them.

Furthermore, there are forces at work to make it more difficult to establish a health care practice. Cutbacks in government health funding and reimbursement levels threaten to destroy vital primary and speciality practices. Moreover, new emphasis on ''managed'' care is expected to reduce the demand for specialists in cardiology.[9] As African Americans generally have practices with less than three partners, they are at greater risk under the new efficiency paradigm in health care delivery. In addition, African Americans, having only lately come into the subspecialties in significant numbers, may be more vulnerable to these forces than more established practices.

The number of cardiologists in this country has been determined by factors that have little to do with patient demands, primarily the labor needs of the hospital community. Unlike some areas of the private sector, opportunities for training and a career in a medical specialty are kept artificially finite, as the bands on the electromagnetic spectrum. Medical schools, residency programs, fellowships, hospitals, and medical boards are ordained to dole out ever-scarcer privileges.

The medical community must be free to compensate for the artificial scarcity. In order to ensure that underserved communities get the health care they need, we must bolster and protect the existing practices of primary and specialty care physicians in underserved communities and ensure that the number of African-American physicians continues to grow. We must protect and expand hard-won positions set aside for the medical training and career development of minorities, especially in the subspecialties.

We must be uncompromising in our condemnation in our condemnation of the violent, anti-social, anti-intellectual, or irresponsible forces in the African-American community while supporting the institutions that are working. Just as medicine has moved from crisis management toward prevention as the best approach to public health, we must put our resources into halting the cycles of poverty, crime, and isolation. The best law enforcement policy has always been a sense of community. The best welfare program has always been education. We must target promising African-American students early, motivate them to pursue medicine, and give them financial support and mentoring at every stage of the career path.

We must call on training and hiring institutions to take an active role in shaping the health care community in two key ways: First, to commit to compensating for the artificial barriers to African-Americans' success; second, to commit to ''casting a wider net'' in seeking out talented African-American. Over 50 percent of cardiology training programs have never admitted an African-American. If the United States to benefit from inclusion, it must do more than fight discrimination. It must lean against the exclusionary tilt that exists in training program. We must come to see no minority participation in cardiology division as a sign that such an exclusionary tilt is at work and call on those institutions to pursue their commitments with more vigor.

African-American physicians are not supplicants at a rich man's door. Contrary to the beliefs of some, the choice is not between a highly qualified White candidate and a barely qualified African-American candidate. There is an ample cadre of talented African-American physicians yearning to be cardiologists.

While there is no shortage of cardiologists in general, the disproportionate number of Black cardiologists will only be enhanced if programs which increase the number of minority cardiologists are abolished. If the Adarand case is used as fuel to feed fires of negative legislative action, it will re-enforce the stereotypes America needs to eliminate in order to move forward as a nation. A precise reading of Adarand verifies that under certain circumstances, the use of race or ethnicity as a decisional factor can be legally sustained. The extremely high mortality and morbidity rates of African-American more than establish the need for increased Black Cardiologists. Affirmative action programs can assist in reaching this goal.

FOOTNOTES

[1] 19th Bethesda Conference: Trends in the practice of cardiology: Implications for manpower. J. Am. Coll. Cardiol. 1988; 12(3):822–836

[2] Last year the 25th Bethesda Conference of the American College of Cardiology pronounced that cardiac surgeons are in adequate supply, and that there is even an overabundance of invasive cardiologists. The college recommended that the number of trainees in adult cardiology be decreased. But in the same report, the ACC found that more pediatric cardiologists are needed if the underserved are to be brought into the mainstream of cardiac care. 25th Bethesda Conference: Future personnel needs for cardiovascular health care. J. Am. Coll. Cardiol. 1944;24(2):;275–328.

[3] Report of the Secretary's Task Force on Black and Minority Health. Margaret Heckler (secretary): U.S. Dept. of Health and Human Services, 1985.

[4] *Ibid.*

[5] *Ibid.*

[6] *Ibid.*

[7] Council on Graduate Medical Education Third Report. Improving access to health care through physician work force reform; directions for the 21st century. Washington, DC: U.S. Dept. Health and Human Services, October 1992.

[8] In 1992, there were 13,611 board-certified cardiologists in the United States.

[9] 25th Bethesda Conference: Future personnel needs for cardiovascular health care. J. Am. Coll. Cardiol. 1994; 24 (2): 275–38.

KOREAN WAR VETERANS' MEMORIAL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. GEJDENSON. Mr. Speaker, I rise today in honor of the dedication of the Korean War Veterans' Memorial. The Korean war lasted 3 years, but our memories of those men and women who gave their lives and livelihoods while fighting in Korea will last forever. The Korean War Veterans' Memorial aptly provides this recognition. This tribute to the brave men and women who fought in Korea more than 40 years ago is long overdue, and I am pleased that after nearly a decade of work, the memorial will finally be unveiled today.

The memorial is also a good opportunity to improve citizen awareness of the sacrifices made, and the service given, by our veterans in defense of our Constitution and the liberties it guarantees. All too often, we take our freedoms for granted. These precious freedoms were defended by those who sacrificed their lives in times of war. They are preserved by those who exercise their rights in defense of peace.

Today, there are more living American veterans than at any point in history. They are among the reasons that the United States is the mightiest, wealthiest, most secure Nation on the Earth today. They are the reason the United States has been, and will continue to be, the bastion of support and solace for those in a world still searching for freedom and human rights.

As a Member of Congress, I am pleased to be in a position to honor our veterans. They willingly went to war to defend our freedoms and the American dream we all strive to achieve. In this time of restricted budgets and divisive rhetoric, we must pause to recall the commitment given to use by those veterans and we must honor the commitments we have made to them.

TRIBUTE TO MAJ. GEN. JOE M. BALLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. SKELTON. Mr. Speaker, today I pay tribute to, an outstanding Army officer: Maj. Gen. Joe M. Ballard. Major General Ballard most recently distinguished himself through exceptionally meritorious service, as commander, U.S. Army Engineer Center and Fort Leonard Wood. As a result of his outstanding leadership and keen vision Fort Leonard Wood has been established as an expanding TRADOC center for excellence. He masterfully employed information-age technology, concepts and doctrine to launch the engineer regiment toward Force XXI, thereby posturing the Engineer Center to lead the Army into the 21st century.

General Ballard established Fort Leonard Wood as a force projection platform by exceeding Army and FORSCOM readiness goals within Fort Leonard Wood's tactical units and deploying combat-ready units to Haiti, Cuba, Korea, Honduras, and Panama for operations other than war.

During a period of rapidly changing force structures and declining resources, General Ballard built Fort Leonard Wood into the model of fiscal stewardship, establishing a ''Total Quality'' standard for TRADOC installations. Indicative of General Ballard's pursuit of excellence, Fort Leonard Wood was selected as TRADOC's ''best large installation'' during the 1994 ''Army Communities of Excellence'' competition. The resounding success of his ''U-DO-IT'' self-help dormitory modernization project drew such widespread praise that it was featured in Soldier magazine, the NCO Journal, and Army Times. He also saved $1.6 million per year by converting the directorate of logistics from contract to in-house operation.

When faced with a $10 million budget reduction in fiscal year 1995, General Ballard took the lead among TRADOC installation

commanders, directing a comprehensive organizational-functional review to achieve the most efficient organization in every activity. This review will continue to direct and shape Fort Leonard Wood for the decade to come.

General Ballard's insightful planning brought to fruition the interservice training review organization. His mastery of installation management, extensive expertise on the Department of Defense Base Realignment and Closure Program, and tactical expertise in the combat support disciplines combined to promote Fort Leonard Wood as a TRADOC hub and future center for maneuver support training and combat developments and to consolidate the engineer, military police and chemical schools at Fort Leonard Wood. This exceptional vision and drive has ensured that Fort Leonard Wood will be a premier Force XXI Army Training Center.

General Ballard's accomplishments during his command of the Engineer Center at Fort Leonard Wood are in keeping with the finest traditions of military service and reflect great credit upon him, the corps of engineers, and the U.S. Army. I wish him well in his new assignment as Chief of Staff of TRADOC. He and his wife Tessie made scores of friends in Missouri and we will miss them.

IN HONOR OF THE 100TH ANNIVERSARY OF THE HOUSTON FIRE DEPARTMENT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Houston Fire Department on its 100th anniversary and to salute these brave men and women who have served the city of Houston so well.

The full-time Houston Fire Department began at 1 minute past midnight on June 1, 1895 with 44 men and 40 horses in 7 stations to serve Houston's 9 square miles. Only 32,000 people lived in Houston, and downtown was just a few square blocks. Today, the department employs 3,115 firefighters in 81 stations that serve 1.65 million people who live throughout Houston's 594 square miles.

Today, Houston has the third largest fire department in the Nation, and its emergency medical service ambulance division is recognized as one of the Nation's best for trauma care. The department's hazardous materials response team is also among the world's most experienced in handling petrochemical leaks, spills, and incidents.

We seldom think of firefighters unless we hear a screaming siren or see the flashing light of a fire engine. But the fact that we don't think often about firefighters is a testament to how well they do their job—we comfortably go about our everyday lives because we know that these dedicated people stand ready to respond quickly and effectively in an emergency.

So it is appropriate to mark this anniversary by thanking those who provide us with this everyday security and who stand ready to risk their lives to protect us. Much of firefighting is undramatic—keeping equipment in condition, teaching fire prevention, anticipating causes of fire. But a life-and-death emergency is always only a 911 call away, and firefighters and their families live with that constant risk. For that, we say thank you.

It is especially appropriate that the Houston Fire Museum, is sponsoring a celebration to honor these men and women for their 100 years of dedication and service. And I congratulate the museum on the service it provides in honoring firefighters and educating the public about the importance of fire safety and the history of the fire service.

Again, I would like to congratulate the Houston Fire Department and the men and women who have dedicated themselves to serving others. For 100 years, they have kept the city of Houston safe.

A NOT-SO-HAPPY BIRTHDAY FOR MEDICARE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. FILNER. Mr. Speaker, I rise today to celebrate the 30th anniversary of the Medicare Program—a program that has successfully provided much-needed health care benefits to millions of older Americans.

Unfortunately, there is a very dark side to this week's celebration. Medicare is under attack, and the new majority threatens to make deep and dangerous cuts in this critical program.

Their disdain for the Medicare system is not new. These are the same uncaring folks who 30 years ago claimed that Medicare was socialized medicine. The same people who fought every expansion of the program. The same people who last year, given the chance to save our health care system, said there was no crisis.

And now, the new majority has targeted Medicare to pay for their tax cuts for the wealthy. In return, 37 million seniors—people who have worked hard, paid their taxes all their life—will see their Medicare benefits slashed and their quality of care eroded.

Dipping into Medicare to make up for an unrelated tax cut is quite simply an outrage. Medicare is a sacred compact with America's seniors—not a fiscal candy jar.

Next year when we celebrate Medicare's anniversary, I want to be able to look seniors straight in the eye and say ''yes, we have kept our word, and we have honored the compact we made with you.''

I know I'll keep my promise and I hope a new, new majority will do the same.

TRIBUTE TO CARLY JARMON

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. FROST. Mr. Speaker, I would like to take this opportunity to recognize the 1995 Miss Texas, Carly Jarmon. I am pleased that Ms. Jarmon, representing the Oak Cliff area in my congressional district, will be competing in the Miss America Pageant in September.

Miss Jarmon is currently a sophomore at Texas Tech University in Lubbock where she is a public relations-advertising major. Upon graduation, Miss Jarmon hopes to become a public relations advocate for charitable and nonprofit organizations.

A volunteer at Methodist Medical Center, Miss Jarmon has chosen organ and tissue donation awareness as the focus for her year of service as Miss Texas. Her ''Circle of Life'' message will be spread across the State of Texas, where she will speak to over 300,000 children and adults about the importance of organ donation.

This talented young woman is not only an inspiration to the residents of Oak Cliff, but she is also a great inspiration for the many Texans who will be cheering for her during the Miss America Pageant. I would like to take this opportunity to congratulate Miss Jarmon on her recent accomplishment, and I would also like to wish her lots of luck as she vies for the crown of Miss America 1995.

IN RECOGNITION OF JOHNSON CHESTNUT WHITTAKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Johnson Chestnut Whittaker. This individual, one of the first black cadets to attend West Point, was posthumously commissioned as a second lieutenant by President Clinton in a White House ceremony earlier this week. The road to achieving this high honor has been long and arduous for the descendants of this distinguished American.

Many of us have followed closely recent press stories which detail a shameful incident in our Nation's history. In 1880, Johnson Chestnut Whittaker, a black West Point cadet, was found beaten and unconscious in his room. Although his legs had been tied and his face and hands were slashed, West Point administrators falsely accused Johnson of staging a racist attack on himself. Following a court martial in 1881, Johnson Chestnut Whittaker was expelled from the institution.

Mr. Speaker, despite the grave injustice which he suffered at West Point, Johnson Chestnut Whittaker persevered and made great achievements. During his lifetime he practiced law, served as a high school principal, and taught psychology. Johnson Whittaker died in 1931, never realizing that one day, his descendants would stand proudly to receive the rank and honor which was never afforded him by West Point.

One hundred and fifteen years following the West Point incident, and 64 years after the death of Johnson Chestnut Whittaker, his granddaughter, Cecil Whittaker Pequette, received the gold-plated bars from President Clinton, posthumously commissioning him as a second lieutenant. In his remarks at the White House ceremony, President Clinton noted that, ''We cannot undo history. But today, finally, we can pay tribute to a great American and we can acknowledge a great injustice.''

Mr. Speaker, I am certain that many in this Chamber share the President's sentiments. I offer my heartfelt appreciation to Cecil Whittaker Pequette and other members of the Whittaker family for their unyielding pursuit of justice. We pause today in this Chamber to

pay special tribute to 2d Lt. Johnson Chestnut Whittaker.

HONORING KOREAN VETERANS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Ms. DELAURO. Mr. Speaker, today Americans everywhere will turn their attention to our Nation's Capitol and pay long-overdue tribute to the those who fought and lost their lives in Korea. The monument being dedicated today in Washington is a proud symbol of our gratitude for the efforts of the American men and women who proudly served our country in Korea.

I cannot help but feel the emotion as I talk to Korean war vets from Connecticut who have come to the Capitol for this solemn occasion. They are here today to honor their friends and comrades who gave their lives for their country.

Freedom, democracy, and opportunity—these are the foundations of our society. These ideals are what set America apart, but too often, we take them for granted. We must never forget that our freedom was achieved, and has been maintained, at a cost. Countless American men and women have put their lives on the line to uphold and defend these guiding principles.

This national monument recognizing men and women who so bravely served our country in Korea, is long overdue. While the soldiers who fought in World War II and in Vietnam have rightfully been recognized with national memorials, the Korean veterans have not. Today, our Korean vets are finally getting the national recognition that they too deserve.

I salute our Korean war veterans for the contributions that they have made to this great country of ours. This memorial marks a milestone as we begin to pay the debt of honor owed those Americans who lost their lives in Korea.

TRIBUTE TO DR. CARL S. CLEVELAND, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to Dr. Carl S. Cleveland, Jr., of Kansas City, MO. Dr. Cleveland, Jr., who was known worldwide as a chiropractic lecturer, passed away at the age of 77, at his home in Kansas City. At the time of his death he was serving as chancellor of the Cleveland Chiropractic College of Kansas City and Los Angeles.

Dr. Cleveland, Jr., served as president of the Cleveland Chiropractic College of Kansas City and of Los Angeles, before being appointed chancellor. He also served as chairman of the Board of Directors of the Unity Temple. Dr. Cleveland, Jr., was a graduate of the University of Nebraska and the Cleveland Chiropractic College.

Dr. Cleveland, Jr., was an institutional member of the Council on Chiropractic Education, and a founding member of the Beta Chi Rho Fraternity. He was also a member of the Association of Chiropractic Colleges and the Sigma Chi Fraternity.

Dr. Cleveland, Jr., is survived by his son, Dr. Carl S. Cleveland III, his daughter-in-law, five grandchildren, and his sister-in-law. He will be remembered by all who knew him, as an outstanding citizen of Missouri and the United States.

KURDS IN TURKEY: THE TRUE STORY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. BURTON of Indiana. Mr. Speaker, the relationship between Turkey, its Kurdish population, and the PKK—the Kurdistan Workers Party—is greatly misunderstood. Contrary to what Turkey's critics in the United States Congress would like the rest of the world to believe, Turkey's Kurdish population is not oppressed by the Government. In fact, the Turkish Constitution provides that all citizens, including Kurds, have the same political rights and civil liberties which they may exercise equally, without impediment, regardless of ethnic or religious background.

Turkish citizens of Kurdish origin live freely throughout Turkey, and participate in all walks of life without discrimination. Kurds are doctors, lawyers, teachers, and artists. This is an important fact that is widely misunderstood. Twenty-five percent of the Turkish Parliament is composed of Kurdish Turks, even though only 18 percent of the general population is Kurdish. Turkey's Deputy Prime Minister is Kurdish. Even Turkey's former President Turgut Ozal was Kurdish.

In addition, Turkey works to protect the livelihood of Kurds in northern Iraq. When Saddam Hussein attacked his own Kurdish citizens with poisonous gas years before the gulf war, Turkey opened its doors and clothed, fed, and sheltered them until it was safe for them to return to their homes. After the gulf war, Turkey again accepted half a million Kurds fleeing from Saddam Hussein's tyranny. Today, Turkey hosts Operation Provide Comfort, the international effort which operates from Turkish bases to protect Iraqi Kurds.

These facts, however, are overshadowed by Turkey's fight against the PKK—Kurdistan Workers Party—a Marxist-Leninist terrorist group that is supported by Iran, Iraq, and Syria. Western societies fail to understand that the Kurds now fighting against Turkey are not the same Kurds suffering under the brutality of Saddam Hussein. Although the Kurdish people of Turkey have little sympathy for the PKK, the PKK has the audacity to claim that it represents the Kurdish people.

Another little-known fact about PKK terrorists is that they are not all Kurds. The PKK ranks include mercenaries and the unemployed from a host of other countries. The only support it receives from within Turkey, it extorts from innocent Kurdish businesses. The PKK is only able to continue its war against Turkey by maintaining bases outside of Turkey, such as one in Syria's Bekaa Valley, and training with other extremist organizations. Not only is the PKK unrepresentative of the true aspirations of the Kurdish people, but its goal of ''freeing the Kurdish people'' is ironic when one considers what the PKK is ultimately seeking to accomplish: To set up an independent Kurdistan State based on Marxist-Leninist ideology. Such a Marxist-Leninist State would endanger the lives of many Turks and Kurdish Turks living in the region and threaten peace and stability throughout the entire Middle East.

Since its inception in 1984, the PKK has based its operations on intimidation. To force its ideology upon the masses, the PKK uses an extensive policy of oppression, and forces villagers, both Turks and Kurdish Turks, who are loyal to the State, to vacate their villages and move elsewhere. It has killed thousands of civilians, many of whom are the same Kurds that the PKK claims to represent, while sabotaging economic development projects that would assist in the strengthening of democracy in Turkey. It has also extorted money from the Kurds. Those who resist are murdered in groups. Their houses are burnt, and their harvests and livestock are destroyed. It is absurd to say that the PKK is an organization waging an armed struggle for the freedom of the Kurdish people.

What we are dealing with is a group that could seriously undermine the future of democracy in Turkey. It has defied the laws that are designed to promote economic opportunity and preserve law and order, in a democratic society that respects the rights and freedoms of all people in the region. Supporting a strong democratic Turkey in a generally volatile region has long been regarded as important to the United States. Therefore, it is in the interest of the United States to support Turkey's policies to combat PKK terrorism. It is not correct, however, to target Turkey's fight against terrorists like the PKK as a sign of democracy in danger. On the contrary, true danger would be signified if a democratic government were unwilling to protect its country's territorial integrity or its citizens' human rights from the inhuman measures of a terrorist organization.

By conditioning and threatening to cut off aid to Turkey, the United States is undermining a democratic government that is only seeking to protect its citizens and its territorial integrity. It is especially counterproductive to condemn Turkey's policies at this critical juncture when the Turkish Parliament is considering a series of constitutional reforms to bring Turkey's laws in line with those of the European Union, and just recently approved a 6-month extension of Operation Comfort to provide relief to Iraqi Kurds in northern Iraq. In order to promote Turkish democracy, the United States should support Prime Minister Ciller in her efforts to fight PKK terrorism and improve democracy. The Turkish people deserve the support of their democratic allies in the face of PKK intimidation.

VOTE FRAUD IN AMERICA

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. EHRLICH. Mr. Speaker, yesterday the House Oversight Committee held its first hearing on vote fraud in America, geared primarily to the Federal motor-voter law. Officials and

advocates from around the country spoke of abuses and misconduct during the balloting process. In California, witnesses testified noncitizens regularly voted, as did a 5-year-old child and a dog. In Alabama, witnesses reported three briefcases containing 1,100 completed absentee ballots were hand carried to an election board on election day. These and similar incidents impugn the integrity of this country's election process.

This issue is particularly important to me in light of allegations of electoral abuse and official misconduct in Maryland during the last gubernatorial election, which was decided by a record slim margin of several thousand votes. Concerned citizens from around the State began to investigate widespread reported irregularities the day following the election.

Besides problems with extremely lax voting booth security, these investigations determined 34,000 voters were not purged in Baltimore City in 1994 prior to the elections as required by law.

The Baltimore City election supervisor was reminded by a deputy 7 months prior to the election that the purge had not been conducted. It was never done, and that fact appears to have been concealed from city and State election officials. The enormous implications of this official malfeasance is apparent from the following sample facts about the November election:

A computer analysis done of total vote counts for each of the 408 precincts in Baltimore City using the Baltimore City Election Board electronic tape of registered voters and the certified list of votes cast on election day forwarded to the State board of elections revealed 5,929 more votes were cast in the election than individuals recorded as having appeared to have voted at the polls or by absentee ballot.

Another analysis was done comparing the same electronic tape of registered voters in Baltimore City with records of abandoned houses provided by the city housing commission. This revealed a total of 667 votes cast in the election. Furthermore, 1,881 votes were cast from houses owned by either the mayor and city council of Baltimore or the city housing authority. There is compelling evidence that a total of as many as 2,548 votes were cast from abandoned or unoccupied buildings. Where did these voters live?

Deceased voters still exercised their right to vote. Analysis of voter authority cards, precinct binder printouts, and requests for absentee ballots revealed that a possible total of 42 votes were cast by people no longer living.

Was their a direct correlation between the failure to purge and these terrible statistics? I think there was. So did State election board officials. After these facts were discovered, the State election board made a bipartisan call for the purge to be conducted after the fact to correct the previous mistake.

Let me reiterate, the State board of elections consisting of three Democrats and three Republicans wanted the purge done to prevent similar problems in the future.

Instead, the State attorney general's office represented the city election board against the State election board and convinced the court to retroactively apply the motor voter law in order to prevent any purges from being conducted.

This is not the purpose for which the motor voter law was designed. Clearly, we in Congress are concerned that similar problems are not repeated in any State or Federal elections. Problems such as those encountered in Maryland should be corrected immediately. Vigorous investigation must be conducted to determine if there was any fraud or official misconduct. If there is evidence of such behavior, it should be prosecuted to the fullest extent possible. It should not and must not be condoned or ignored using the cloak of law applied retroactively.

Mr. Speaker, in an election there is no such thing as a little fraud. Such behavior attacks the very foundation of our society because it destroys the fundamental trust between voters and their elected government. To tolerate such abuse or circumvent the laws designed to protect the sanctity of the citizens right to vote by any means possible will only make Americans more cynical and disinterested. In Maryland, we must not let this situation happen again.

EMPLOYEE LEGISLATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. RADANOVICH. Mr. Speaker, today I am introducing legislation that will resolve an issue of great concern to employees of our Nation's community colleges.

Under current Labor Department interpretation of the Fair Labor Standards Act, classified employees of community colleges—instructional aides, bus drivers, groundskeepers, and other school support personnel—are prevented from pursuing an expanded role as instructors.

Many classified employees earn academic certification in order to teach certain courses at the community college where they are employed. Unfortunately, current law makes it cost-prohibitive for community colleges to allow these employees to each in addition to their regular duties.

The legislation I am introducing today will allow classified employees of community colleges to teach, in addition to their regular duties, without violating the overtime provisions of the Fair Labor Standards Act.

The Department of Labor's requirement that classified employees must be paid a blended overtime rate that reflects both their compensation for their full-time work in a classified capacity and the higher rate as instructors makes the use of these workers impractical.

If these employees were paid a time-and-a-half overtime rate computed solely on their classified wage, the costs would diminish substantially and community colleges would be able to utilize these workers, who already have a commitment to education and want to pursue an expanded role as instructors.

My bill has been endorsed by the California School Employees Association and the American Association of Classified School Employees.

I urge my colleagues to join me and the cosponsors of this bill in supporting this much needed change in the law.

TRIBUTE TO THE WORLD LEAGUE FOR FREEDOM AND DEMOCRACY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues to join me in acknowledging the many accomplishments of the World League for Freedom and Democracy [WLFD] in its 40 years of existence. The World League for Freedom and Democracy is an international organization comprised of some 137 member nations whose primary goal has been to promote the principles of democratic forms of government, free enterprise, and human rights among all people of the world. WLFD has long been an advocate of worldwide democracy, monitoring various parts of the world to ensure that human rights are upheld.

WLFD should be commended for being a strong voice for the principles of universal political freedom and the rights and responsibilities of the democratic process for all citizens of a country. WLFD, along with the United Nations, was formed with the intent of maintaining a peaceful dialog between nations and stabilizing relations between sovereign governments.

This year, WLFD is holding its 27th annual conference at the United Nations. I am honored to participate in WLFD's dinner to welcome the over 250 delegates attending the U.N. conference from over 50 countries, including the Presidents of Costa Rica and Fiji. It is also with great pride that I was chosen to share my experiences and lend my support to the continuing struggle to secure human rights in all parts of the world.

Mr. Speaker, I urge my colleagues to join me in paying tribute to the WLFD as they continue their crucial mission, because the fight for freeom and democracy serves in the interests of all humanity.

TRIBUTE TO EDDIE DEE SMITH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. CALVERT. Mr. Speaker, one of the things that makes America great is the fact that in towns and cities across the face of our country there are citizens who are willing to step forward and dedicate their talents and energies to make life better for their friends and neighbors. Riverside County has been fortunate to have many such citizens. Men and women who have given freely of themselves so that our beautiful area in southern California will continue to be a desirable place to live for generations to come. Mrs. Eddie Dee Smith is one of these exceptional citizens.

A ceremony is scheduled on August 5 to rededicate the Rubidoux Senior Center as the Eddie Dee Smith Senior Center.

The North Rubidoux Women's Club, founded in Smith's home in 1954, was the driving force in getting the center established. Eddie Dee Smith was the club's founding vice president. She was also the senior center's director from 1977 to 1981.

Eddie Dee Smith has always been at the forefront of Rubidoux's advancement. She was a founder of the Mount Calvary Baptist Church, the Mount Vernon Baptist Church, the Rubidoux Senior Center, head of the Jurupa Area Girl Scouts, member of the Avalon Park Committee, regent of the Jensen-Alvarado Ranch, president of the Jurupa Democrat Club, and 1993 Jurupa Chamber of Commerce citizen of the year.

On behalf of the many people whose lives this remarkable woman has touched, I would like to add my personal congratulations, and the thanks of the people of the 43d Congressional District.

CELEBRATING UNITED STATES-REPUBLIC OF KOREA PARTNERSHIP AND THE STATE VISIT OF PRESIDENT KIM YONG-SAM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. BEREUTER. Mr. Speaker, the long United States partnership with the Republic of Korea spanning nearly five decades will be celebrated this week in two major events. The first is the visit of South Korea's democratically elected President, Kim Yong-sam, and his address today to a joint session of Congress. The second will be the dedication of the long-awaited Korean War Memorial. It is a great pleasure to have President Kim here with us, and a source of immense satisfaction that those who fought our most forgotten war are finally being appropriately remembered and honored. Meanwhile, South Korea has emerged as a robust industrial power and a fully functioning democracy, and a steadfast United States friend.

CELEBRATING SOUTH KOREA'S DEMOCRACY

How South Korea moved with United States encouragement into the family of democratic nations, and the pivotal role played by President Kim, deserves reiteration.

In 1987, South Korea began a transition to democracy after 26 years of military-dominated governments. A new constitution was adopted, and free elections for President and a National Assembly subsequently were held.

President Kim Yong-sam had fought for a democratic South Korea since the 1960's. He had endured constant harassments and periods of confinement from the military-dominated regimes. Elected President in December 1992, Kim Yong-sam is the first South Korean leader since 1961 from a purely civilian background.

STRENGTH OF UNITED STATES-REPUBLIC OF KOREA SECURITY TIES

United States-Republic of Korea security relations were forged in blood during the Korean war and formally established in 1953. The dedication of the Korean war memorial during President Kim's visit to Washington symbolizes the long, intimate United States-Republic of Korea security relationship, including participation in the Korean and Vietnam wars.

The United States stations 37,000 troops in South Korea as the embodiment of its defense commitment to South Korea. These and other United States forces stationed in the western Pacific area are an essential element in maintaining stability in the Asia-Pacific region and in ensuring that North Korea will never dare to attack the South.

THREAT POSED BY NORTH KOREA

At present, our security relationship faces its strongest test in dealing with the nuclear threat posed by North Korea. South Korea has supported the United States-North Korean agreed framework despite the mixed impact the agreed framework has on North Korea-South Korea relations and the security situation on the Korean peninsula. This commitment includes up to $3 billion to finance the light-water reactor project.

Analysts contend that North Korea views the agreed framework as a window of opportunity to isolate South Korea diplomatically, divide South Korea and the United States, and draw the United States into a bilateral peace agreement. I am committed to seeing that this does not happen. This issue has been addressed in House Joint Resolution 83, the first legislation reported out by the Subcommittee on Asia and the Pacific since I became chairman in January. The resolution has been reported out favorably by the full House International Relations Committee.

I am confident that this statement of congressional policy can materially assist the administration in removing any illusions that North Korea might entertain about American determination to demand full adherence to the essential provisions of the accord—if they properly use this expression of congressional views.

UNITED STATES-SOUTH KOREAN TRADE RELATIONS

South Korea has grown during the past decade as a market for United States exports. In recent years trade has become increasingly more balanced. Between 1985 and the end of 1994 United States exports tripled to $18 billion, while our imports of South Korean goods doubled. The United States had a relatively small $2 billion trade deficit with South Korea in 1994 on total trade of $38 billion. Thus far during 1995 the United States enjoys a surplus.

South Korea has taken steps to remove many barriers to imports and otherwise to improve the environment for foreign trade and investment. During the past 5 years the Republic of Korea Government has significantly lowered import tariffs and has liberalized its import licensing regime to permit a greater range of products to enter the country unimpeded.

South Korea also has been one of the most important countries supporting the 18-member Asia-Pacific Economic Cooperation [APEC] organization.

Problems remain in United States-South Korean economic relations, for instance in discriminatory treatment of automobile imports, and in the use of standards, certification, and testing requirements to discriminate against foreign goods, especially agricultural products.

Mr. Speaker, I remain persuaded that these and other problems can be resolved and that both our political, security, and economic ties will continue to grow and flourish. It is a privilege to play a role in welcoming President Kim Yong-sam to Washington.

QUESTIONABLE NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS AWARDED IN OREGON

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. COOLEY. Mr. Speaker, I rise today to recognize the exhaustive and very professional research done by my constituents Bob and Sharon Beck and the Oregon Cattlemen's Association regarding how environmental groups receiving Federal funding engage in political advocacy which threatens the survival of ranchers and other public land users.

Oregon ranchers are painfully aware that certain environmental groups have an agenda which includes putting them out of business. Unfortunately, Pacific Rivers Council and Waterwatch of Oregon, Inc.—two of the more radical and litigious of these groups—have received substantial Federal grants from the National Fish and Wildlife Foundation [NFWF].

Although NFWF maintains it places restrictions against grantees using Federal funds for lobbying and litigation, at the very least these Federal funds free up other resources for these environmental groups to use for political advocacy.

As my colleagues are well aware, this problem has extended far beyond the NFWF to many other nonprofit groups that receive Federal funds. Representatives MCINTOSH, ISTOOK, and EHRLICH have documented many horror stories in this regard and intend to offer an amendment to the Labor-HHS appropriations bill to limit this abuse of taxpayers dollars. I strongly support their efforts and hope similar amendments are adopted to all appropriations bills.

Although I believe the NFWF should have its Federal funding terminated, the Interior appropriations bill—H.R. 1977—contained $4 million for the NFWF for fiscal year 1996. However, I am encouraged that the committee report—House Report 104–173—accompanying this bill clearly states that fiscal year 1996 is the last year for Federal funding of NFWF. It is imperative to ranchers like Bob and Sharon Beck that this Federal funding be terminated as the committee report promises.

I would urge my colleagues to read the following articles from Beef Today, the Chicago Tribune, and the Washington Times on how Federal funds from the National Fish and Wildlife Foundation are used for lobbying and litigation by environmental groups.

[From Beef Today, June-July 1995]

WEST SIDE STORY

(By Patricia Peak Klintberg)

In the high country above Oregon's Grande Ronde Valley, an occasional spray of daffodils or crocuses is all that remains of homesteads now long gone. It is in the valley below that one finds ranchers like Bob and Sharon Beck, offspring of the hardiest pioneers.

Though they thrive in this emerald valley, criss-crossed with creeks brim-full in spring, the battle they fight today is just as dangerous, and infinitely more complex, than their ancestors' struggles against the elements.

''The agenda of some environmental groups in this state is to put us out of business,'' says a no-nonsense Sharon Beck.

The groups deny this charge. But the cumulative effects of the litigation they

bring—and even of their well-meaning projects—is to raise the cost of doing business for public-lands ranchers. This is a story about how environmental groups prosper by tapping into endless sources of funding—some of it straight from taxpayers.

Consider the Eugene-based Pacific Rivers Council (PRC). This is the group behind last July's injunction halting all ongoing activities that could affect salmon in Oregon's Umatilla and Wallowa-Whitman national forests, where the Becks are permittees.

''We were out of town and read about it in the newspaper,'' recalls Sharon Beck. ''We were stunned. Our cattle were in the forest.'' Ultimately, the Forest Service ordered cattle removed from some allotments. The experience burned the Becks and others as permanently as a brand. ''We realized just how precarious our position is,'' says Beck.

Bob Doppelt, PRC's general counsel, defends the suit: ''We were only trying to get the Forest Service to do a good job. They were allowing timber sales without consulting with the National Marine Fisheries Service [NMFS].'' PRC's suit charged that the Forest Service violated the Endangered Species Act by failing to consult with NMFS on its overall 1990 forest plan. Instead, the Forest Service checked with NMFS before approving individual projects—logging, road repairs or whatever. Last month, the Supreme Court agreed with PRC that the Endangered Species Act requires more than a project-by-project consultation.

The Forest Service, meantime, has completed the consultation in question—but under the Endangered Species Act, which requires the loser to pay the costs of lawsuits, it must reimburse the Sierra Club Legal Defense Fund for the costs of its legal fight on behalf of PRC. To say the Forest Service must foot the bill, of course, is another way of saying that the taxpayer must. Though the amount for this case is not established, the group has received ''about $2 million'' in attorneys' fees from the federal government in the past two years, says Buck Parker, a defense fund vice president.

The fight cost Oregon public-lands ranchers $39,000 in legal fees. Since the Forest Service completed the consultation sought by PRC before the lawsuit was even decided, ''All it did was cost the government and us a lot of money,'' says Beck.

Sharon and Bob Beck have a stake in what happens here. Their cow-calf operation lies in this nearly flat 150,000-acre valley, which is planted to grass and crops as diverse as coriander and sugar beets. The whole is surrounded by mountains. While water is abundant in spring, this is high country some 2,500′ above sea level. Pastures can become parched in summer, so cattle are moved to the forest in May.

''To us the land is everything. It is our connection with our history and our connection with our future,'' Sharon Beck says.

Bob's great-grandfather led a wagon train to western Oregon. Sharon was born here, surrounded by reminders of her ancestors. The front door is Carolina poplar, the tree Sharon's grandmother nurtured with leftover wash water. With their two daughters grown and gone and son Rob farming 14 crops on hundreds of acres of arable land, Bob handles the cattle while Sharon delves ever deeper into the tangled web of local environmental group financing.

Teamed with Oregon Cattlemen's Association attorney Lindsay Slater, she discovered that PRC was receiving grant money from the National Fish and Wildlife Foundation (NFWF). Indeed, 75% of PRC's funding in 1994 came not from individuals but foundations. What's unique about NFWF among foundations, though, is that a third of its funding—millions of dollars—comes from taxpayers (see sidebar).

Slater lays out the irony neatly: ''Here was a foundation giving taxpayer dollars to a group that then turned around and sued the federal government.''

Slater obtained a list of all NFWF grants made to groups in Oregon since 1988—$9.3 million worth. While NFWF staff prepared to come to Oregon to meet with the cattlemen, Sharon Beck spotted two troublesome grants.

The first was a $180,000 grant to PRC for a project dubbed ''Salmon Safe.'' Though this grant had nothing to do with the earlier lawsuit, it was not lost on Beck and Slater that such funding keeps PRC flush, enabling it to pursue litigation.

Just as bad, the Salmon Safe project seemed unnecessary. The idea was to create a green label for ranches that participate in PRC projects to improve riparian habitat. But the Oregon Cattlemen's Association routinely conducts watershed workshops with university scientists who bring cattlemen the latest in riparian and range management. ''NFWF just throws the money out there and never looks back,'' says Beck. At the meeting with NFWF staff in January, the cattlemen convinced them the project couldn't fly.

''The Pacific Rivers lawsuit took us by surprise,'' admits NFWF's Krishna Roy. ''It is not something where we would necessarily have turned down the grant if we'd known they were suing someone else, but we have to keep it in mind in determining whether a project can be successful.'' The federal portion of the grant, $60,000, has been frozen.

''We contacted PRC,'' Roy says, ''and said, Look, we are not going to dispense any federal funds until we are satisfied that private landowners are willing to participate in this program and that it can work.''

PRC isn't worried. Doppelt says, ''Whether NFWF gives us money or not, it won't stop us.'' Cattlemen need ''to get real. It's a sad thing to see them spin their wheels and look for scapegoats. The world has fundamentally changed and they don't like it.''

The second grant that caught Sharon Beck's eye was to another local group suing ranchers: Water Watch of Oregon, Inc. In 1992, NFWF gave the group $201,674, $62,903 of it federal funds. The money ''supported'' an effort to remove the Savage Rapids Dam on the Rogue River. The turn-of-the-century dam supplies irrigation water and recreation and recharges wells. Sharon Beck initially thought the grant might be a positive example of NFWF's work—but then she talked to local people like Jack Waldon, who runs a small newspaper, The Little Company.

''This isn't about saving the salmon, it's about who controls the water,'' says Waldon. ''Taking the dam out will affect people's water rights. If they were worried about the salmon, the town would stop using the Rogue River for sewage treated with chlorine.''

Attorney later checked out Water Watch and confirmed that it has objected to every proposed water right in Oregon. Fighting these objections costs farmers and ranchers time and money.

NFWF's Whit Fosburgh argues the grant is justified: ''The dam's a big fish killer and it's going to be a tremendous expense to bring it up to specifications,'' he says. But spring chinook salmon runs on the Rogue are 25% larger than they were a year ago, according to the Oregon Fish and Wildlife Department.

''I went back 30 years, and I couldn't find a higher count at this time,'' says district biologist Mike Evenson.

As for the argument that fixing the dam would be hugely expensive—the federal government says it would cost millions—Emerson Roller, a contractor for 45 years who lives in the area, says the fish ladders on the dam could be repaired for $100,000. ''It needs maintenance. If they use common sense they can probably fix it for less.

''Why not use NFWF's money to fix the ladders?'' asked Waldon, who by now believes the effort to take down the dam is tinged with conspiracy.

''NFWF never came to Oregon before making the grant,'' says Sharon Beck. ''They never talked to anyone in the community. They just gave them the money to take out the dam. There is no accountability.''

Well, there wasn't—but now there is. As a result of Slater's deft work and some pressure from the district's Rep. Wes Cooley (R-Ore.) and Idaho's Rep. Helen Chenoweth (R), NFWF has been responsive indeed. It will now ask grant applicants if they are parties to litigation, and allow the Oregon Cattlemen's Association to review grant applications for projects in the state. Other states can make the same request.

Nevertheless, Chenoweth wants all federal funding for NFWF ended. Other members of Congress are reluctant to go that far, but with pressure to cut the deficit building, the President's request for NFWF federal funding of $7.5 million may be in jeopardy. It certainly wouldn't break the environmental movement: In 1992, 379 foundations gave $356 million to environmental and animal causes. Because of the federal funding it receives, NFWF is not included in this count. It is considered a ''public'' charity.

[From the Chicago Tribune, July 1, 1995]

NON-PROFIT GROUPS' FUNDS UNDER FIRE

(By Patricia Peak Klintberg)

COVE, ORE.—What really galled Sharon Beck was when she learned that her tax dollars were hard at work. Against her.

She and her husband, Bob, raised cattle in the Grande Ronde Valley. While their cattle graze at the ranch in spring, they are moved to public forest land during the summer's dry months.

A year ago, a local environmental group went to court to protect endangered salmon, and that action almost forced the Becks' cattle off the forest land.

What the Becks didn't find out until later was that their own tax dollars partly funded the group.

Their experience is not unique. Thousands of non-profit groups that receive taxpayer funds lobby and participate in litigation. So common is the practice that freshman Rep. David McIntosh (R-Ind.) held a congressional hearing this week to investigate.

Some 600,000 non-profits or charities, ranging from hospitals to cultural centers, received $159 billion in federal funds in 1992, according to Independent Sector, a coalition of 800 non-profits.

McIntosh says he is interested in all non-profits that use taxpayer dollars to lobby and litigate on the local or national level.

''Whether it's the Nature Conservancy on the left or local Chambers of Commerce on the right, if special interest are using taxpayer money to lobby for more money, it's just plain wrong,'' said McIntosh, chairman of the House regulatory affairs subcommittee.

Rep. Henry Waxman (D-Calif.) accused McIntosh of engaging in a ''systematic effort to silence voices that disagree with the new Republican majority.''

McIntosh replied: ''We are not trying to silence them. We are just not going to give them taxpayer money to exercise their free-speech rights.''

Among his targets is the National Fish and Wildlife Foundation, the group the Becks discovered was helping fund local environmental groups in Oregon.

Congress created the foundation in 1984 to finance public and private partnerships for

conservation projects. It is authorized to receive $25 million a year in federal funds, although appropriations have never exceeded $10 million in a year.

The federal money is given as a ''challenge'' grant, which means private contributions must match the federal portion of the grant.

The foundation is barred by law from lobbying. Yet in a letter last March, its deputy director, Barbara Cairns, asked board members to contact certain members of Congress to save the National Biological Service from budget cuts.

It also is barred from litigating. But according to Lindsay Slater, an attorney for the Oregon Cattlemen's Association, it has given grants to groups that do.

While environmental groups are a particular target of congressional budget cutters, they are not the only non-profits that lobby and litigate while receiving taxpayer dollars. The American Bar Association received $9.5 million in federal funds in 1992. Local Chambers of Commerce received $2 million over the past two years.

The lawsuit that threatened to disrupt the Becks' cattle operation was brought by the Eugene-based Pacific Rivers Council, which received a $160,000 grant from the National Fish and Wildlife Foundation, $60,000 of that from taxpayer money.

The suit charged that the Forest Service violated the law because it failed to consult with the National Marine Fisheries Service on its overall forest management plan. Instead, the Forest Service had been checking with the agency before approving individual projects, such as logging or road repair.

In May, the Supreme Court upheld the decision of a lower court, agreeing that the Endangered Species Act requires more of the Forest Service than a project-by-project consultation.

In the end, the Becks' cattle were able to remain in the forest. But the Becks and other Oregon ranchers whose cattle graze on public land had to lay out $39,000 in legal fees to fight the injunction.

The Becks are further angered that, as taxpayers they must also help foot the legal bills of the Pacific River Council: The council's legal team will be reimbursed by taxpayers because the Endangered Species Act requires losers—in this case, the Forest Service—to pay.

Said Slater: ''Here was a foundation giving taxpayer dollars to a group that then turned around and sued the federal government.''

The foundation grant to the Pacific Rivers Council was for a project that was unrelated to the lawsuit. But it helped keep the council ''flush'' so it could pursue litigation, Slater said.

''The PRC lawsuit took us by surprise,'' admitted Krishna Roy of the National Fish and Wildlife Foundation. It is not something where we would necessarily have turned down the grant if we'd known they were suing someone, but we have to keep it in mind in determining whether a project can be successful.''

The foundation has since agreed to ask grant applicants if they are parties to litigation, and it will allow the Oregon Cattlemen's Association to review grant applications for projects in the state.

But the Interior Department appropriations bill approved by a House panel Tuesday cuts the foundation's funds to $4 million in fiscal 1996 and recommends eliminating it altogether in 1997.

House Resources Committee Chairman Don Young (R–Alaska) said he has supported the Fish and Wildlife Foundation in the past, ''but they ought to be spending their money on wildlife projects, not funding our adversaries.''

[From the Washington Times, Feb. 18, 1995]

WHY ENVIRONMENTAL FUNDING IS FOREVER

(By Alston Chase)

If you've wondered why it's so hard to reduce government spending, consider this: The whole country is on the dole. The poor have welfare. The middle class has college loans and National Public Radio. And the truly affluent enjoys handouts too. These are called ''environmental,'' but you can think of them as pork.

This is worth keeping in mind as we watch Republicans try to reform preservation policy. GOP bean-counters promise to make welfare mothers and Sesame Streeters work for a living. Federal monies to both should be scrapped, they insist, because welfare doesn't work and public broadcasting does. One wastes public money, and the other can do without it.

But while many preservation programs are both wasteful and redundant, congressional cheese-parers have left them alone. And the reason isn't hard to find: The bureaucrats who run preservation agencies are smarter than their Hill adversaries. They know that merely speaking the magic words ''private enterprise'' reduces the most frugal GOP lawmaking to an oozing puddle of acquiescence.

Ever since the November Republican landslide, Beltway empire builders have been heavily playing this card. Quicker than you can say ''Enola Gay,'' they have switched political sides, magically remaking their images from collectivist ecosystem groupies into staunch free-market libertarians. And conservatives are falling for it.

Such, for example, is the tactic of an upper-class entitlement called the National Fish and Wildlife Foundation. This organization is authorized to spend up to $25 million in federal funds a year, which it funnels to environmental advocacy groups and upscale hunting and fishing organizations. But its executive director, Amos Eno, a former National Audubon Society staffer, has convinced conservatives that this effort is a bastion of the free market. Last month, Forbes magazine praised the Foundation, urging that ''other environmental groups would do well to adopt a down-to-earth, Eno-like approach.''

To be sure, other conservation organizations, such as the Sierra Club, that are experiencing financial problems, would do better on the public dole, too. The Foundation reveals why public subsidies are forever. Established by Congress during the heyday of trickle-down economics in 1984, its purpose was to raise private monies for federal and private preservation causes. Orgininally, it was expected to become self-supporting. Government, Congress then supposed, would only provide the seed money to get it started. To this end, it promised to match, one for one, each dollar the Foundation raised from private sources, up to $1 million.

This federal commitment of course, was entirely unnecessary. America has plenty of philanthropies and doesn't need another. By 1993, according to the Environmental Data Institute, there were more than 1,800 environmental grantmakers, which since 1988 made more than 22,000 grants. Just the top 417 of these givers have combined assets totaling more than $110 billion and collectively award more than $340 million to recipients each year.

Nevertheless, the foundation's ''private fund-raising'' idea jerked the right chains of congresspeople infatuated with free enterprise. In 1987, the cap on federal matching funds was raised to $5 million and, in 1994, lifted again to $25 million annually for the next five years. In 1993, 31 percent of the Foundation's $17.9 million in revenues came from taxpayers.

Meanwhile, the foundation befriended the power elite. It put, on its Board of Directors and Advisory Committee, people like Caroline Getty, James A. Baker IV, Marshall Field and Nancy N. Weyerhaeuser. It made grants to the favorite environmental and sporting causes of the rich, such as the National Audubon Society, Nature Conservancy, Natural Resources Defense Council, National Wildlife Federation, Ducks Unlimited and Trout Unlimited. It bestowed stipends on individuals, too. In 1992, according to the Environmental Data Institute, it awarded one Rick Weyerhaeuser $80,000 to write a book on the environment.

And according to insiders, such disbursements escape adequate oversight. Taking place in the noman's land between public and private sectors, they are not subject to the same accountability other federal programs are. Complaining of a lack of sufficient ''scrutiny'' of grants awarded, in 1992, one board member noted, ''staff review . . . seems to tend toward advocacy rather than critical review.''

Despite these concerns, the Foundation, with friends in high places, remains insulated from budget cutters. A former Foundation staffer now works for the House Interior Subcommittee on Appropriations. And when the subcommittee staff recently discusses possible cuts to the Foundation budget, word reportedly got back to Mr. Eno, who, according to sources, then visited the Hill to convince lawmakers of the Foundation's conservative bona fides.

Thus, while Republicans pick on ''Masterpiece Theatre,'' they leave rarefied precincts of preservation alone. This is too bad. If public broadcasting should be weaned from the federal teat because it can survive without aid, so should silver-spooned enclaves like the Foundation. But this probably won't happen. Like all bad environmentalism, its support is bipartisan.

Thursday, July 27, 1995

Daily Digest

HIGHLIGHTS

Senate passed Ryan White CARE Reauthorizations.

Senate

Chamber Action

Routine Proceedings, pages S10747–S10843

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1078–1085, and S. Res. 157. **Pages S10821–22**

Measures Reported: Reports were made as follows:

H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996, with amendments. (S. Rept. No. 104–120)

H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, with amendments. (S. Rept. No. 104–121)

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for fiscal year 1996''. (S. Rept. No. 104–122) **Page S10820**

Measures Passed:

Commending Senator Robert C. Byrd: Senate agreed to S.Res. 157, commending Senate Robert Byrd for casting 14,000 votes. **Pages S10754–57**

Ryan White CARE Act Authorizations: By 97 yeas to 3 nays (Vote No. 338), Senate passed S. 641, to reauthorize the Ryan White CARE Act of 1990, after taking action on further amendments proposed thereto, as follows: **Pages S10747–54, S10757–67**

Adopted:

(1) By 54 yeas to 45 nays (Vote No. 333), Helms Amendment No. 1854, to prohibit the use of amounts made available under this Act for the promotion or encouragement of homosexuality or intravenous drug use. **Pages S10754, S10757**

(2) By a unanimous vote of 99 yeas (Vote No. 335), Helms Amendment No. 1856, to ensure that Federal employees will not be required to attend or participate in AIDS or HIV training programs. **Page S10754**

(3) By 76 yeas to 23 nays (Vote No. 337), Kassebaum Amendment No. 1858, to prohibit the use of funds to fund AIDS programs designed to promote or encourage intravenous drug use or sexual activity. **Pages S10758–59**

(4) Kassebaum Amendment No. 1860, to limit amounts expended for AIDS or HIV activities from exceeding amounts expended for cancer. **Pages S10753–54, S10758–59**

Rejected:

(1) By 32 yeas to 67 nays (Vote No. 334), Helms Amendment No. 1855, to limit amounts appropriated for each of fiscal years 1996 through 2000 under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995. **Page S10754**

(2) By 15 yeas to 84 nays (Vote No. 336), Helms Amendment No. 1857, to limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer. **Pages S10757–58**

Congressional Gift Reform: Senate resumed consideration of S. 1061, to provide for congressional gift reform, taking action on amendments proposed thereto, as follows: **Pages S10792–94, S10796–S10818**

Adopted:

(1) Brown Amendment No. 1873 (to Amendment No. 1872), to amend the Standing Rules of the Senate to require Senators and employees of the Senate to make a more detailed disclosure the value of certain assets under title I of the Ethics in Government Act of 1978. **Page S10800**

(2) Stevens Amendment No. 1876 (to Amendment No. 1872), to permit gifts to a family member of a Member, officer, or employee under certain circumstances. **Pages S10812–13**

(3) Ford Amendment No. 1877 (to Amendment No. 1872), to make a technical correction. **Pages S10817–18**

Pending:

(1) McCain Modified Amendment No. 1872, in the nature of a substitute. **Pages S10796–S10817**

(2) Murkowski Amendment No. 1874 (to Amendment No. 1872), to permit reimbursement for travel and lodging at charitable political events. **Pages S10805–11**

(3) Lott Amendment No. 1875 (to Amendment No. 1872), to change the maximum total value of gifts that can be accepted from a single source in one year from $50 to $100. **Pages S10811–17**

A unanimous-consent time agreement was reached providing for further consideration of the bill, the pending amendments, and certain further amendments to be proposed thereto, on Friday, July 28, 1995, with votes to occur thereon. **Page S10816**

Department of State Authorizations—Cloture Vote Postponed: By unanimous consent, the vote on the motion to close further debate on the motion to proceed to consideration of S. 908, to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, scheduled to occur on Friday, July 28, was postponed until Monday, July 31, 1995. **Page S10810**

Foreign Assistance Authorizations—Cloture Vote Vitiated: By unanimous consent, the vote schedule on the motion to close further debate on the motion to proceed to consideration of S. 961, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997, scheduled to occur on Friday, July 28, 1995, was vitiated. **Page S10810**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the report relative to organizations that threaten to disrupt the Middle East peace process; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–68). **Pages S10818–19**

Nominations Received: Senate received the following nominations:

Charles B. Curtis, of Maryland, to be Deputy Secretary of Energy.

Don Lee Gevirtz, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Joan M. Plaisted, of California, to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

James Allan Hurd, Jr., of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Elisabeth Griffith, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Foundation for the remainder of the term expiring September 27, 1996.

Marc R. Pacheco, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2000.

Louise L. Stevenson, of Pennsylvania, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 1999.

1 Air Force nomination in the rank of general. **Page S10843**

Messages From the President: **Pages S10818–19**

Messages From the House: **Page S10819**

Measures Referred: **Page S10819**

Petitions: **Pages S10819–20**

Executive Reports of Committees: **Pages S10820–21**

Statements on Introduced Bills: **Pages S10822–32**

Additional Cosponsors: **Page S10832**

Amendments Submitted: **Pages S10833–40**

Notices of Hearings: **Pages S10840–41**

Authority for Committees: **Page S10841**

Additional Statements: **Pages S10841–43**

Record Votes: Six record votes were taken today. (Total–338) **Pages S10754, S10758–60**

Recess: Senate convened at 9:15 a.m., and recessed at 9:55 p.m., until 9 a.m., on Friday, July 28, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S10843.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—TREASURY/ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 2020, making appropriations for the Department of the Treasury, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1996, with amendments; and

H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996, with amendments.

SPECTRUM REFORM

Committee on Commerce, Science, and Transportation: Committee concluded hearings on proposed legislation to reform Federal Communications Commission procedures with regard to their use of auctions for the allocation of radio spectrum frequencies for commercial use, after receiving testimony from Wayne Perry, McCaw Cellular Communications, Inc. and AT&T Wireless Services, Kirkland, Washington; Stanley S. Hubbard, Hubbard Broadcasting, Inc., St. Paul, Minnesota; David C. Nagel, Apple Computer, Inc., Cupertino, California; George Fath, Ericsson, Inc., Lynchburg, Virginia; Charles L. Jackson, Strategic Policy Research, Inc., Bethesda, Maryland; Dale N. Hatfield, Hatfield Associates, Inc., Boulder, Colorado; Eli M. Noam, Columbia Institute for Tele-Information/Columbia University, New York, New York; and Merle Gilmore, Motorola, Inc., Peter K. Pitsch, Hudson Institute, on behalf of the Progress and Freedom Foundation, Larry F. Darby, Darby Associates, Henry Geller, Markle Foundation, and George Reed-Dellinger, Washington Analysis Corporation, all of Washington, D.C.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior, after the nominee testified and answered questions in his own behalf.

MEDICAID MATCHING FORMULA

Committee on Finance: Committee held hearings on the status of and proposed revisions to the formula used to share the cost of the Medicaid program between the Federal and State governments, receiving testimony from Sarah F. Jaggar, Director, Health Financing and Policy Issues, Health, Education, and Human Services Division, General Accounting Office; Jerry Cromwell, Health Economics Research, Inc., Waltham, Massachusetts; Richard P. Nathan, State University of New York, Albany; Paul E. Peterson, Harvard University, Cambridge, Massachusetts; and Robert P. Strauss, Carnegie-Mellon University, Pittsburgh, Pennsylvania.

Hearings were recessed subject to call.

DEPARTMENT OF COMMERCE

Committee on Governmental Affairs: Committee continued hearings on S. 929, to abolish the Department of Commerce, receiving testimony from Clayton Yeutter, former Secretary of Agriculture and former United States Trade Representative, Barbara Hackman Franklin, former Secretary of Commerce, Paul R. Huard, National Association of Manufacturers, Clyde V. Prestowitz, Economic Strategy Institute, Edward L. Hudgins, Cato Institute, Murray Comarow, American University, and Jeffrey C. Smith, Commercial Weather Services Association, all of Washington, D.C.; Murray Weidenbaum, Washington University, St. Louis, Missouri, former Council of Economic Advisors; John A. Knauss, University of Rhode Island, Saunderstown, former Under Secretary of Commerce for Oceans and Atmosphere; Edward H. Kwiatkowski, Cleveland Advanced Manufacturing Program, Cleveland, Ohio; and Bryan Norcross, WTVJ–NBC, Miami, Florida.

Hearings were recessed subject to call.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of A. Wallace Tashima, of California, to be United States Circuit Judge for the Ninth Circuit, Catherine C. Blake, to be United States District Judge for the District of Maryland, Andre M. Davis, to be United States District Judge for the District of Maryland, B. Lynn Winmill, to be United States District Judge for the District of Idaho, and Edward Scott Blair, to be United States Marshal for the Middle District of Tennessee.

PRISON REFORM

Committee on the Judiciary: Committee held hearings on proposals to strengthen the effectiveness and efficiency of the Federal/State prison system, including related provisions of S. 400, S. 3, S. 38, S. 866, S. 930, H.R. 667, receiving testimony from Senators Hutchison and Gramm; John R. Schmidt, Associate Attorney General of the United States, Department of Justice; William P. Barr, former Attorney General of the United States, and Paul T. Cappuccio, Kirkland and Ellis, former Associate Deputy Attorney General of the United States, both of Washington, D.C.; Arizona Deputy Attorney General Andrew Peyton Thomas, Phoenix; John Dilulio, Princeton University, Princeton, New Jersey; Lynne Abraham, Philadelphia, Pennsylvania, on behalf of the National District Attorneys Association; Michael Gadola, Michigan Office of Regulatory Reform, Lansing; Bob Watson, Delaware Department of Corrections, Dover; Kathleen Finnegan, STOP, Punta Gorda,

Florida; O. Lane McCotter, Utah Department of Corrections, Salt Lake City; Timothy P. Cole, Wackenhut Corrections Corporation, Coral Gables, Florida; James A. Collins, Texas Department of Criminal Justice, on behalf of the American Correctional Association, and Steve J. Martin, both of Austin, Texas; and Zee B. Lamb, Pasquotank County, North Carolina, on behalf of the National Association of Counties.

Hearings were recessed subject to call.

AUTHORIZATION—SUBSTANCE ABUSE/ MENTAL HEALTH SERVICES

Committee on Labor and Human Resources: Committee concluded hearings on proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration, after receiving testimony from Philip Lee, Assistant Secretary for Health, Nelba Chavez, Administrator, Substance Abuse and Mental Health Services Administration, and Alan I. Leshner, Director, National Institute on Drug Abuse, National Institutes of Health, all of the Department of Health and Human Services; Mathea Falco, Drug Strategies, former Assistant Secretary of State for International Narcotics Matters, John P. Walters, New Citizenship Project, former Acting Director and Deputy Director for Supply Reduction, Office of National Drug Control Policy, and E. Fuller Torrey, St. Elizabeths Hospital, all of Washington, D.C.; Pamela K. Marshall, Arkansas Division of Mental Health Services, Little Rock; Howard H. Goldman, University of Maryland School of Medicine, Baltimore, on behalf of the Judge David L. Bazelon Center for Mental Health Law; Joseph A. Rogers, Mental Health Association of Southeastern Pennsylvania, Philadelphia, on behalf of the National Mental Health Association and the National Consumer Self-Help Clearinghouse; and Ellen M. Weber, Legal Action Center, New York, New York, on behalf of the National Coalition of State Alcohol and Drug Treatment and Prevention Associations.

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 Roger C. Adams, Counsel to the Deputy Attorney General, and Scott Salter, Special Agent, Federal Bureau of Investigation, both of the Department of Justice; Donald A. Flynn, Special Agent, Presidential Protective Division, United States Secret Service, Department of the Treasury; and Michael L. Spafford, Swidler and Berlin, Washington, D.C.

Hearings continue on Tuesday, August 1.

House of Representatives

Chamber Action

Bills Introduced: Fifteen public bills, H.R. 2123–2137; and two resolutions, H. Con. Res. 87 and 88 were introduced. **Page H7916**

Reports Filed: Reports were filed as follows: H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996 (H. Rept. 104–208); and

H.R. 2127, making appropriations for the departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996 (H. Rept. 104–209). **Pages H7913, H7916**

Presidential Message—Middle East Peace: Read a message from the President wherein he reports to Congress on the developments concerning the national emergency with respect to organizations that threaten to disrupt the Middle East peace process—referred to the Committee on International Relations and ordered printed (H. Doc. 104–103). **Page H7819**

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, International Relations, the Judiciary, Resources, Small Business, Transportation and Infrastructure, and Select Intelligence. **Page H7819**

VA—HUD Appropriations: House completed all general debate and began reading for amendment 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; but came to no resolution thereon. Reading for amendment will resume on Friday, July 28. **Pages H7820–H7913**

When the Committee of the Whole rose, recorded votes had been postponed on the following amendments until Friday, July 28:

The Kaptur amendment that seeks to transfer $234 million from the FEMA disaster relief account to the account for modernization of existing public housing projects; and **Pages H7896–99**

The DeFazio amendment that seeks to increase the Veterans Health Administration medical care appropriation by $12 million and reduce the appropriation for the Selective Service System by $16.9 million. **Pages H7903–07**

Agreed to:

The Manager's amendment made in order by the rule that increases funding for a variety of VA and HUD programs, offset through additional transfers from FHA and further reductions in HUD and FEMA; strikes the provision that raises the percentage of income used to calculate contribution requirements and assistance payments for section 8 rental assistance up from 30 to 32 percent; strikes language requiring tenants of federally-assisted housing to pay for utility costs in addition to the minimum $50 rent; adds language making most of the appropriations related to enforcing the Clean Water Act contingent upon the enactment of reauthorizing legislation, inserts language allowing the Secretary of HUD to waive certain terms and conditions on project rental assistance for special needs housing; and makes a variety of other technical and administrative changes; and **Pages H7840–45**

The Davis amendment, as amended by the Lewis of California amendment, that directs the Administrator of EPA to cease any further hiring in the Agency's Office of Research and Development. **Pages H7908–11**

Rejected:

The Obey amendment that sought to reduce NASA's human space flight account by $1.6 billion; and increase VA medical care by $230 million, NASA space, aeronautics, and technology research and development by $400 million, annual contributions for assisted housing by $200 million and the account for special needs housing for the elderly, disabled, and persons with AIDS by $200 million (rejected by a recorded vote of 126 ayes to 299 noes, Roll No. 587); **Pages H7848–56, H7869–70**

The Stokes amendment that sought to permit the Secretary of HUD to reallocate funds for housing voucher assistance to public housing modernization, drug elimination grants, and section 8 incremental assistance if authorizing legislation for the voucher program was not enacted by December 31, 1995 (rejected by a recorded vote of 187 ayes to 237 noes, Roll No. 588); **Pages H7859–60, H7870**

The Kennedy of Massachusetts amendment that sought to transfer the $320 million appropriation for FEMA disaster to the annual contributions for assisted housing account, and exempt elderly and disabled recipients from rent increases (rejected by a recorded vote of 177 ayes to 248 noes, Roll No. 589); **Pages H7860–63, H7870–71**

The Frank of Massachusetts amendment that sought to increase the appropriation for annual contributions for assisted housing by $331.16 million, and strike language that raises the percentage of family income used to calculate contribution requirements and assistance payments for section 8 rental assistance (rejected by a recorded vote of 158 ayes to 265 noes, Roll No. 590); **Pages H7863–65, H7871–72**

The Klug amendment that sought to waive the section 8 ''take one, take all'' provision for the Sommerset Circle housing complex in Madison, Wisconsin (rejected by a recorded vote of 76 ayes to 348 noes, Roll No. 591); **Pages H7867–69, H7872**

The Hefley amendment that sought to reduce the HUD management and administration salaries and expenses appropriation by $112.8 million (rejected by a recorded vote of 184 ayes to 239 noes, Roll No. 592); **Pages H7879–81, H7892–93**

The Stokes amendment that sought to strike language directing local housing authorities to delay issuing new vouchers or certificates for section 8 incremental assistance until October 1, 1996, and to slow the rate at which public housing projects are developed during fiscal year 1996 (rejected by a recorded vote of 185 ayes to 235 noes, Roll No. 593); **Pages H7881–82, H7893–94**

The Vento amendment that sought to increase funding for homeless assistance grants by $184 million and funding for FEMA emergency management planning and assistance by $30 million, and reduce FEMA disaster relief funding by $235 million (rejected by a recorded vote of 160 ayes to 260 noes, Roll No. 594); and **Pages H7882–86, H7894**

The Kennedy of Massachusetts amendment that sought to strike language that prohibits HUD from issuing or enforcing any requirement or regulation relating to the application of the Fair Housing Act to the business of, or any activity pertaining to, property insurance (rejected by a recorded vote of 157 ayes to 266 noes, Roll No. 595). **Pages H7886–90, H7894–95**

The following were offered but subsequently withdrawn:

The Weldon of Florida amendment to the pending DeFazio amendment that sought to increase the VA major project construction account, rather than the medical care account, by $12 million; and **Page H7907**

The Dingell motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken **Page H7910**

Points of order were sustained against the following amendments:

The Kaptur amendment that sought to provide $290 million for drug elimination grants for low-income housing, and reduce the appropriation for FEMA disaster relief by $34.5 million; **Pages H7873–76**

The Stokes amendment that sought to permit HUD fair housing activities funding to be used for the Fair Housing Initiatives Program; **Pages H7877–79**

H. Res. 201, the rule under which the bill is being considered, was agreed to earlier by a yea-and-nay vote of 230 yeas to 189 nays, Roll No. 586. **Pages H7808–18**

Meeting Hour: Agreed that the House will meet at 9 a.m. on Friday July 28. **Page H7913**

Recess: House recessed at 11:25 p.m. and reconvened at 11:32 p.m. **Page H7915**

Senate Messages: Message received from the Senate today appears on page H7805.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H7917–18.

Quorum Calls—Votes: One yea-and-nay vote and nine recorded votes developed during the proceedings of the House today and appear on pages H7818, H7869–70, H7870, H7870–71, H7871–72, H7872, H7893, H7893–94, H7894, and H7895. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 11:32 p.m.

Committee Meetings

FARM CREDIT SYSTEM REGULATORY RELIEF ACT

Committee on Agriculture: Subcommittee on Resource Conservation, Research, and Forestry approved for full Committee action amended H.R. 2029, Farm Credit System Regulatory Relief Act of 1995.

Prior to this action, the Subcommittee held a hearing on this legislation. Testimony was heard from Marsha Martin, Chairman, Farm Credit Administration.

D.C. FINANCES

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on D.C. Task Force Proposals. Testimony was heard from Representatives Lazio, Heineman, Talent, Houghton, and Gunderson.

DEBT ISSUANCE AND INVESTMENT PRACTICE ON STATE AND LOCAL GOVERNMENTS

Committee on Banking and Financial Services: Subcommittee on Capital Markets concluded hearings on Debt Issuance and Investment Practices on State and Local Governments. Testimony was heard from Robert Seale, Treasurer, State of Nevada; the following officials of the State of Ohio: Ken Blackwell, Treasurer; and Timothy Riordan, Finance Director, City of Dayton; and public witnesses.

SAFETY AND HEALTH IMPROVEMENT AND REGULATORY REFORM ACT

Committee on Economic and Educational Opportunities: Subcommittee on Workforce Protections concluded hearings on H.R. 1834, Safety and Health Improvement and Regulatory Reform Act of 1995. Testimony was heard from Representatives Rahall and Mascara; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Ordered reported the following bills: H.R. 1670, Federal Acquisition Reform Act; and H.R. 2108, District of Columbia Convention Center and Sports Arena Authorization Act of 1995.

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 oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas. Testimony was heard from the following officials of the FBI, Department of Justice: Larry Potts, former Assistant Director, Criminal Investigations; Anthony Betz, CS Gas Expert; Dick Rogers, former head of Hostages Rescue Team; Jeffrey Jamar, former SAC in San Antonio; and Byron Sage, SSRA in Austin.

Will continue tomorrow.

HONG KONG AFTER 1997

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Hong Kong After 1997. Testimony was heard from Kent Wiedemann, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

COMPREHENSIVE PLAN OF ACTION FOR SOUTHEAST ASIAN REFUGEES

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Comprehensive Plan of Action for Southeast Asian Refugees. Testimony was heard from public witnesses.

LEGAL SERVICES CORPORATION REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law continued hearings on the Reauthorization of the Legal Services Corporation. Testimony was heard from Representatives Berman and Dornan; Alan D. Bersin, U.S. Attorney for the Southern District of California, Department of Justice; Edouard R. Quatrevaux, Inspector General, Legal Services Corporation; Thomas J. Madden, former General Counsel, Law Enforcement Assistance Administration, Department of Justice; the following former officials of the Legal Services Corporation: Penny Pullen and Howard H. Dana, members of the Board; Terrance Wear, President and Mike Wallace, Chairman; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property approved for full Committee action the following bills: H.R. 1734, National Film Preservation Act of 1995; H.R. 1270, Madrid Protocol Implementation Act; H.R. 1295, amended, Federal Trademark Dilution Act of 1995; H.R. 632, to enhance fairness in compensating owners of patents used by the United States; and H.R. 1506, amended, Digital Performance Right in Sound Recordings Act of 1995.

OVERSIGHT

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the management alternatives of Outer Continental Shelf oil and gas resources, including the Administration's proposals to (1) sell the royalty stream, and (2) transfer of the Minerals Management Service to another Federal agency. Testimony was heard from Cynthia Quarterman, Director, Minerals Management Service, Department of the Interior; and a public witness.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on the following bills: H.R. 2100 and H.R. 2005, to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; and H.R. 1741, to provide for the conveyance of the C.S.S. Hubley to the State of South Carolina. Testimony was heard from Representatives Sanford, Callahan, Fowler and Foley; from the following officials of the Department of the Interior: Dan Ashe, Deputy Director, External Affairs, U.S. Fish and Wildlife Service; and Edwin C. Bearss, Special Assistant to the Director for Military Sites, National Park Service; Charles M. Condon, Attorney General, State of South Carolina; and public witnesses.

RIGHTS-OF-WAY

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on H.R. 2081, to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes. Testimony was heard from John D. Leshy, Solicitor, Department of the Interior; and public witnesses.

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 Representative Gingrich; and Adrian Zackheim, Harper/Collins.

DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF ACT

Committee on Transportation and Infrastructure: Ordered reported amended H.R. 2017, District of Columbia Emergency Highway Relief Act.

AIRLINE FLIGHT DELAYS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on reasons for, and reporting of, Airline Flight Delays. Testimony was heard from the following officials of the Department of Transportation: John Lieber, Deputy Assistant Secretary, Transportation Policy; and Bill F. Jeffers, Director, Air Traffic Services, FAA; and public witnesses.

GSA LEASING PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development held a hearing on the GSA Leasing Program. Testimony was heard from Ken Kimbrough, Commissioner, Public Buildings Service, GSA; Bruce A. Lehman, Assistant Secretary and Commissioner of Patents and Trademarks, Department of Commerce; and Bob Peck, Deputy Director, Congressional Affairs Office, FCC.

STANDARDS FOR HEALTH PLANS PROVIDING COVERAGE IN MEDICARE PROGRAM

Committee on Ways and Means: Subcommittee on Health and the Subcommittee on Health and Environment of the Committee on Commerce held a joint hearing on Standards for Health Plans Providing Coverage in the Medicare Program. Testimony

was heard from Carlotta Joyner, Associate Director, Federal Health Care Delivery Issues, Health, Education, and Human Services Division, GAO; and public witnesses.

INTELLIGENCE COMMUNITY IN THE 21ST CENTURY

Permanent Select Committee on Intelligence: Continued hearings on IC21. Testimony was heard from Lt. Gen. Brent Scowcroft, USA (Ret.), former National Security Advisor; Ambassador Robert Kimmitt, former Ambassador to Germany and Executive Secretary, National Security Council; and Joseph Massey, former Assistant U.S. Trade Representative.

Joint Meetings

APPROPRIATIONS—LEGISLATIVE BRANCH

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 1854, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996.

NEW PUBLIC LAW

(For last listing of Public Laws, see DAILY DIGEST *p. D823)*

H.R. 1944, making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1996. Signed July 27, 1995. (P.L. 104–19)

COMMITTEE MEETINGS FOR FRIDAY, JULY 28, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, 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, and proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on the nominations of Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board, Resolution Trust Corporation, and Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States, 10:30 a.m., SD–538.

Full Committee, to hold hearings to examine the condition of the Savings Association Insurance Fund, 11 a.m., SD–538.

Committee on Finance, to hold hearings to examine the role of the debt limit in deficit reduction and the impact a delay in raising the debt limit would have on the U.S. Treasury and the financial markets, 9:30 a.m., SD–215.

Committee on Labor and Human Resources, to hold hearings on health insurance relative to domestic violence issues, 9:30 a.m., SD–430.

House

Committee on Commerce, Subcommittee on Energy and Power, to mark up the following: Nuclear Regulatory Commission User Fees Reauthorization; H.R. 1020, Integrated Spent Nuclear Fuel Management Act of 1995; and H.R. 1663, Waste Isolation Pilot Plant Land Withdrawal Amendment, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on Political Advocacy with Tax-Payer Dollars, 10 a.m., 2167 Rayburn.

Committee on International Relations, hearing on Overview of U.S. Policy in Europe, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, 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, 8:30 a.m., 2154 Rayburn.

Committee on Rules, to consider the following: making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996; and making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, 10 a.m., H–313 Capitol.

Committee on Standards of Official Conduct, executive, to consider pending business, 11 a.m., HT–2M Capitol.

Next Meeting of the SENATE

9 a.m., Friday, July 28

Senate Chamber

Program for Friday: Senate will resume consideration of S. 1061, Congressional Gift Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 28

House Chamber

Program for Friday: Complete consideration of H.R. 2099, VA–HUD Appropriations for Fiscal Year 1996.

Extensions of Remarks, as inserted in this issue

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