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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 30, 1995.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Your word, O God, commends us to seek justice and mercy and in this our petition we ask that our words will be translated into actions that promote justice and the blessed gifts of mercy. Increase our understanding how we may be good stewards of righteousness so that all people are treated fairly and enjoy the liberties and freedoms that we cherish. May we use our abilities and resources so we are good custodians of the riches of the land so that in all things, we are faithful to Your word and walk in Your way. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KNOLLENBERG 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 without amendment bills of the House of the following titles:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes; and

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2539. An act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 956) ''An Act to establish legal standards and procedures for product liability litigation, and for other purposes'', disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PRESSLER, Mr. GORTON, Mr. LOTT, Mr. STEVENS, Ms. SNOWE, Mr. ASHCROFT, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. EXON, and Mr. ROCKEFELLER to be the conferees on the part of the Senate.

LEAD, FOLLOW, OR GET OUT OF THE WAY

(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, Americans are asking Congress and the President to balance the budget. Allow me to share excerpts of a letter to the President sent to me by one of my constituents, Carol Ault, of Ellicott City, MD.

The Democrats have spent 40 years getting this country in the financial mess it is in. The Republicans have started cleaning up the mess. And one of the first steps is to produce a balanced budget as soon as possible.

And Mr. President, your statement on TV recently that your job is to ''take care of the American people'' is totally wrong. We do not want you and the U.S. government to take care of us. We want you to leave us alone to pursue our own economic interests. You do not know what is best for us. We know what is best for us. You do not know how best to spend our tax money. We know best how to spend our tax money.

I am not sure if the following statement originated with Iococca, but I heard him say it: ''Either lead, follow, or get out of the way.''

Sir, you are not leading.

IS IT ANY WONDER THAT SPEAKER GINGRICH REFUSES TO ACT PROMPTLY ON MEANINGFUL CAMPAIGN FINANCE REFORM?

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

Mr. DOGGETT. Mr. Speaker, new revelations about the intrigues at

☐ 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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GOPAC have just been brought to light in documents filed in Federal court here in Washington. While now-Speaker GINGRICH chaired GOPAC, apparently the go in GOPAC meant go beyond the law. GOPAC was little more than a slush fund to subvert the Federal election law.

Quoting from those documents:

GOPAC routinely and continuously provided what was described as Newt support, expenditures for projects especially for Newt. GOPAC paid political consultants to help Newt think. Helping Newt was described as probably the single highest priority we've got in dollars. The expenditures total for Newt's support a quarter of a million dollars, not one dime of which was reported in accordance with Federal law.

Is it any wonder that Speaker GINGRICH refuses to act promptly on meaningful reform of our campaign finance laws when he would not even comply with the laws that we have on the books today? The GOPAC scandal is not going to go away. It is a serious violation of our laws. The Ethics Committee cannot duck it and this House cannot dodge it.

THE AMERICAN PEOPLE WANT A BALANCED BUDGET NOW

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

Mr. TIAHRT. Mr. Speaker, on November 20, 1995 President Clinton signed the following statement in a continuing resolution: ''The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002.'' Yet, just a couple of days ago when asked whether the White House would prefer to put off the larger budget debate until next year's elections, the White House press secretary, Mike McCurry, responded in saying, ''Debate next year during the national election, campaign when we should, as Americans have that kind of debate.''

They are trying to avoid balancing the budget this year, but we know what the American public want. They proved it in 1992 when Mr. Clinton told them that he could balance the budget in 35 years. They proved it in 1994 when they elected a Republican Congress. They proved it in 1995 when the people and the Congress wanted a balanced budget again. Now, against the will of the American public and against the will of the American people, the President is trying to avoid balancing the budget.

Again, Mr. Speaker, we know what the American people want. It is a balanced budget. Let us give it to them now.

WE MUST REDUCE THE AMOUNT OF TAX BREAKS TO THE WEALTHY IF MEDICARE AND MEDICAID ARE TO SURVIVE

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

Mr. PALLONE. Mr. Speaker, it is crucial in the budget negotiations that are now taking place that the amount of the tax breaks for wealthy Americans be reduced in order to provide sufficient funds for Medicare and Medicaid. Otherwise, seniors and low-income Americans will not have quality health care, or in many cases will not have any health care at all.

As we see from this scale that we have shown before, the amount of tax breaks almost equals the amount of Medicare cuts for seniors. if we do not reduce this, there is no way we are going to have sufficient funding for both Medicare and Medicaid.

The Treasury Department recently came out with some statistics that showed conclusively that the Republican tax cut is heavily weighted toward the rich. they estimated that the richest 1 percent would rake in almost twice as much, or 17 percent of the tax cut.

Mr. Speaker, the message has to go to these budget negotiators that they have to reduce these tax breaks for wealthy Americans if Medicare is going to survive, if Medicaid is going to survive, and if we are going to continue to provide quality health care under those two Federal programs.

DEMOCRATS AND FEARMONGERING

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

Mr. HOKE. Mr. Speaker, I wonder if, since the gentleman who just spoke is concerned about the cuts that the Republican plan is going to make in Medicare, if he would prefer then that we have a freeze. Would that satisfy the gentleman since, if he is concerned that we are cutting all of these programs, perhaps he would feel better about having a freeze in the programs? Would that work?

Of course it would not work, and the reason it would not work is that we are not cutting anything. in fact, if you see these numbers, you can see that the budget for 1995, the Federal budget, is $1.5 trillion. It goes up to $1.85 trillion in 2002.

What is unfortunate is that the minority wants to obscure the truth and obscure the facts and confuse the public about what is really happening, because by resorting to demagoguery and fearmongering and scare tactics, they believe that they can maintain a kind of tenuous political edge in the most disingenuous and exploitive way.

CONGRESS MUST VOTE ON SENDING TROOPS TO BOSNIA

(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, when our Founders drafted the Constitution, the hottest debate centered around the power to declare war. Legislative history, legislative debate, legislative intent is absolutely clear. The Founders painstakingly articulated what they felt ensured, that in America no one person, no one person could place America at war or place Americans in harm's way.

Now after all of the political rhetoric, after all of the opinions by the military experts, after all of the analysis, after all of the newspaper writings and all the speeches, the fact remains that one person, one man, has decided to place troops in harm's way.

I believe that the Congress of the United States, who has abdicated the power in America where the people govern and turned it over to the White House, must vote on this issue. In America, no one man is deigned by the Constitution to have that power to place troops in harm's way. I think it is time to literally take our Government back.

NO MORE EXCUSES

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

Mr. KNOLLENBERG. Mr. Speaker, for years politicians in Washington have paid lip service to the idea of balancing the budget. But when it came time to get the job done, special interests and weak backbones have always carried the day.

The new Republican majority made a commitment to end business as usual in Washington. We promised the American people that we would balance the budget so they could have more jobs, lower interest rates, and more take-home pay.

We have kept our word. After months of hard work and several tough votes, we put America's families and America's children above the politics of the past and passed the first balanced budget in 26 years.

Mr. Speaker, we have provided President Clinton with the opportunity to do the right thing. I sincerely hope that he seizes the day. The American people cannot afford to have the same old excuses and Washington gimmicks kill the Balanced Budget Act of 1995.

ELISA IZQUIERDO

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

Ms. VELÁZQUEZ. Mr. Speaker, last week, when we were all giving thanks, 6-year-old Elisa Izquierdo was beaten to death. Her death has been added to the brutal slaying of Debra Evans as the latest ploy for attacking assistance to the needy. This type of outrageous opportunism that takes tragedies and twists them for political gain is shameful and immoral.

Many have claimed that the welfare system is to blame for these deaths. Instead of getting to the heart of the

problem we have engaged in mindless fingerpointing that blames adversity on the system.

This rhetoric of blaming the victim and the poor must stop. Death's like these have occurred because of the systematic destruction of America's social safety net.

We must invest in our fellow human beings instead of turning our backs on them. If we fail to do this, there will be thousands more like Elisa and Debra.

It should not take these heinous crimes to serve as a wakeup call that we must change our course. Stop making excuses and start funding change.

SHOW US WHERE CHANGES SHOULD BE MADE IN THE REPUBLICAN BUDGET PLAN, AND BE SPECIFIC

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

Mr. LEWIS of Kentucky. Mr. Speaker, shortly after Bill Clinton took over as President, he presented his 1993 budget plan. He was, of course, criticized by Members of Congress on his spending and taxing priorities. He responded to his critics by demanding specifics on how they would do things differently.

In fact, here is a quote from February 18, 1993. In St. Louis, MO, the President said, ''My answer is: Show me where, but be specific. No hot air. Show me where, and be specific.''

Well, today Bill Clinton criticizes Congress' balanced budget proposal. In fact, he was willing to shut down the Government to prove his point.

He criticizes, but he provides no specifics. He trashes our budget, but he does not say how he would do things differently.

Mr. Speaker, the President should end the hot air campaign and show us exactly where he would do things differently. Show us where, and be specific.

DEMANDING AN ETHICS COMMITTEE REPORT ON ACTIVITIES OF SPEAKER GINGRICH

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

Mr. MILLER of California. Mr. Speaker, it is becoming clearer and clearer now why Speaker GINGRICH is pressuring Members of the Republican majority not to support the privileged resolution for the Ethics Committee to give the Members of this House and the American public a progress report on their 14-month-old investigation into the speaker's activities.

Today on the front page of nearly every major newspaper in America we are treated to the fact that the Speaker mixed campaign fundraising and his activities as a legislator. We see now tens of thousands of dollars contributed to the Speaker by those individuals that sought his legislative favors before the Congress of the United States, people who sought his favors dealing with asbestos regulation, with cement trade problems with Mexico, where the Speaker, in exchange for those $10,000 contributions, wrote back to those individuals telling them he was terribly interested in their problems, he will look into it, or that he thanks them for their counsel on capital gains.

Mr. Speaker, the House rules are clear on the ethics. You cannot engage in that kind of activity when you are raising money from individuals, and then engage in favors for those individuals later on. The Ethics Committee ought to report to this House and to the American people.

□ 1015

AMERICAN PEOPLE DO NOT WANT TROOPS IN BOSNIA

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

Mrs. KELLY. Mr. Speaker, we have no business sending troops to Bosnia—plain and simple. That is the message I am hearing from the people I represent, Mr. Speaker, and one the President would do well to heed. I pray he's listening.

The President proposes to send troops trained for combat to somehow enforce an uneasy peace among antagonists who have been at each other's throats for five centuries. He's sending heavy armor in an area totally unsuited for modern armored warfare. He is placing Americans in contact with radical factions that have no love for the United States. Remember, not all of the combatants on the ground have embraced the peace agreement, adding further to a long list of factors which add up to a potential disaster.

In the final analysis, Mr. Speaker, we should never deploy combat troops abroad unless a national security interest is at stake. This deployment does not meet that simple test. Congress has spoken on this matter. The American people are speaking loud and clear. Listen to them, Mr. President. Stay out of Bosnia.

TRIBUTE TO PATRICIA SCHROEDER

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

Mr. SKAGGS. Mr. Speaker, I take the floor this morning to offer words of tribute to the gentlewoman from Colorado, PATRICIA SCHROEDER, my colleague. The gentlewoman took us all by surprise yesterday with her announcement. She deserves the thanks not only of thousands of grateful Coloradans but from an entire Nation.

Mr. Speaker, whether on issues of military reform or women's rights or the interests of the kids of America, she has been known to rock the boat when that was needed and to set a courageous course for America so many, many times. Her intelligence, her irreverence, her integrity has set the standard, but in no area more than in her wit and turn of phrase has she been an inspiration to so many of us over so many years.

The House of Representatives and the United States have been the richer for PAT SCHROEDER's selfless service.

ROOT OUT MEDIA BIAS

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

Mr. SMITH of Texas. Mr. Speaker, in order to form opinions and reach conclusions, the American people trust the media to present the facts objectively. Unfortunately, all too often this is not done.

Editorials, in the guise of news stories, regularly appear on the front pages of newspapers. Some reporters don't wait beyond the first paragraph to reveal their bias.

In the age of 15-second sound bites, positions on complex issues are reduced to ''for'' or ''against,'' with no explanations.

The lack of the public's trust in the media is glaringly revealed by two 1995 public opinion surveys.

A CNN/USA Today/Gallup Poll found that 60 percent of those surveyed think the media is out of touch with average Americans. In a Wall Street Journal/NBC News Poll, only 21 percent said the media are very or mostly honest.

Publishers, editors, producers, and reporters can better protect our democracy if they will initiate efforts to root out bias and present the facts objectively to a public yearning for the truth.

ALLOWING DEBATE ON PRIVILEGED RESOLUTION

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

Mrs. SCHROEDER. Mr. Speaker, in my new quasi-emeritus status, let me talk to the Members of the other side of the aisle. We are going to have a very important privileged resolution come in front of this House today, and that resolution we should be allowed to debate. If they vote to table it, we cannot even debate it. That resolution is about what is the status of the Committee on Standards of Official Conduct's report on all the many, many charges against the Speaker.

Please, I say to my colleagues on the other side of the aisle, get your voting cards back, get your spines out of the Cloakroom. We ought to have that kind of a report, especially on a day when the newspapers in America are filled with articles talking about how the Federal Election Commission has

said the appearance of corruption is spread all over GOPAC and the Speaker's fundraising. If he cannot abide by the laws that are in force, if there is not an appearance of corruption, we must get a report from the Ethics Committee, or we are part of the coverup. If you vote to table, you are covering up. Do not do it.

MORE COMPASSION FOR WORKING FAMILIES

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

Mr. DURBIN. The Gingrich Republicans just do not understand the problems facing working families, but do not take my word for it. Take the word of the Consumers Union. I hope you are familiar with this organization. They publish Consumers Report. They are noncommercial, nonpolitical.

Yesterday, they analyzed the Gingrich Republican budget and its impact on working families, particularly when it comes to Medicaid, the program that pays for over half the cost of nursing homes across America.

Mr. Speaker, if you have a member of your family in a nursing home or if you anticipate that possibility, it is a troubling challenge to every family. It costs on average $38,000 a year to keep a person in a nursing home, and the Federal Government picks up the lion's share of that cost so that families will not be decimated and bankrupted by this experience. The Gingrich Republican budget, according to Consumers Union, will force 395,000 long-term care patients off these Medicaid payments for nursing homes.

Now, what will happen to these working families? I wish they had the same sensitivity for working families as they have when they give tax breaks to the wealthy.

JOIN WITH US TO GOVERN

(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 listened with great interest to my colleague from Illinois, and I dare say to find some of the most stunning fiction in this Nation one no longer needs to visit bookstores, one no longer need go to the library. Simply listen to the rhetoric chanted almost as a mindless mantra from those disciples of big Government who fail to understand one basic principle. You work hard for the money you earn, you ought to hang on to more of it and send less of it here to Washington.

The fact is, and we will repeat it again, we are not making these draconian cuts the other side attributes. We are restraining the rate of growth to save the very programs they purport to champion. Sooner or later, my friends on the other side of the aisle, the liberals in this Chamber and at the other end of Pennsylvania Avenue will have to step forward with us and govern.

Once again, Mr. Speaker, we extend our hand. Join with us and govern. The American people deserve no less.

IMPOVERISHING FAMILIES IS NO WAY TO BALANCE BUDGET

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

Ms. DELAURO. Mr. Speaker, no, we will not join in an effort that, as the report issued on Wednesday by the Consumers Union says, and these are the folks, my friends, when you go to buy your car, you look at the Consumer Reports to find out if you are getting a bum deal or if you are going to get a good deal.

Let me tell you what kind of a bum deal that the folks in this country are going to get. The Republican plans for the transformation of Medicaid may force thousands of American families into financial ruin.

Mr. Speaker, Medicaid pays the bills of 60 percent of nursing home residents in this country. Under the Republican plan, 395,000 of our Nation's long-term care patients are likely to lose Medicaid payment for their care.

Most appalling is that the Republican plan would repeal current regulations that protect the assets of the families of nursing home patients.

In fact, this bill would actually allow a State to place a lein on your home if your mother or father is in a nursing home and cannot pay the bill. Mr. Speaker, families should not have to hawk their homes to pay for the medical care of loved ones. Impoverishing American families is no way to balance the budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would remind the Members that we are in 1 minutes, and the Chair would appreciate it if Members would stay within 1 minute.

VOTING CARD WORLD'S MOST EXPENSIVE CREDIT CARD

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

Mr. WELLER. Mr. Speaker, as one of those who came to Washington to change how Washington works, I found the last year so very interesting.

Mr. Speaker, all of us in the House use this plastic card. It is a card that we carry, and the interesting thing is, our friends on the left, the Democrats, for the last 26 years have used this card, their voting card, as the world's most expensive credit card, running up a $4.9 trillion national debt.

What does that mean to the people in the land of Lincoln, my home State of Illinois? Well, everybody's share is $19,000 if we wanted to pay off that national debt. We have been operating under deficit spending for 26 years. Not since Neil Armstrong has Congress balanced the budget.

Just like every American family, Republicans are committed to living within our means. We have a plan which balances the budget over 7 years. We increase spending for Medicare by $724 billion over 7 years. We increase Medicaid funding for the State of Illinois by 55 percent. We have a plan to balance the budget. We reform welfare.

Where is the Democrat leadership plan? Where is the President's plan?

CONGRESS OF BUSINESS, BY BUSINESS, AND FOR BUSINESS

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

Mr. SCHUMER. Mr. Speaker, a year ago Speaker GINGRICH signed what he called a solemn Contract With America to end Congress' cycle of scandal and disgrace. Yet all we see today is government as usual, even worse than usual.

Record levels of campaign contributions. The Washington Post reports that the majority whip is known as the hammer because he hammers people for contributions. Yesterday, we saw again more of this as we read in the Wall Street Journal how contributions are becoming more and more closely linked to legislative favors. While business should certainly be at the table, this has become a Congress of business, by business, and for business.

Then, finally, today we read, according to the FEC, that GOPAC, the Speaker's fat-cat PAC, gave him a quarter of a million dollars in hidden Newt support. Yes, we said yesterday disclosure for lobbyists but, of course, no disclosure for the Speaker. This bill came 5 years too late.

BALANCED BUDGET BONUS FOR CURRENT AND FUTURE GENERATIONS

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

Mr. CHRYSLER. Mr. Speaker, a balanced budget by 2002 means a bonus for current and future generations. Lower interest rates, for example, will mean that people from Michigan will save $3,914 per year on an average fixed-rate mortgage. Students at Michigan State University would save, on average, $584 on a 10-year student loan.

Republicans have passed a budget that balances by 2002, paving the way for American families to reap the benefits it will bring for our economy.

The President has produced no specific plan to balance the budget. His refusal to offer his own details not only risks missing this opportunity to have a balanced budget, lower mortgages,

cheaper student loans, and a more secure future. It would deny the people of Michigan, and all Americans, a brighter future.

TRUTH IS STRANGER THAN FICTION

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

Mr. FAZIO of California. Mr. Speaker, truth really is stranger than fiction.

These budget negotiations are beginning to remind me of a movie that come out a few years ago.

You might remember it. A television weatherman wakes up in the twilight zone. He finds himself living the same day over and over and over again.

It was an amusing premise for a movie.

But, for the last month, the American people have been waking up every morning to the same budget nightmare. Only it is not a nightmare, it is inescapable reality.

It is a budget crafted by Speaker GINGRICH. Everyday the American people wake to confront the same Republican budget, the same deep cuts in education, in Medicare, and environmental programs.

Its a monument to misplaced priorities. They have put tax breaks for the wealthy first, and the interests of working families last.

Fortunately, a group of Democrats have put forward a sensible, 7-year budget—a budget that offers a path out of the twilight zone of posturing and positioning that now consumes Washington.

We owe it to the American people to take a look at this budget—a Democratic budget that protects our priorities and achieves real, concrete deficit reduction.

□ 1030

MISSING INGREDIENTS IN BUDGET PLAN

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

Mr. TATE. Mr. Speaker, when I talk to people at home, their biggest fear is that their children will not have the same future as they have had. One way to change that is to balance the budget so their children can have more jobs and more opportunities.

The Republicans have come out with a plan. The President says, ''Well, I am for a balanced budget plan.'' Well, where is his plan?

We have come out with a reasonable plan that increases education and job training and student loan programs by $25.7 billion over the next 7 years; Medicare spending by $724 billion over what we spent over the last 7 years; a $40.6 billion increase for veterans and welfare programs. All the important programs are increasing, but yet my friends across the aisle keep saying these are cuts.

That is incredible. Not only is the truth missing, Mr. Speaker, but also the President's plan to balance the budget.

CALL FOR ETHICS COMMITTEE REPORT ON SPEAKER OF THE HOUSE

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

Mr. WISE. Mr. Speaker, yesterday the House quite properly voted unanimously for lobby reform. Last week it voted for Speaker GINGRICH's amendment, which I supported, to ban trips and dinners and even T-shirts. Why? To restore public credibility in this Congress.

But now the front pages of today's newspapers say that the Federal Elections Commission is filing a civil suit against GOPAC, the political action committee set up and run by Speaker GINGRICH. One concern: A $10,000 check and a letter objecting to a regulatory problem.

Let me get this straight. No trips, no T-shirts, no ball caps, and yet the same person who voted against requiring the Ethics Committee to give a status report after many months of investigation of other charges against the Speaker will say that they stand up for reform. If ball caps are bad, how about $10,000 checks in the mail? Or can you accept a T-shirt if it is wrapped around a check to GOPAC?

If you voted yesterday saying you were cleaning up Government, you must vote today to have the Ethics Committee give a status report on what cleaning up it is doing.

REPUBLICANS PROMISE BALANCED BUDGET

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

Mr. BASS. Mr. Speaker, we hear all this Chicken Little talk about how the end of the world is coming because of what the Republicans are doing to save this country for our children and our children's children. We hear that we are increasing spending on defense and we are making draconian cuts in social programs.

Let me just advise you that under the Republicans' plan defense spending will go down $146.8 billion less than spending over the last 7 years, welfare up $386 billion over spending in the last 7 years. The total increase for the Republican budget is $2.5 trillion over the next 7 years.

When I was running for election last year people said to me, ''Let's freeze Federal spending. Isn't freezing Federal spending a good way to balance the budget?'' Well, we are not freezing Federal spending, we are increasing Federal spending substantially.

I think it is time that we laid the facts on the line here. We have a plan that will save this country for the next generation and the generation after that.

AGAINST REPUBLICAN BUDGET PLAN

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

Mr. NADLER. Mr. Speaker, the Republican budget plan cuts to ribbons programs that are crucial to the development of our Nation's youth and the security of our Nation's seniors. Head Start, the summer youth employment program, and student loan programs are shredded. Medicare and Medicaid are bled by $450 billion, doubling Medicare premiums and shredding the level of medical care, and forcing millions of families to choose whether to mortgage or sell their homes to pay for their parents' stays in nursing homes.

Yet while the sledgehammer falls on the heads of millions of middle- and low-income Americans and all our seniors and children, the Republicans want to eliminate all Federal income taxes on profitable multinational corporations, and they want to give people earning $350,000 a year a $10,000 tax break.

I do not support balancing our Nation's budget in this manner, on the backs of our seniors, the middle class, our children, and the poor. I commend the President for insisting on the wellness of seniors, children, and the environment, and I urge the President to continue to stand firm against the Republican budget agenda.

THE PRESIDENT'S FOREIGN POLICY

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

Mr. FUNDERBURK. Mr. Speaker, in order to judge Bill Clinton's policy in Bosnia, remember this President's track record.

First, he has opposed every legitimate use of American power for the last 30 years. When we deployed American troops to protect our national security interests, one thing was certain, Bill Clinton opposed it. He opposed it in Grenada, Panama, and the Persian Gulf.

Second, he turned over direction of our foreign affairs to the whims of the United Nations high command. He turned a humanitarian mission in Somalia into a $2 billion nightmare and wasted the lives of our finest soldiers in pursuit of something called nation building.

He then turned his attention to Haiti and used American troops to restore Aristide to power. Well, Aristide says he wants to stay in power and we have spent about $3 billion making Haiti a

virtual province of the United States. And the White House calls that a foreign policy triumph.

So, Mr. Speaker, the next time you are asked about Bosnia, take a look at where Bill Clinton has been and if that does not frighten you I do not know what will.

TRIBUTE TO THE HONORABLE PATRICIA SCHROEDER

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

Ms. MCKINNEY. Mr. Speaker, today I rise to pay tribute to one of the most principled and courageous Members of Congress—I speak of none other than my dear friend, colleague, and mentor, PAT SCHROEDER.

PAT is not only an inspiration and role model for me, she is also a shining example of what all women and people of conscience should strive to be. Over the years, PAT has stood by her beliefs and the beliefs of our party, even when it was unpopular to do so. She is more than just a leader, she is the moral compass of our generation.

Mr. Speaker, PAT SCHROEDER came to Congress as a defender of those in our society with no voices and no lobbies. I am proud to say that she will be leaving Congress still untainted by the system, true to her beliefs.

Thank you, PAT, for your service to our country, and thank you for making the women of America proud. Things just will not be the same without you.

POLITICS AS USUAL

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

Mr. EDWARDS. Mr. Speaker, for months my Republican colleagues have come to the well of this House and said their top priority is to balance the budget. That is good rhetoric but most Americans would be surprised to find out if you look at it, the Republican budget increases the deficit in each of the next 2 years.

Let me repeat that for you. The Republican budget increases the deficit in each of the next 2 years. What they do is they give tax breaks for wealthy Americans this year and say, ''Trust us, 3, 4, 5 years from now, we will make those tough spending cuts.'' That is politics as usual, and it is irresponsible.

I call the Republican budget plan the dessert budget. It is like a person saying, ''I care so much about going on a diet that I am going to start out with a dessert on the first day of my diet and have a hot fudge sundae.'' That does not work in diets and it is not going to work in deficits.

My friends, Republicans must decide if they care more about pushing their rhetoric of balancing the budget or whether they care more about giving tax breaks for the wealthiest Americans.

GOP CUTS AFFECT CHRISTMAS

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

Mr. GUTIERREZ. Mr. Speaker, only 25 more shopping days until Christmas.

All around the country, children wonder what goodies they will unwrap.

Now, kids, what do you think you will get?

Well, I hope you do not have your heart set on a college education. The Republicans cut student loans, so a diploma is going to be pretty hard to come by this year.

How about a clean environment? Well, I hope that is not too high on your list either.

Even if you do not find a lump of coal in your stocking, you will find more coal—and soot and ash—in the air you breathe and the water you drink.

Why? Because the GOP had to give a present to their big business buddies. After all—those lobbyists gave them some very nice campaign checks.

And, sorry, we cannot go ''over the river and through the woods to Grandma's house.'' You see, when the Republicans scrapped Medicare and Medicaid, Grandma had to get rid of her house.

So kids, load up on all the candy canes you can find—it is not too nutritious, but if the GOP takes away your school lunch, that might be the only thing to eat this season.

REPUBLICANS COMMITTED TO BALANCED BUDGET

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

Mr. LINDER. Mr. Speaker, in 1952 the Federal Government taxed the American family 4 percent of its income. In 1995, the Federal Government taxes the average American family 24 percent.

In 1950, the Federal Government spent a little over 10 percent of the gross national product. Today the government spends about 25 percent of the gross national product.

In 1950, the Federal deficit was about $3 billion. This year it is around $200 billion.

Mr. Speaker, is there a trend here?

Bigger Government, more and more debt, and less take home pay for the American family. Well, the time has come to turn these trends around. This Republican-led Congress is committed to balancing the budget. We recognize that Government is too big and taxes too much. The Balanced Budget Act of 1995 represents an end to the tax and spend policies that have produced a huge Government and $5 trillion debt. It also says to America's families: you earned it, you keep it, it is yours in the first place.

RELEASE CHINESE POLITICAL PRISONER

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, this House of Representatives has for a long time now been a bulwark of support for pro-Democratic reform in China. So it is very sad for me today to rise and call upon my colleagues to join in calling upon the Chinese Government to immediately release Wei Jing Shing.

As many Members know, Wei Jing Shing is the father of the prodemocracy movement in China. He was arrested at the time of the prodemocracy wall activities and served mostly in solitary confinement for about 15 years. He was released when China wanted to get the Olympics.

He was rearrested 6 months later for giving interviews to the press as well as meeting with the Assistant Secretary of State for Human Rights John Shattuck. After 20 months he was held incommunicado. Last week he was charged with trying to overthrow the government, a capital offense punishable by death.

It is very important that the United States of America, the Clinton administration, and this Congress speak out loudly and clearly to the Chinese Government and join with the 15 dissidents who risked their own personal safety to call for Wei's release, a commutation of the charges brought against him and, if he goes to trial, a fair and open trial for Wei Jing Shing.

PRIORITIES

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

Mr. JONES. Mr. Speaker, Republicans passed a balanced budget with specific plans that reflect the priorities of the American people. However, the President has said we did not increase spending as much as he would like. So we asked him to tell us exactly how much more he wants to spend and where exactly he is going to get the money from: Higher taxes or other cuts. So far he has refused to tell us.

Once the President comes forward with his priorities and how much more he wants to spend, I am confident negotiations will move quickly toward a balanced budget.

NOTHING COULD BE MORE CLEAR

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

Mr. LEWIS of Georgia. Mr. Speaker, the cat is out of the bag. According to articles in papers across the country, Speaker GINGRICH's personal political slush fund—GOPAC—was illegally providing funds and resources to Federal candidates in 1990. And lo and behold, who appears to have been the primary recipient of such funds, Speaker GINGRICH himself.

All of this has come to light in a lawsuit brought against GOPAC by the Federal Election Commission. Among

the documents filed yesterday were internal memos and minutes from GOPAC planning meetings. According to one, an unidentified GOPAC source said ''we're supplying, my guess would be a quarter of a million dollars in NEWT support per year.'' A quarter of a million dollars in an election he won by just 974 votes.

Mr. Speaker, the Ethics Committee has now been stonewalling the appointment of an independent counsel for more than 14 months. The committee must act, they must act. We need an outside counsel to investigate NEWT GINGRICH. Stop the stonewalling.

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ETHICS COMMITTEE SHOULD GIVE A FULL REPORT

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

Mr. WARD. Mr. Speaker, I planned to rise today to sing the praises of my friend, the gentlewoman from Colorado [Mrs. SCHROEDER], who is retiring, and to honor her dedicated service. You know, when I mentioned to PAT that that is what I was going to do, she said, ''No, don't do that. Please, get up and tell the American people about the ethics problems that Speaker GINGRICH is facing.''

She told me that I should make sure that in a time when the Wall Street Journal, the New York Times, even the Washington Times, are talking about the illegal contributions made by GOPAC to Speaker GINGRICH's reelection, that at that same time the Committee on Standards of Official Conduct is refusing to give us a simple report, and the Republican majority has voted down our attempts to give that report.

Today they will have a chance again. Today we will be asking the Republican majority to have the Committee on Standards of Official Conduct just come up and tell us what they found, come up and give us a report, tell us if there is something going on there that we need to know about. Please, today follow our lead, have the Committee on Standards of Official Conduct give us a full report.

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

Mr. FUNDERBURK. 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.

Committee on Commerce, Committee on House Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on Science, and Committee on Transportation and Infrastructure.

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

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from North Carolina?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The minority has been consulted and has no objections.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 284 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 284

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. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. 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 Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered by title rather than by section. The first section and each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in part 2 of the report of the Committee on Rules. That amendment may be offered only by the chairman of the Committee on Transportation and Infrastructure or his designee, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, 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 bill, as amended, shall be considered as the original bill for the purpose of further amendment. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. QUILLEN. Mr. Speaker, House Resolution 284 is an open rule providing for the consideration of H.R. 1788, the Amtrak Reform and Revitalization Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order an amendment in the nature of a substitute now printed in the bill, as modified by the amendment printed in part 1 of the report of the Committee on Rules.

All points of order are waived against consideration of the bill and against the amendment in the nature of a substitute, as modified.

The rule allows for the consideration of the manager's amendment printed in part 2 of the report which is not subject to amendment or division of the question and is debatable for 10 minutes equally divided between the proponent and an opponent.

All points of order are waived against the amendment and, if adopted, the amendment is considered as part of the base text for further amendment purpose.

The Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to consideration may be given priority in recognition, and the rules provides one motion to recommit with or without instructions.

Mr. Speaker, Amtrak is an integral part of this country's intermodal transportation system, providing safe, efficient, affordable travel to millions of Americans to many places across the country.

However, according to the GAO, Amtrak's financial and operating condition have declined in recent years,

which threatens Amtrak's future ability to continue to provide its current services and will seriously impede any plans for expansion.

This is of particular concern to me. Back in the early seventies, when Amtrak was created, I pursued the implementation of the Amtrak route from Washington, DC, to Roanoke, VA, continuing to Bristol, Knoxville, and Chattanooga and on to Atlanta. At that time, Amtrak told me they planned to get started on such a route in a year. They did not say which year. But I hope that year is just around the corner.

You know, it was pointed out in the Committee on Rules in my colloquy there that this extension of the Amtrak to Bristol, TN, and on to Knoxville would be through my district. But I want to inform the House Members that the railroad was in existence through that area before I was born. So it is not a personal request. It is for the benefit of the people.

The reforms provided in this bill will allow Amtrak to become financially secure as a private corporation by removing Federal requirements which have interfered with its ability to act as a private entity. Hopefully, these reforms will enable Amtrak to expand its services to include a route through Tennessee, along with other needed routes across the country.

Mr. Speaker, this is an open rule. It will allow all Members to offer any relevant amendments, and I urge my colleagues to support the rule and the bill.

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

[As of November 29, 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	55	65
Modified Closed [3]	49	47	20	24
Closed [4]	9	9	9	11
Total	104	100	84	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 November 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
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	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).

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

[As of November 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. Speaker, I thank my colleague from Tennessee for yielding me the customary half hour.

Mr. Speaker, hundreds of thousands of people in the Commonwealth of Massachusetts rely on Amtrak. It is the foundation of our transportation system.

The Northeast corridor which travels from Washington to Boston, carries over 100 million passengers a year. It is the most traveled route in the country.

But, despite our heritage, despite our Federal commitment to passenger rail service. We still have one of the most outdated rail systems in the world.

I believe we have a long way to go before our railroads are where they should be. But this bill is a start.

As my colleague from Tennessee said. The rule we are considering today is open. It will allow Members to offer any germane amendments for as long as they like.

The bill is also a good start.

It will allow rail employees their collective bargaining rights, and enable us to make long overdue improvements to our national passenger rail system.

I urge my colleagues to support this open rule.

Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. LIPINSKI].

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

I rise in strong support of the rule for H.R. 1788, the Amtrak Reform and Privatization Act of 1995. The open rule is appropriate for the compromise legislation that will be considered today.

I plan to support the rule and urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations.

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

Mr. WOLF. Mr. Speaker, the rule is a fine rule, and I am not speaking on the rule but I want to speak about an issue that is in the bill.

It is with regard to Pennsylvania Station redevelopment project. Let me quote from prior years of the Committee on Appropriations reports: In fiscal year 1994 we stated the committee is concerned over the reports of architectural extravagance in this project, including a sweeping parabolic arch rising 120 feet into the air. Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project.

In fiscal year 1995 the House recommended no funding, because we were in a tight budgetary process. The New York Times has recently quoted State and city officials as saying because of the fiscal problems being experienced by the State and city there is a big question whether or not they will be able to contribute their share of the renovation. So we know the commitment is soft.

This year, in the appropriations bill, 1996, the House did not provide any funds for this project. The decision was agreed to by the conference committee. That decision was agreed to by this body only a few weeks ago.

However, to address some of the concerns of the project, the conferees provided Amtrak the option to use up to $20 million of its limited Federal dollars to support emergency lifesaving repairs at the existing Penn Station. Now, this thing is beginning to spread out in other ways, and maybe there is an end run to put more money in this project than anyone thought was going to be in the project.

I think, and there may be a Hefley amendment offered today, and if it is, I will talk more about it, I think if the Hefley amendment is offered, it ought to be adopted, but I am concerned that everything that the proponents of Penn Station wanted for safety we said we would address and take care of the problems because I did not want anyone to go to Penn Station and be involved in a fire and die or something like that.

There now seems to be a method to go around and get additional money and different money. I am asking the inspector general of the Department of Transportation to investigate this, to look into it. I am also looking today, with a letter to the GAO, asking the GAO to investigate and look into it.

□ 1100

After we get the information, we can make a decision. But based on where I am today and what I have seen is taking place, and I think this is one of the frustrations that the American people are beginning to have with this whole process, authorizing, appropriation, what you are doing, slipping these things in, going around. I personally am of the opinion, based on the information that I now know, that the Hefley amendment, if it is offered today, should be adopted.

Second, I, for one, would not put one red cent, one penny, one nickel, one dime, one more dollar, into this project. I do not want to say specifically, but I think maybe Amtrak has been involved in some activity up here on Capitol Hill, lobbying and doing some things of which we are not quite sure.

Let me tell the Members, we are going to scrutinize this. I think the Members ought to be worried. This may be, I am not sure, but it may be kind of the bait and switch and move things around, and Penn Station has been limited whereby we have given money for all the safety projects. Now we see things coming that I think maybe this Congress, if it really knew all the facts, may not be doing what it is in the process of doing. I will speak on this issue if the Hefley amendment comes up.

Since fiscal year 1994, the House Appropriations Committee has strongly opposed the Pennsylvania Station redevelopment project and recommended not to provide funds for this project. Let me quote from prior years' Appropriations Committee reports:

In fiscal year 1994, we stated ''the Committee is concerned over reports of architectural extravagance in this project, including a sweeping parabolic arch rising 120 feet into the air. Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project.''

In fiscal year 1995, the House recommended no funding for this project because ''in such tight budgetary times, a project of this uncertainty and magnitude is not justified.'' Furthermore, although the administration intends to fence the Federal funds until a binding commitment is signed for the non-Federal funds, at present the only commitment is a memorandum of agreement which does not legally bind any of the non-Federal parties.

The New York Times has recently quoted State and city officials as saying that because of the fiscal problems being experienced by the State and city of New York, there is a big question of whether or not they will even be able to contribute their share of the renovation funds. So we know the commitment is soft.

This year, in the appropriations bill for fiscal year 1996, the House did not provide funds for this project, a decision agreed to by the conference committee. That decision was agreed to by this body only a few weeks ago. However, to address some of the concerns of the project's supporters, the conferees provided Amtrak the option to use up to $20 million of its limited Federal dollars to support emergency life safety repairs at the existing Penn Station.

However, now the National Highway System Act authorizes both the Pennsylvania Station redevelopment project and the engineering, design, and construction of a major renovation to the James A. Farley Post Office Building to enable its use as an Amtrak station and retail shopping center. In addition, the same bill provides $26,200,000 in direct funding for this project.

Not only is this project controversial and unnecessary, its 11th-hour inclusion in an unrelated bill violates the normal protocol for conference reports. Because of time constraints and the desire to free up billions in highway funds to States, there was very little time for Members to review the conference report.

In fact, in the rush this conference report was passed in this body on a Saturday without even a vote. This project was not included in the original version of either Chamber's bill. The addition of this project was improper, I believe, because this bill was for the Federal Highway System. It should not have included authorization or funding for the renovation of a train station and development of retail shops at Federal expense.

Let me mention one other concern I have about the Farley Building project. The funding in the NHS bill for this project and the Amtrak reauthorization bill even allows the Federal Government to provide more than our share of the project's cost. Even project supporters say the Federal Government should provide no more than $100 million for this project. The NHS bill brings the total amount up to $77,700,000, and the Amtrak bill authorizes an additional $30,000,000 over the next 3 years, which would bring the Federal share to $107,700,000.

As chairman of the Transportation Appropriations Subcommittee, I was extremely upset to see these provisions. I had worked long and hard to strike a deal with the Senate, and particular with Senator MOYNIHAN, to limit how taxpayer dollars could be spent on the Pennsylvania Station redevelopment project. The sections in the National Highway System bill obliterate congressional intent for this project and does an end-run around the appropriations process.

Today, I am sending letters to the General Accounting Office and the Department of Transportation inspector general requesting each of them to analyze the need for such a project, and the existing financial arrangements. If these reports come back next year and support the project, we will certainly look at it again. We owe the project that much, and I will continue to work with the Transportation and Infrastructure Committee, the New York delegation, Amtrak, and others to address the legitimate transportation needs of passengers in New York City. But from what we know now, this is the wrong approach at the wrong time, and too expensive for the Federal Government to bear.

In summary, what the National Highway System bill has done is authorized and provided direct funding for the building of what its supporters advertise as an architectural wonder and a new retail shopping area in New York City. Slipped in an unrelated bill in the dead of night, and going around the appropriations process. This was little more than a Thanksgiving gift to the city of New York, and it is a real turkey—with all the trimmings. The gentleman from Colorado's amendment would assure that, in these tight budgetary times, taxpayers all across the country do not see their gasoline taxes going to pay for a new train station and to build new shopping spaces in New York City.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], defender of the American work force.

Mr. TRAFICANT. I appreciate the gentleman's comments, Mr. Speaker.

Mr. Speaker, I have a little amendment on this bill. One of the problems we have that it seems to work out, it seems that Amtrak buys an awful lot of manufactured track line, and that it seems to end up buying its track line, most of it, from overseas in Europe. The reason for it is we make excellent track line, it is even of superior quality; but the U.S. manufacturers say the limited specifications under Amtrak have almost prohibited them from becoming a part of this procurement process.

So my amendment does not compel anybody to do anything, it is not protectionist, it does not shackle anybody. What it does is it creates an outreach program that says that Amtrak shall sit down with American manufacturers of track work to discuss the specification process and to see how that specification process in all fairness can be tailored to give American track work manufacturers a better opportunity of getting some of these contracts.

I find it highly unusual where we are really almost bankrupt in this country, but we would have a procurement specification in a situation like Amtrak that would force most of the sales and purchases of track coming from Europe. That does not make good sense. It is a modest amendment. It makes a lot of sense.

In addition to that, my amendment would also require Amtrak to report back to Congress within 2 years of enactment on the progress it is making in awarding such contracts to American firms, so with that it is not a protectionist amendment. From what I understand, the chairman is going to accept it. I appreciate the time from the distinguished chairman. It is great to have him back here, full time, working on behalf of us and all of us.

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

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 284 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. 1788.

□ 1104

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. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. ALLARD 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 Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes.

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

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

Mr. Chairman, I rise in strong support of this legislation to make fundamental changes to Amtrak. This legislation represents months of hard work by our chairman of the Subcommittee on Railroads, the gentlewoman from New York, SUSAN MOLINARI. It has also benefited from constructive bipartisan contributions on both our subcommittee and full committee level from the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from West Virginia [Mr. WISE], and the gentleman from Illinois [Mr. LIPINSKI].

Amtrak has been sick and is sick, and much of the illness has been Government inflicted. The GAO has confirmed that Amtrak cannot survive, even with indefinite funding, if it remains subject to all the legal mandates that Congress has piled onto Amtrak over the years. One good indicator is the average age of the fleet, which is now 22 years.

Right now Amtrak is a patient on artificial life support. Through some painful one-time austerity measures, it has managed to get through this past

fiscal year, but its future is very doubtful unless it can be fundamentally restructured in the way it does business. Normally, a corporation can turn itself around by simply getting labor and management together to implement a sound strategy, but in Amtrak's case, this decision has been effectively taken out of the company's hands because of the incredible array of Federal laws that hamstring Amtrak at every turn.

Mr. Chairman, I want to emphasize, I have confidence, great confidence, in Amtrak's management. I think Tom Downs, the president, is doing an outstanding job, and I think the management team that he has assembled is very competent and capable. However, they are bound to failure unless we give them the flexibility that is provided in this legislation that is before us today to give them the opportunity to streamline and modernize and reform Amtrak.

For example, Amtrak is presently forbidden by law from utilizing maintenance and service centers from other railroads and other suppliers no matter how much money they can save. I know, for example, the freight rail industry has many modern maintenance facilities that are not operated at full capacity, operated by very capable labor people, union rail labor people. If Amtrak were freed of legal restrictions and could negotiate for the best price on maintenance, both sides would win. Amtrak would save the cost of replacing its decrepit maintenance facilities and with the private sector dollars, private sector railroads would bring in additional business for themselves. This is exactly the kind of mutual benefits these reforms can bring. This is exactly the kind of footing that we should put Amtrak on today.

Any kind of fundamental change is uncomfortable for a company and its workers. It is true of any company, including Amtrak. But this bill makes collective bargaining the central feature of changes in matters affecting Amtrak employees, something the current law did not do. The bill provides for an accelerated bargaining process of about 6 months, during which labor and management would fashion new contracts dealing with severance matters and with procedures for contracting out work. This is the proper approach to take so that we do not micromanage Amtrak from the Congress.

Mr. Chairman, I am very proud of the work that the committee has done on a bipartisan basis. I strongly urge Members to support the passage of this bill. I do not agree with everything that is in this bill, but it is a compromise. It is a legitimate compromise. We need to maintain the delicate balance that is in this bill. For that reason, I strongly support the passage of this bill.

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

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that it be in order for me to offer the Traficant amendment to title I at any point during consideration of this bill under the 5-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995, which our chairman has already so ably described, despite his obvious hoarseness of voice, and unusual hoarseness of voice. I hope he recovers soon.

I want to thank our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], for the splendid job of managing this legislation through a very rocky time of overcoming some very complex questions, and the gentlewoman from New York, the chairman of the subcommittee, along with the gentleman from Illinois [Mr. LIPINSKI], our ranking Democrat on the Subcommittee on Railroads for most of this year, and our current ranking member, the gentleman from West Virginia [Mr. WISE]. Clearly it was the gentleman from Illinois who bore the burden of the day throughout these many months of negotiation to bring this legislation to its present point.

I really compliment the gentleman from Illinois for his persistence for bringing all the parties together, plumbing the depths of these issues, and ultimately bringing us to a point where we could have this bill under consideration on the floor today with these issues largely resolved, because America does need a comprehensive passenger transportation system, one that is truly intermodal, that respects the contributions that each mode of transportation brings to our national picture: highways that give us universal access to anywhere in America; airlines that offer rapid service to any part of this country where surface transportation might take many hours or even days or weeks; water ferries that play a crucial role in areas like Puget Sound and Alaska where people live on islands, and places that are difficult to access except by water.

We rely mostly on these modes for our passenger transportation, but they are not without their limitations. For example, virtually every other mode of transportation uses enormous amounts of energy. That consumption of energy has adverse environmental impact. Or, for many people, owning a car or taking a plane is too expensive. In some transportation corridors we already have five highway lanes in each direction, and those lanes are seriously congested. I was astonished myself to be visiting my brother in San Diego and driving up toward Los Angeles with an endless wall-to-wall, as far as the eye could see and as wide as the eye can look in either direction, headlights on one side and red lights on the other side, jammed with people traveling, congested, late at night. It is impractical in those areas to build more highways.

Our air service in many parts of this country moves through air corridors that equally are congested. It is extremely difficult to overcome the environmental objections or to raise the money necessary to build new airports or even, in some cases, to build new runways at existing airports.

Enter Amtrak. Enter passenger rail, a crucial role where other modes face their greatest limitations, especially in our high density transportation corridors, like New York to Washington, Chicago to Detroit, San Diego to Los Angeles. That is where Amtrak provides the relief and serves as a pressure relief valve for pressures that otherwise would jam our highways and our Airways unconscionably.

Think of Logan Airport in Boston, seriously congested. Forty percent of the traffic in and out of Logan is trips to New York City. It would be extremely difficult to find the land, clear the environmental hurdles to build a new airport in the Boston metropolitan area, certainly at least until tilt rotor technology is perfected and commercialized, and we can build vertiports that take up land about the size of this Chamber. We are not there yet, and we are not there for another 20 years.

Think of Denver, CO. Denver was thought at the time to be a relatively simple case, build a new airport on an empty prairie space, and yet cost overruns, delays, complications, difficulties, and then the resulting increased cost to airlines in landing fees for this new $5-plus billion airport. How much more difficult would it be in the congested suburbs of the District which my friend, the gentleman from Chicago, represents, to build a new airport? Unthinkable.

So for much smaller amounts of money and with a much smaller environmental impact, we can have passenger rail service. We can, in fact, on existing lines with some improvements improve those lines to accommodate high-speed rail travel that would allow people now crowding our highways and our airways to move quickly and comfortably by rail, as they do in France. I would just like to take the example.

During my years as a student at the College of Europe in Belgium, I traveled in 1957 from Paris to southeastern France, Lyons, the second largest city, in 4½ hours on an old steam-powered locomotive.

□ 1115

Fifteen years later, I traveled the same route, same rail route, now with a diesel locomotive, 4½ hours.

In 1989, as chair of the Subcommittee on Aviation, with a bipartisan delegation, we traveled that same route on a high-speed train in 2 hours and 1 minute; 2 hours and 1 minute, traveling 186 miles an hour.

Now, in 1980, 2 million people took the train from Paris to Lyons; a million flew. Now, 5 million people take the train from Paris to Lyons, and only 5,000 fly that same route. That is dramatic. The French, of course, have expanded high-speed rail service, so now they have 225-mile-an-hour speed trains traveling in many routes throughout France and in Spain and from Spain to France.

We ought to be able to do the same thing in America. We ought to keep Amtrak alive, and we ought to keep it competitive and public, and we ought to support rail transportation, our passenger rail transportation system now so that, in the future, we can at least do as much as our European allies have done, at least as much as the Japanese have done in their country with high-speed trains.

Mr. Chairman, if you live in towns like Staples, MN, in the western part of my State, or in Meridian, MI, Amtrak is the only public transportation available. For people that do not drive and who do not own a car, as my father never owned a car, and he said, if you cannot walk there or take a train or take a bus, you do not deserve to go there. That was the way of transportation.

We ought to recognize the savings in economics, we ought to recognize the savings to our environment and support Amtrak, maintain this base so that we have something to build on as the need for a modern, high-speed rail transportation system becomes more evident or as such a system is thrust upon us by some future energy crisis, when we will find ourselves all on the Nation's highways, sitting there behind our wheels, run out of gas, grasping our steering wheels and wondering how are we going to get where we want to go. Then we will say, why did somebody not have the wisdom to protect passenger rail service?

The enterprise we are about today in this legislation will preserve that base, maintain our passenger rail system network and allow us to build upon it for the future.

Mr. Chairman, I now ask unanimous consent to yield the balance of my time to the distinguished gentleman from Illinois [Mr. LIPINSKI] for him to control for our side.

The CHAIRMAN (Mr. ALLARD). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York [Ms. MOLINARI], the distinguished chairwoman of the subcommittee, and for her to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. Chairman, I rise in strong support of this carefully crafted bipartisan legislation to reform Amtrak. I want to commend our committee chairman, Mr. SHUSTER, our ranking member, Mr. OBERSTAR, and the current and prior subcommittee ranking members, Mr. WISE and Mr. LIPINSKI, for their hard work on this bill.

H.R. 1788 reflects the first top-to-bottom reexamination of Amtrak since it began operating in 1971. When our committee began considering Amtrak reform early this year, we heard from the General Accounting Office on Amtrak's current condition and its prospects. The bottom line of the GAO report was that, even with status quo funding levels, Amtrak could not maintain its current operations.

This state of affairs reflects Amtrak's shortage of capital and its high costs, which are aggravated by restrictions imposed at almost every turn by Federal law. Numerous details of Amtrak's operations are dictated by statute—which routes to operate and where, what kinds of services may be contracted out, formulas for reimbursement of expenses, and even where Amtrak must locate its corporate headquarters. This kind of micromanagement has virtually eliminated the value of the congressional decision in 1970 to make Amtrak a corporation—not a government agency. Amtrak has been prevented from running its operations on a business-like basis. Instead of making operational decisions based on market opportunities and cost savings, Amtrak has been forced to perform various tasks the hard way—because the law required Amtrak to do it just that way.

Let me give just one example. GAO reported that Amtrak's principal maintenance facilities are totally outdated and in bad repair: the main one was built in the 1890's. The cost of replacing these facilities on an in-house basis is almost $300 million. Yet Amtrak is presently forbidden by Federal law to have any work other than food service performed by outside contractors. This means that Amtrak is arbitrarily prevented from utilizing other railroads and suppliers to avoid this $300 million capital requirement.

This bill gives Amtrak a fresh start. The company is placed in full control of its own assets, and is allowed to deploy its resources where the opportunities are the most promising. The restrictive Federal laws that dictated Amtrak's labor benefits and practices are replaced through an accelerated collective-bargaining process between labor and management. New opportunities for Amtrak to engage in individual or multistate cooperative arrangements through interstate compacts are encouraged. Most important Amtrak is given the benefit of private sector business expertise in two ways—first, through the appointment of a reform board of directors, and second, through a Temporary Rail Advisory Council of business experts who will help Amtrak develop its strategy for the future.

These far-reaching reforms are absolutely essential if Amtrak is to survive in an era of limited Federal resources. The funding provisions of this bill conform exactly to the budget resolution recently approved by the Congress. We recognize that Amtrak must reduce its dependence on Federal funding, and the best way to accomplish that is to free Amtrak to operate on the basis of sound business principles—not Government mandates. This bill is not only the best way to maintain intercity rail passenger service, but it also is the best way to get maximum value for the taxpayer's dollar. I urge all Members to support its passage.

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

Mr. LIPINSKI. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE], the present ranking member of the Subcommittee on Railroads.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me, and I appreciate all that he has done.

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995. I commend Chairman SHUSTER, Chairwoman MOLINARI, and ranking Democratic member JIM OBERSTAR and thank them and our former ranking Democratic member on the Subcommittee on Railroads, BILL LIPINSKI, for their leadership on this issue.

Mr. Chairman, I would like to emphasize the crucial role that Amtrak plays in the Nation's intermodal transportation system. My State, like many other rural States, has many communities that do not have access to good air service but that do have access to Amtrak service. Amtrak provides a lifeline for many small towns in America.

Moreover, Amtrak provides relatively low-cost, fuel-efficient service to our Nation's most crowded and congested highways and airport corridors, providing travel options to our Nation's youth, elderly, and others who cannot drive or fly. It also provides a stress-free way to see many scenic parts of our beautiful country.

Although this bill had a rocky start, including two aborted markups, since then there has been a good deal of hard work and many difficult compromises on various issues, which now enables me to support this final product.

This bill will allow Amtrak to reduce its costs of operation and get by on a smaller Federal subsidy, thus placing less of a burden on the American taxpayer. While I am concerned about some of the increased burdens the bill places on the States by ending the basic system concept—a fixed network of routes that Amtrak is required to serve—and encouraging Amtrak to negotiate with the States on subsidies that will maintain rail service through those States, I am satisfied that the bill is a reasonable compromise and that it is needed to keep Amtrak moving ahead.

Also, I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some changes were made to the bill, a reasonable compromise was reached which ends both statutory 6-years labor protection and prohibitions on contracting out and turns these issues over to Amtrak and the unions to negotiate under an accelerated 254-day Railway Labor Act process.

Additionally, the bill limits Amtrak's liability for punitive and non-economic damages, and allows Amtrak to indemnify freight railroads for their liability, so that Amtrak can operate on the freight railroads' right-of-way at a lower cost.

Again, the bill will enable Amtrak to downsize and control its costs, while ensuring the fair treatment of Amtrak's employees if there is a loss of jobs. Mr. Chairman, H.R. 1788 will help preserve Amtrak for years to come. I support this bill and urge an ''aye'' vote.

Mr. LIPINSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], successor of Davey Crockett, Andrew Jackson, and Sam Houston.

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

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for those wonderful comments.

Mr. Chairman, I rise in strong support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995. I want to first commend Chairman BUD SHUSTER and ranking member, JIM OBERSTAR, for crafting a bill that will ensure the future of Amtrak into the 21st century.

The future of passenger rail service in this country—a service used by 22 million travelers nationwide—depends on our ability to force powerful partnerships between Amtrak and States, cities, and its passengers. H.R. 1788 strengthens those partnerships while phasing out the Federal operating subsidy for Amtrak. At the same time, H.R. 1788 gives Amtrak the opportunity to operate like any other private business.

Significant reforms are embodied in H.R. 1788 that remove longstanding mandates from the law. For example, the bill will allow Amtrak to run routes where they make economic, rather than political sense. Current law hamper's Amtrak's ability to shape its route structure and schedules. H.R. 1788 provides Amtrak with the flexibility to respond quickly to consumer demand and to make timely service adjustments.

H.R. 1788 also includes carefully crafted language to allow Amtrak and its employees to collectively bargain over key issues involving contracting out and worker protections. This provision, which is supported by the labor unions, will provide greater flexibility to management to improve Amtrak's economic performance.

The bill includes my amendment adopted by the Subcommittee on Railroads which ensures that Amtrak audits its book by a certified public accountant. We are all concerned about Amtrak's financial situation.

We in Congress cannot do our job of overseeing Amtrak unless we have some assurance that the financial numbers coming out of Amtrak have been audited and are reliable. The amendment ensures that these financial numbers have been audited and fairly reflect Amtrak's financial condition.

In closing I just want to say this is an excellent bill which deserves unanimous support on both sides of the aisle.

□ 1130

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

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak reform bill.

Mr. Chairman, during my tenure as the ranking Democrat on the Railroads Subcommittee in the first 10 months of the 104th Congress, I worked with the members of the subcommittee to assure a future for passenger railroads in this Nation. As we worked toward this goal, we have been all too aware of the importance of the railroad in the history of this country and the role of the U.S. Government in the development of the railroad.

The transcontinental railroad, with its golden spike driven into the ground in 1869, was a product of Government involvement and Government financing. As the transcontinental railroad was conceptualized in the 19th century, the costs were tremendous, and the prospects for recovery of those costs were far into the future. With populations in Missouri, California, and nowhere in between, no private sector business would have dared attempt such a project. It was up to the Federal Government to make the investment for the future.

The same thinking led to the birth of the National Railroad Passenger Corporation—Amtrak—a century later. Saddled with a common carrier obligation to provide intercity passenger rail services the freight railroads were struggling. Eliminating the significant losses on passenger service was viewed as essential to keeping the freight railroad system financially sound. Today, the freight railroad industry in the United States is stronger than ever. While Amtrak will never see the kinds of profits the freights have, I continue to believe there is a place for Amtrak in our national transportation system.

The mandate of Amtrak is to provide modern, cost-efficient, and energy-efficient intercity rail transportation between crowded urban areas and other areas of the United States. In creating Amtrak, Congress recognized the significance of passenger rail service as a component of an efficient, integrated national transportation system. It is in our national interest to have efficient, accessible passenger rail transportation in the United States.

During 1994, a total of 55 million passengers depended on Amtrak to provide reliable rail passenger service. Twenty-two million of these passengers traveled on Amtrak nationwide. Amtrak connects many urban areas in the United States, serving 68 of the 75 largest metropolitan areas. In addition, Amtrak provides a vital link to the 62 million Americans who live in small towns and rural areas. Amtrak serves 33 communities which have no air service, 18 communities which have no bus service, and 9 communities which have neither.

As congestion increases on our Nation's roadways and airport runways, we should look to rail to alleviate the problem. Amtrak provides an invaluable alternative in heavily urbanized regions that have crowded highways and airports.

The benefits of passenger rail transportation—congestion alleviation, safety, energy-efficiency, environmental soundness and the other benefits—make a strong case for inclusion of passenger rail in our national transportation system and as a funding priority. Some argue that if Amtrak cannot be self-supporting, it should not be continued. For the long term, this may indeed be true. However, we must consider the historical Federal role in the development of other modes of transportation. Investment in passenger rail now will provide a substantial return in the future.

Mr. Chairman, this compromise legislation removes Amtrak from much of the congressional micromanagement that it has faced since its establishment, and makes it more like every other business in America. Passenger rail service can have a future in the United States if the American people support it. Since Amtrak restructured and announced route eliminations and adjustments late last year, Governors across the country have come forward with funding to continue the service that is needed in their States.

We are working toward an Amtrak which operates without a Federal operating subsidy, which provides quality service, and which is financially stable. Yet we also know that no intercity rail passenger service anywhere in the world operates without some degree of public sector financial support. As its operating subsidy decreases in the next few years, we have encouraged Amtrak to look for innovative approaches to financing in partnership with States and localities that rely on passenger rail service.

When Congress passed ISTEA in 1991, we moved toward a multimodal transportation system in which each mode complemented the other. Railroads do not serve every area and may not be the best form of transportation for every American. Yet in our national transportation system, every mode, including rail, highway and air, should be well represented. Used together, the various modes assure a transportation system which will exceed our needs into the 21st century.

As a child in Chicago, I used to watch as the Burlington Zephyr passed by my

house en route to California. That was the way people traveled years ago, and it is the way many continue to travel today. Amtrak will never be the answer for every American traveler. However, it can be one of America's travel options for many years to come.

Mr. Chairman, if I were to design my dream Amtrak legislation, this would not be it. But this bill is a real compromise that comes as a result of very hard work by individuals on both sides. I want to commend Chairman SHUSTER and Chairwoman MOLINARI for the manner in which they have worked with us to build legislation we can all support. Although this bill is not what any of us would have predicted or desired when we began hearings on Amtrak in February, it is a true compromise product which protects the interests of Amtrak management and labor. I also want to thank the new ranking member of the full committee, my good friend JIM OBERSTAR, and the new ranking member of the Railroads Subcommittee, BOB WISE, for their involvement on this bill.

Mr. Chairman, as a result of blood, sweat, tears, and the willingness of all parties to compromise, this is a bill we can all support. I urge its adoption.

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

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee, and the gentlewoman from New York [Ms. MOLINARI], the chairman of the subcommittee, for the excellent work they have done in crafting this legislation.

Mr. Chairman, the Amtrak Reform and Privatization Act is truly a bipartisan compromise, and it will enable Amtrak to be a sustainable and hopefully profitable private enterprise. Tough decisions were made to ensure that Amtrak will have the needed tools to succeed on a declining Federal subsidy while continuing to reduce its operating loss each year. Compromise between labor and management was essential and it was achieved. This legislation goes a long way toward treating Amtrak as a business by changing the necessary provisions in Federal law to accomplish this aim.

An amendment may be offered today which seeks to accelerate the reduction in Amtrak's Federal subsidy. The House should oppose any attempts to weaken the structure which has been carefully laid out in the bill before us. Amtrak is still burdened with many federally mandated expenditures which greatly affect its operating budget. These Federal mandates inhibit Amtrak's ability to transition to a private enterprise. To accelerate the reduction in its Federal subsidy without taking into account these federally mandated obligations would be a major mistake.

Mr. Chairman, let us pass the Amtrak Reform and Privatization Act without further delay. The result will be significant reform to Amtrak, while ensuring the people in the towns and cities across America a strong and viable passenger train service.

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, again, as every other Speaker has done today, let me congratulate Chairman SHUSTER and Chairman MOLINARI for the fine work they have done. The legislation in front of us today takes an important step forward in trying to allow Amtrak to stand on its feet and begins to integrate some of the privatization principles I so strongly believe in.

But let me also say that I had some narrow political interest in this case, as someone who represents the State of Wisconsin. Last year, as my colleagues know, Amtrak decided to cut about 24 percent of its budget in order to deal with a severe financial crisis, and as part of that decisionmaking process they made the informed decision to close down the line between Milwaukee and Chicago.

I think, given Amtrak's financial constraints, they should have the ability in the future to make other decisions, especially about cross-country routes which frankly cannot be justified by anybody, except for political expediency for Members who want to make sure they continue to get train service to their districts even if Amtrak takes a financial bath on it.

When Amtrak decided to pull out of the Milwaukee and Chicago route, we found, much to our delight, that a half dozen firms stepped forward, private firms, to say, ''We would be delighted to run this, because we think we could make money on doing it and also provide passenger service between the largest cities in Wisconsin and Illinois,'' and there are six trains a day that go back and forth.

But we were astonished, as the Governor's office was astonished, to learn that under the current Amtrak laws Amtrak does not have the ability to allow private companies to use those tracks. In fact, the State of Wisconsin did not have the opportunity and legally was forbidden to contract out with the private train service to provide that passenger transfer every day between Milwaukee and Chicago.

Today, we find ourselves in a situation were we have been able to keep Amtrak service in place until next July, but it has been done with chewing gum sticking together money from the State and from the Federal Government and from passenger service.

This provision today will allow, we think, one of those private companies to step forward and work out an arrangement between the State of Wisconsin and the State of Illinois to provide private passenger service between Chicago and Milwaukee. It will allow similar innovative experiments to take place, for example in Missouri, where the Kansas City to St. Louis route has been abandoned with nobody to step forward and run train service there, as well.

There is also frankly tucked into this bill another important provision which will allow Amtrak, currently prohibited from contracting out work outside of food and beverage service, to begin to look at private sector vendors to do that. If they can provide service on airplanes and they can provide service at stadiums, they clearly can provide service to Amtrak and the passengers on trains as well.

It is interesting to go back and look. That is from one of those private Wisconsin firms interested in providing service between Milwaukee and Chicago who said, ''In our efforts to privatize the Hiawatha service between Milwaukee and Chicago, we have viewed the subcontracting provision as an obstacle that could eventually be overcome with protracted legal expenses and time. Removing the restrictions by statute ends this debate and saves potential private passenger rail providers, in Wisconsin and elsewhere, considerable time and money.''

Again, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from New York [Ms. MOLINARI] for the fine work they have done on this legislation, and urge my colleagues to vote ''yes'' as we begin to track Amtrak into the next century and begin to crack the door to allow the eventual privatization of Amtrak, which I and many of my colleagues completely agree with.

Mr. CASTLE. Mr. Chairman, I rise in strong support of H.R. 1788, the Amtrak Reform and Privatization Act. I would like to commend Representative MOLINARI and Chairman SHUSTER, who have worked hard on this legislation and who have made a commitment to supporting and protecting the future of Amtrak. Amtrak is important to our national infrastructure and transportation needs. The people of Delaware and their neighbors on the east coast depend on Amtrak for business and personal transportation.

The Amtrak Reform and Privatization Act makes much needed reforms to Amtrak. Amtrak's current problems are due to the fact that Amtrak has been operating like a Government agency, not like a private business. H.R. 1788 allows Amtrak to eliminate unprofitable routes and focus on the profitable ones. Moreover, this legislation ends the practice of awarding 6 years of severance pay to employees who lose their jobs because a route is discontinued, and allows Amtrak to contract out work, like other private entities. These provisions will give Amtrak's management the much needed flexibility it desires to operate more successfully. Further, the bill authorizes the necessary funds for the next 3 years to aid Amtrak in the transition from a publicly funded entity to a privately controlled business.

I am most familiar with the Northeast corridor and Amtrak facilities in Delaware. The Northeast corridor, which includes my commute from Delaware to D.C., is the most heavily traveled Amtrak route, and is the key mode of transportation for thousands of people on the east coast. The line extends from Washington to Boston with the heaviest service

density from Washington to New York. The Amtrak Reform and Privatization Act replaces the current method of cost-sharing agreements between Amtrak and other operators on the Northeast corridor with one which allows Amtrak to negotiate terms with these operators. This will allow Amtrak to recoup shared capital costs that are not addressed under the current system.

I believe this Nation needs passenger rail service. The Northeast part of our country certainly needs it. I believe the Amtrak Reform and Privatization Act will help provide cost-effective rail service to Americans without placing an undue burden on the Federal Government and, more importantly, the taxpayers.

Again, I applaud the leadership of Representative MOLINARI and Chairman SHUSTER, and urge my colleagues to support the bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to H.R. 1788. Amtrak provides an especially important long-distance transportation alternative for sparsely settled States such as Nebraska and others in the northern Great Plains and Rocky Mountain West. This Member supports the continuation of Amtrak and believes that long-distance train service should maintain its role in the Nation's overall transportation strategy. Unfortunately, this bill facilitates the elimination of routes and increases the likelihood that long-distance rail service will be impaired or eliminated in many areas, especially sparsely settled States.

This Member does not want to see passenger train service confined only to high-density corridors. If Federal subsidies are provided to Amtrak, then it should continue to serve as a truly national system. Federal subsidies from taxpayers from throughout the Nation for a limited, regional system would not be justified.

Although H.R. 1788 contains some positive reforms, this member is concerned that it will hasten the demise of long-distance routes. Mr. Chairman, for that reason this Member must oppose the legislation.

Mr. SMITH of Michigan. Mr. Chairman, as a chairman of the Budget Committee working group on physical capital, I rise to support H.R. 1788. Our Budget Committee recommended we make major cuts in transportation subsidies. Our inefficient rail programs have been losing money hand over fist for dozens of years. It is time to stop throwing good money after bad. Ultimately, we will phase out operating subsidies for mass transit.

Amtrak railroad has been losing tons of tax dollars—so we need to phase out operating and capital subsidies. And to give Amtrak a chance to make it on its own, we get rid of the thicket of regulations that keep Amtrak from being more competitive.

BACKGROUND

In 1970, the Congress created Amtrak as a for-profit corporation to provide nationwide intercity passenger rail service. Amtrak was expected to help alleviate the overcrowding of airports and highways, and to offer the public a convenient and efficient transportation alternative.

Like all major national intercity rail services in the world, Amtrak operates at a loss, and it has always needed Government funding. In 1995, Amtrak received nearly $1 billion in operating subsidies from the Federal Government. Amtrak's financial and operating conditions have declined steadily since 1990.

FINANCIAL CONDITION

From 1991 to 1994, revenues were $600 million lower than expected, while expenses were higher than planned. In the same time period, passenger, revenues have fallen 14 percent in real terms. Amtrak's revenues and subsidies did not cover operating expenses, and Amtrak also deferred maintenance on train equipment. It also reduced staffing levels and some services.

Even with the proposed route downsizing and other savings initiatives, Amtrak expects that operating expenses will exceed the sum of operating revenues and the Federal subsidy by $1.3 billion from 1996 through 2000. Plus, Amtrak will still need over $4 billion for capital investments. Unmet capital needs in the Northeast Corridor alone now total $2.5 billion.

To cope with funding shortages, in the late 1980's Amtrak started reducing train car maintenance. By the end of 1993, costly heavy overhauls where overdue for 40 percent of its nearly 1,900 cars. Amtrak also deferred renovating and modernizing its outdated maintenance facilities, contributing to its spiralling costs of inefficiency.

In the immediate future, Amtrak will face new negotiations with its labor force, the costs of which presently represents 52 percent of Amtrak's operating costs. Also, Amtrak faces certain cost increases for track leases, which will be renegotiated in 1996 for the first time since their agreement in 1971. H.R. 1788 helps Amtrak to survive.

PRIVATIZATION

None of Amtrak's routes—even those in the Northeast Corridor—are profitable when capital costs are taken into account. Revenue in the Northeast Corridor cover 65 percent of the costs on the routes, compared to about 50 percent for routes elsewhere.

Amtrak's fastest growing sources of revenues is contracts to operate local commuter rail systems. These contracts generated over $270 million in 1994. Over the long term, Amtrak believes that high-speed rail service will increase ridership and revenues. High-speed service is now limited to track between DC and NYC, with extension to Boston underway. Amtrak has a 45 percent market share between DC and NYC. Private sector efforts to sponsor high-speed rail without substantial Government funding have been unsuccessful.

Mr. Chairman, the American people have had enough of big bureaucracies and increased taxes for handouts. By saving billions of dollars out of the physicial capital budget, we help put our Nation on the path to a balanced budget. H.R. 1788 is a modest but necessary beginning.

Mr. DELAY. Mr. Chairman, my good friend and noted railroad expert Ray Chambers put it correctly. It is entirely possible to have healthy passenger rail service again in America. Congress would like it, and the American public would like it. But Amtrak today is fatally dependent on Federal operating subsidies.

This bill is the big first step toward allowing Amtrak to be self-sufficient. It makes many concessions that allow passenger rail service to flourish.

For years, passenger rail transportation has been weighted down with rules, regulations, and politics. Amtrak's board is controlled by the Federal Government. Many of the routes Amtrak travels have been designated right here by Members of Congress. Because of the long-distance trains that are politically designated, schedules to connect to these long-distance trains are driven by necessity rather than passenger demand. Under the legislation, Amtrak would decide the merits of various routes according to commercial potential, not arbitrary statutory preference. What a novel idea. Supply and demand.

This legislation allows Amtrak to climb out of another hole. The tremendous weight of Labor restrictions. Although I would have like to have seen the committee go much further, there are several provisions in the legislation that enable Amtrak to crawl out from under the Labor rock and begin to function competitively and efficiently.

A Seattle-based think tank, Discovery Institute, has taken a close look at Amtrak and its problems. They have devised a six-step approach that takes a reasonable approach toward creating self-sufficient, private, and competitive Amtrak. Their plan is forward thinking and deserves a close look.

There is already strong congressional support for a plan such as the Discovery Institute and other plans that offer privatization, self-sufficiency, and competition. With public support, these ideas could be instituted in a matter of a few years. Until the 1950's, the American train system was the best in the world. The airplane did not kill passenger rail service, Government and Labor's rules, regulations, and demands did. We in Congress have the ability to make passenger rail in the United States a success.

This bill is the necessary first step toward that goal.

Mr. KIM. Mr. Chairman, I rise in opposition to the amendment and in strong support of H.R. 1788 as it was reported from committee.

As a member of the Railroad Subcommittee and the full Committee on Transportation and Infrastructure, I can assure you that the authorization levels included in our bill are necessary for Amtrak reform.

Let me be clear, our bill puts Amtrak on a glide path to zero Federal subsidies.

Our bill conforms to the House budget resolution which eliminates Federal spending on Amtrak by the year 2002.

Our committee made substantial reforms to Amtrak that will make it operate like a private company and survive without Government subsidies.

Our bill makes some tough changes to Amtrak, and it will require major sacrifices by Amtrak and its employees.

These reforms will be difficult, but they are essential if Amtrak is going to survive into the next century.

For example, our bill eliminates Amtrak's mandated route system.

Amtrak will now be able to open routes that are profitable and close routes that lose money.

Under current law, Amtrak can't eliminate some routes without congressional approval. That's ridiculous.

Our bill also eliminates several labor provisions in law and transfers them to a collective bargaining process.

The labor unions strongly support these reforms and agree that Amtrak will save millions of dollars as a result.

But make no mistake. Amtrak will not experience significant savings for a few years.

It will take time for Amtrak to shut down money losing routes and contract out unprofitable operations.

As a result, Amtrak will need Federal subsidies for the next few years.

The Hefley amendment cuts Amtrak's budget immediately. Each year Amtrak's budget would be cut an additional 20 percent.

Now this may sound like a good idea, but the result will be the death of Amtrak.

Amtrak cannot survive the proposed cuts in the gentleman's amendment.

If Amtrak's subsidies are cut before the reforms are made, Amtrak will be forced to cut service on all of its routes.

Amtrak simply cannot afford to cut its revenue operations. This would only exacerbate Amtrak's financial problems and lead it to bankruptcy.

This amendment would devastate Amtrak.

You do not have to vote for this amendment to cut Federal subsidies for Amtrak.

Our bill already does that. Our bill makes the reforms needed to get Amtrak off Federal subsidies entirely.

If you want to save Federal dollars and save Amtrak, vote against this amendment.

Again, I urge my colleagues to vote against this amendment and support H.R. 1788. Thank you.

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

Ms. MOLINARI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part 1 of House Report 104–370, shall be considered by title as an original bill for the purpose of amendment. The first section and each title are considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 2 of the report, if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

If that amendment is adopted, the bill as then perfected will be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amtrak Reform and Privatization Act of 1995''.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. 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. SHUSTER: Page 33, line 14, insert '', and with respect only to the facilities it jointly uses with Amtrak, a commuter authority,'' before ''shall not be''.

Page 33, line 18, insert ''For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements.'' after ''January 1, 1998.''.

Page 36, after line 21, insert the following new section:

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

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

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

This is a bipartisan amendment which has the support of both sides of the aisle. The first part of the amendment gives Amtrak 1 additional year to comply with the station modification deadlines imposed by the Americans With Disabilities Act.

Amtrak has an ongoing program to make stations accessible, but is not able to meet the 1997 deadline. This provision covers both Amtrak-only stations and stations which Amtrak shares with commuter rail operators.

The second part of the amendment directs the Department of Transportation to transfer title to the State of Florida for some leftover aluminum materials used in magnetic levitation research in the 1970's. The materials are now stored in Pueblo, CO. This provision merely confirms what the Department of Transportation was directed to do in the House report on the National Highway System. It involves no expense to the Department of Transportation.

I would ask for its support.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the 5 minutes on our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the manager's amendment which simply clarifies, first, that where a commuter railroad shares a facility with Amtrak, the two railroads are subject to the same compliance date under the Americans With Disabilities Act, and the second deals with the request by the gentleman from Florida [Mr. MICA] to transfer property that the Federal Railroad Administration has at its test center in Pueblo, CO, to the State of Florida for use by the State.

The Federal Railroad Administration does not need this test equipment any further. The State of Florida wishes to do so. There is a reversion clause that if the State does not use this equipment, it can be returned to the Federal Railroad Administration.

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

Mr. OBERSTAR. I yield to the gentleman from Illinois.

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

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding.

I simply want to say that I stand in support of the manager's amendment.

Mr. Chairman, I support the manager's amendment. It has two components.

Section 610 of H.R. 1788 allows Amtrak to delay compliance with certain provisions of the Americans With Disabilities Act, but does not afford the same benefit to commuter railroads which share stations with Amtrak. Without this provision, commuter rail authorities could bear the entire cost of making stations accessible to people with disabilities when the stations are renovated. The amendment assures that commuter railroads are given the same treatment as Amtrak and are not penalized in any way.

The second element of the manager's amendment requires the Federal Railroad Administration to transfer some unused magnetic levitation test track equipment to the State of Florida. Since Florida needs the equipment and the FRA doesn't this move makes sense. In the event Florida is unable to use the equipment, it will be returned to the FRA.

Mr. Chairman, I support this amendment and urge its adoption.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute, as modified, as amended, be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute, as modified, as amended, is as follows:

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

''(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

''(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

''(B) If Amtrak enters into a contract as described in subparagraph (A)—

''(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

''(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

''(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.''.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

(a) BELOW-COST COMPETITION.—Section 24305(b) of title 49, United States Code, is amended to read as follows:

''(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

''(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.''.

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

''(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 10922(d)(1)(F)(i) of this title, other than a recipient of funds under section 18 of the Federal Transit Act;

''(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

''(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

''(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.''.

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.''.

SEC. 103. FREEDOM OF INFORMATION ACT.

Section 24301(e) of title 49, United States Code, is amended by striking ''Section 552 of title 5, this part,'' and inserting in lieu thereof ''This part''.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''90 days'' and inserting in lieu thereof ''180 days'';

(B) by striking ''a discontinuance under section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''discontinuing service over a route''; and

(C) by inserting ''or assume'' after ''agree to share'';

(2) in subsection (a)(2), by striking ''section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''paragraph (1)''; and

(3) by striking subsection (b).

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking '', 24701(a),''.

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.''.

SEC. 203. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) EXISTING AGREEMENTS.—Amtrak shall not, after the date of the enactment of this Act, be required to provide transportation services pursuant to an agreement entered into before such date of enactment under the section repealed by subsection (a) of this section.

(c) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) of title 49, United States Code, is amended by inserting '', separately or in combination,'' after ''and the private sector''.

(d) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ''or 24704(b)(2)''.

SEC. 206. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 24301(f) of title 49, United States Code, is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.''.

(2) Subsection (a) of this section shall not affect any trackage rights held by Amtrak or the Consolidated Rail Corporation.

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

(a) DETERMINATION OF COMPENSATION.—Section 24904 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

(3) in subsection (b), as so redesignated by paragraph (2) of this subsection—

(A) by striking ''TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES'' in the subsection head and inserting in lieu thereof ''FREIGHT TRANSPORTATION'';

(B) by inserting ''relating to rail freight transportation'' after ''subsection (a)(6) of this section'' in paragraph (1); and

(C) by inserting ''to an agreement described in paragraph (1)'' after ''If the parties'' in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

''(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

''(2) The parties to a dispute described in paragraph (1) may agree to use the Interstate Commerce Commission to arbitrate such dispute, and if requested the Interstate Commerce Commission shall perform such function.''.

(b) PRIVATIZATION.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

''(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak's operations.''.

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended—

(1) in subsection (e), by inserting ''financial or'' after ''Comptroller General may conduct''; and

(2) by adding at the end the following new subsection:

''(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.''.

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—(1) Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to each dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 180 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to any dispute described in subsection (a) which—

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 224 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 302. SERVICE DISCONTINUANCE.

(a) REPEAL.—(1) Section 24706(c) of title 49, United States Code, is repealed.

(2)(A) Any provision of a contract, entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees, relating to—

(i) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(ii) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak is extinguished. This paragraph shall not apply to provisions defining the scope or classification of work performed by an Amtrak employee.

(B) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, subparagraph (A) shall take effect 164 days after the date of the expiration of such moratorium.

(3) Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

(4) Paragraphs (1) and (2) of this subsection shall take effect 254 days after the date of the enactment of this Act.

(b) INTERCITY PASSENGER SERVICE EMPLOYEES.—Section 1165(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1113(a)) is amended—

(1) by inserting ''(1)'' before ''After January 1, 1983'';

(2) by striking ''Amtrak, Amtrak Commuter, and Conrail'' and inserting in lieu thereof ''Amtrak and Conrail'';

(3) by striking ''Such agreement shall ensure'' and all that follows through ''submitted to binding arbitration.''; and

(4) by adding at the end the following new paragraph:

''(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90 days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.''.

(c) TECHNICAL AMENDMENT.—Section 11347 of title 49, United States Code, is amended by striking ''sections 24307(c), 24312, and'' and inserting in lieu thereof ''section''.

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

''(A) punitive damages shall not exceed the greater of—

''(i) $250,000; or

''(ii) three times the amount of economic loss; and

''(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than $250,000.

''(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

''(3) For purposes of this subsection—

''(A) the term 'actual damages' means damages awarded to pay for economic loss;

''(B) the term 'claim' means a claim made, directly or indirectly—

''(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

''(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

''(C) the term 'economic loss' means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

''(D) the term 'noneconomic damages' means damages other than punitive damages or actual damages; and

''(E) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

''(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

''(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation act.

''(d) DEFINITION.—For purposes of this section, the term 'rail carrier' includes a person

providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.''.

(b) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

''28103. Limitations on rail passenger transportation liability.''.

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 of title 49, United States Code, is amended to read as follows:

''§ 24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 of title 49, United States Code, in the table of sections of chapter 243 of such title is amended to read as follows:

''24304. Employee stock ownership plans.''.

(b) REDEMPTION OF COMMON STOCK.—(1) Amtrak shall, within 2 months after the date of the enactment of this Act, redeem all common stock previously issued, for the fair market value of such stock.

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

(3) Amtrak shall redeem any such common stock held after the expiration of the 2-month period described in paragraph (1), using procedures set forth in section 24311(a) and (b).

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) NOTE AND MORTGAGE.—(1) Section 24907 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(2) The United States hereby relinquishes all rights held in connection with any note obtained or mortgage made under such section 24907, or in connection with the note, security agreement, and terms and conditions related thereto entered into with Amtrak dated October 5, 1983.

(3) No amount shall be includible in Amtrak's gross income for Federal tax purposes as a result of the application of this subsection or subsection (c).

(e) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) of title 49, United States Code, is amended by inserting '', and shall not be subject to title 31, United States Code'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (M) as subparagraphs (A) through (L), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

Section 24104(d) of title 49, United States Code, is amended to read as follows:

''(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.

SEC. 503. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 of title 49, United States Code, is amended to read as follows:

''§ 24302. Board of Directors

''(a) EMERGENCY REFORM BOARD.—

''(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

''(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) In selecting individuals for nominations for appointments to the Emergency Reform Board, the President should consult with—

''(i) the Speaker of the House of Representatives concerning the appointment of two members;

''(ii) the minority leader of the House of Representatives concerning the appointment of one member;

''(iii) the majority leader of the Senate concerning the appointment of two members; and

''(iv) the minority leader of the Senate concerning the appointment of one member.

''(C) Appointments under subparagraph (A) shall be made from among individuals who—

''(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

''(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

''(b) DIRECTOR GENERAL.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

''(c) BOARD OF DIRECTORS.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved.''.

(b) EFFECT ON AUTHORIZATIONS.—If the Emergency Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before March 15, 1996, all provisions authorizing appropriations under the amendments made by section 701 of this Act for a fiscal year after fiscal year 1996 shall cease to be effective.

SEC. 504. REPORTS AND AUDITS.

Section 24315 of title 49, United States Code, as amended by section 208 of this Act, is further amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsections (b), (d), (e), (f), (g), and (h) as subsections (a), (b), (c), (d), (e), and (f), respectively; and

(3) in subsection (d), as so redesignated by paragraph (2) of this section, by striking ''(d) or (e)'' and inserting in lieu thereof ''(b) or (c)''.

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting ''The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.'' after ''with comparable responsibility.''.

SEC. 506. EXEMPTION FROM TAXES.

Section 24301(l)(1) of title 49, United States Code, is amended—

(1) by inserting '', and any passenger or other customer of Amtrak or such subsidiary,'' after ''subsidiary of Amtrak'';

(2) by striking ''or fee imposed'' and all that follows through ''levied on it'' and inserting in lieu thereof '', fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom''; and

(3) by amending the last sentence thereof to read as follows: ''In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1995.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) APPOINTMENT.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the ''Council'') shall be appointed under this section.

(b) DUTIES.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

(c) MEMBERSHIP.—(1) The Council shall consist of 7 members appointed as follows:

(A) Two individuals to be appointed by the Speaker of the House of Representatives.

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

(E) One individual to be appointed by the President.

(2) Appointments under paragraph (1) shall be made from among individuals who—

(A) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation and corporate management; and

(B) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

(3) Within 40 days after the date of the enactment of this Act, a majority of the members of the Council shall elect a chairman from among such members.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) REPORTS.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors

and the Congress an interim report on its findings and recommendations.

(2) Within 270 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress a final report on its findings and recommendations.

(h) STATUS.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.) or section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 602. PRINCIPAL OFFICE AND PLACE OF BUSINESS.

Section 24301(b) of title 49, United States Code, is amended—

(1) by striking the first sentence;

(2) by striking ''of the District of Columbia'' and inserting in lieu thereof ''of the State in which its principal office and place of business is located''; and

(3) by inserting ''For purposes of this subsection, the term 'State' includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal office and place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act.'' after ''in a civil action.''.

SEC. 603. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ''rail carrier under section 10102'' and inserting in lieu thereof ''railroad carrier under section 20102(2) and chapters 261 and 281''; and

(2) by amending subsection (c) to read as follows:

''(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11303, 11342(a), 11504(a) and (d), and 11707. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 604. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking ''1996'' and inserting in lieu thereof ''2001''.

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

Section 24313 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24902(a)(1)(A) of title 49, United States Code, is amended by striking ''and 40 minutes''.

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

Section 24902(f) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Improvements under''; and

(2) by adding at the end the following new paragraph:

''(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls, Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak's own requirements for electrified passenger service are provided by public or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.''.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (11);

(2) by redesignating paragraphs (4) through (8) as paragraphs (2) through (6), respectively;

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

''(7) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail;'';

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting '', including a unit of State or local government,'' after ''means a person''; and

(5) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

Section 4023 of the Conrail Privatization Act (45 U.S.C. 1323), and the item relating thereto in the table of contents of such Act, are repealed.

SEC. 615. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities and intermodal passenger facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 616. CONFORMING AMENDMENT.

Section 10362(b) of title 49, United States Code, is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 24104(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $772,000,000 for fiscal year 1995;
''(2) $712,000,000 for fiscal year 1996;
''(3) $712,000,000 for fiscal year 1997;
''(4) $712,000,000 for fiscal year 1998; and
''(5) $403,000,000 for fiscal year 1999,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C).''.

(b) ADDITIONAL AUTHORIZATIONS.—Section 24104(b) of title 49, United States Code, is amended to read as follows:

''(b) ADDITIONAL AUTHORIZATIONS.—(1) In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(A) $200,000,000 for fiscal year 1995;
''(B) $200,000,000 for fiscal year 1996;
''(C) $200,000,000 for fiscal year 1997;
''(D) $200,000,000 for fiscal year 1998; and
''(E) $200,000,000 for fiscal year 1999,

for the benefit of Amtrak to make capital expenditures under chapter 249 of this title.

''(2) In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(A) $21,500,000 for fiscal year 1995;
''(B) $10,000,000 for fiscal year 1996;
''(C) $10,000,000 for fiscal year 1997;
''(D) $10,000,000 for fiscal year 1998; and
''(E) $10,000,000 for fiscal year 1999,

for the benefit of Amtrak to be used for engineering, design, and construction activities to enable the James A. Farley Post Office in New York, New York, to be used as a train station and commercial center and for necessary improvements and redevelopment of the existing Pennsylvania Station and associated service building in New York, New York.''.

(c) CONFORMING AMENDMENTS.—Section 24909 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(d) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) $50,000,000 for fiscal year 1996;
(2) $50,000,000 for fiscal year 1997;
(3) $50,000,000 for fiscal year 1998; and
(4) $50,000,000 for fiscal year 1999,

for guaranteeing obligations of Amtrak under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(e) CONDITIONS FOR GUARANTEE OF OBLIGATIONS.—Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not require, as a condition for guarantee of an obligation under this section, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.''.

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. 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. CLEMENT: Page 36, after line 21, insert the following new section:

SEC. 617. RAILROAD LOAN GUARANTEES.

(a) DECLARATION OF POLICY.—Section 101(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

''(4) continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States;''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market,'' and inserting in lieu thereof ''shall not exceed the annual percentage rate charged equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

''(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;''.

(d) DETERMINATION OF REPAYABILITY.—Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5) is amended to read as follows:

''(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

Mr. CLEMENT. Mr. Chairman, earlier this year, I introduced legislation with my good friend and colleague, SPEAKER BACHUS, to amend the section 511 Railroad Loan Guarantee Program and make it more accessible for small carriers. This legislation enjoys strong bipartisan support from Members both in committee and in the whole House.

The section 511 Loan Guarantee Program is tremendously important to the 530 small railroads that operate in every State and provide access to the Nation's major rail network for thousands of shippers. Authorized since 1976, this loan program provides a source of long-term capital for infrastructure and equipment.

However, in recent times funds have not been available for investment in regional and short line infrastructure projects at the very time these companies have taken over 35,000 miles of failing railroad lines. And more lines will be headed for abandonment as the major railroads merge and consolidate their operations.

Regional and shortline railroads are businesses operating on lines that otherwise would have been abandoned. Many of these lines had been undermaintained for decades. Furthermore, most commercial banks do not understand railroading and are leery of rail loans. Track and infrastructure loans to maintain and upgrade 30-year assets are made available only at high interest rates and short payback periods. These terms are not viable for these small businesses.

In addition, acquisition of a line by the railroad often requires high-cost, short-term debt which drains internally generated cash which could otherwise be devoted for rehabilitation. This has created a credit crunch throughout the regional and short line industry. A 1993 report to Congress from the Federal Railroad Administration stated that there is a $440 million shortfall in routine maintenance funding for class II and class III freight railroads that cannot be generated by internal cash or borrowed on acceptable terms. There is clearly a demonstrated need for the section 511 program.

The amendment proposed by myself and Congressman SPENCER BACHUS would make several modest, some may even say technical, changes to the section 511 program to make it more compatible with the needs of small railroads and for its use in the commercial banking sector. Specifically, the amendment would set the interest for guaranteed railroad loans at the Federal Treasury rate and establish a minimum repayment period of 15 years. The amendment also allows the asset being financed to be used as collateral for the loan.

These changes are necessary to allow small railroads to complete larger, multiyear track and bridge projects. More importantly, in this new era of fiscal consciousness, these changes to the section 511 railroad loan guarantees program have a negligible budget impact. The program is already permanently authorized at $1 billion, of which approximately $980 million is currently available for commitment.

Mr. Chairman, this amendment will help an important segment of our transportation system. The amendment is supported by the Regional Railroads of America, the American Short Line Railroad Association, and the American Association of State Highway and Transportation Officials. I urge the adoption of the Clement-Bachus amendment.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a good amendment. It makes the loan guarantee program more user-friendly. We support it on this side and urge its adoption.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my good friend from Tennessee, BOB CLEMENT.

Mr. CLEMENT's amendment is based on legislation he has introduced, H.R. 2205, the Rail Infrastructure Preservation Act of 1995. I am an original cosponsor of this legislation, and I fully support Mr. CLEMENT's effort to include the relevant portions of that bill in the Amtrak reauthorization.

H.R. 1788 authorizes $50 million annually for loan guarantees under the program created by section 511 loan guarantee program. Although the section 511 loan program has been used principally to support rehabilitation of branch lines in rural areas, the bill expands the program for use on Amtrak's infrastructure. I strongly support inclusion of this provision in this legislation.

Mr. CLEMENT's amendment amends section 511 to make it easier for borrowers to qualify for loans. It clarifies the program's purposes to favor continuation of service on or preservation of light density rail lines. It reduces the interest rate for guaranteed railroad loans to the Treasury bond interest rate. It establishes a 15-year repayment period for the loan, but allow prepayment without penalty after 5 years. Finally, the amendment enables the Secretary of Transportation to waive collateral requirements if he thinks repayment is likely.

This amendment will remove arbitrary barriers currently preventing the most effective use of the program. It takes a good program and makes it better. I urge adoption of the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield to me?

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

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

I, too, rise in support of the Clement amendment.

The problem that it addresses is that of rehabilitation of branch lines in rural areas, and it addresses that problem in a very reasonable, responsible, thoughtful way by providing financing mechanisms that would make it possible through loan guarantee programs to lower the interest rate and provide a penalty-free prepayment period after 5 years, empower the Secretary of Transportation to waive collateral requirements. Those are financial impediments to investment in those branch lines that are so important to service in rural areas.

Believe me, I know. I have got a rural district, and we need this kind of service, and I think the amendment comes too late for most of my district. Those branch lines were abandoned a long time ago. Had we had such language 20 years ago, many small towns in the 8th District of Minnesota and elsewhere in the State of Minnesota would still be competitive economically because they would have branch line rail service.

I commend the gentleman for offering the amendment. I commend the gentleman from Illinois for working it

out, and I appreciate the support of the chairman of our committee on this amendment.

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

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

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

Mr. FILNER. Mr. Chairman, I, too, rise in support of the Clement-Bachus amendment.

Mr. OBERSTAR talked about rural help. This will also help urban areas.

In San Diego, for example, the 511 program will help us revise a railroad that will go from the port of San Diego to connect up with the national rail system to the east coast. It will completely transform the economy of San Diego if we were able to revive this line under the program that 511 authorizes.

So, Mr. Chairman, both sides, this amendment is important. It will help the economy of the United States in many, many areas.

Mr. Chairman, I want to rise in support of the proposal put forward by Congressman CLEMENT to amend the 511 Loan Guarantee Program. I commend Congressman CLEMENT for his initiative. In my view this program is essential to the continuation of service on light density Rail lines that are necessary to continued employment and community well-being throughout the United States.

This is an area of great interest to me. As the House may recall, together with my colleague, Congressman COOLEY and Congressman RAY LAHOOD, I engaged in a colloquy with the chairman of the Transportation Appropriations Subcommittee to support this basic policy.

This is an excellent proposal to help support the critical rail infrastructure of this country. The directly competitive truck and barge industries receive great funding windfalls from transportation infrastructure investment. Critical regional and shortline railroads have no access to similar funds. Reactivation of the 511 program will insure the reconstruction and repair of a significant portion of America's rail infrastructure which is operated by regional and shortline railroads.

The 511 Loan Guarantee Program has been authorized since 1976. In the 1970's and 1908's it was primarily used to assist large financially troubled railroads. The Clement amendment will help meet the infrastructure needs of small railroads. In recent times, funds have not been available for investment in regional and shortline infrastructure at the very time these companies have taken over 35,000 miles of failing railroad line. Most of these lines were headed for abandonment by the large railroads.

An example of such a small railroad can be found in my own district. In 1984, a Texas firm which operates shortline railroads, established the San Diego & Imperial Valley Railroad, which provides freight service over a central line at night when the municipal trolleys are not operating. This small railroad has provided good service and been profitable.

Unfortunately, in 1976, major sections of the track were destroyed on the Desert Line which connects the San Diego & Imperial Valley to the National Railroad System. It has long been a major objective of the San Diego Association of Governments to reconnect the railroad to the National Rail Network in the Imperial Valley. This will have major benefits for shippers in the San Diego area and will provide relief for the transit lines which currently carry both freight and passengers into Los Angeles. Even though the track itself is owned by the transit district, management of the San Diego & Imperial Valley Railroad has informed us that they will finance the reconnection if section 511 loan guarantees are made available.

I strongly urge my colleagues to support Congressman CLEMENT's amendment that will allow the small regional and shortline railroads, such as the San Diego and Imperial Valley, to maintain their infrastructure needs and continue to provide essential freight service.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Let me simply say this: We have all seen branch lines and spur lines across this country, and a lot of those lines, to us, look like two iron rails with a lot of weeds in the middle, and sometimes you even think that they are abandoned. But about once a week or once a day a train will go down that track, and it will haul two or three box-cars or haul a tank car or a hopper car, and it is always headed for a factory or to a grain elevator. We may say, ''What is the use of saving these lines that are used only once or twice a week or once a day? Why don't we just let them die?''

What we have to understand is when we let those lines die, we kill jobs. We kill jobs in rural America. We may have a branch line that runs 100 miles and serves seven or eight grain elevators. When that line dies, not only do we lose three or four jobs on that railroad but we also lose those jobs at the grain elevators and we lose those farmers' opportunities to get their grain, to sell their grain, to have that grain go overseas and contribute to a trade surplus, not a trade deficit like we have today.

□ 1200

I have a factory in my district that employs 14 people. Once every 10 days, two tank cars are delivered to that factory. The railroad loses about $2,000 every month supplying that factory, but that factory makes a $40,000 a week payroll to that community. So we have to in certain cases not only protect those lines, not for the railroad jobs, but for the factory jobs, because that is also the largest employer in a small town in my district.

So this bill is absolutely critical. If you vote against this amendment, then you are voting against small business and you are voting against some large businesses in some very small towns. You are going to kill some small towns. You are going to kill some factories. This is as good an amendment as you will see on the floor of this House, and I urge its passage.

I also say one day, if this bill is defeated, the entire bill, we are going to lose another opportunity. Today in Paris, France, 1,500 trains will leave Paris, France, delivering passengers. Amtrak has about 200 trains a day. France is the size of Texas. We do not have much of a passenger system left in this country.

In Japan, 20 percent of the people that travel today will travel on trains. Here, less than 1 percent will travel by train. When we talk about future generations, we owe it to future generations to work out not only this short-term solution to preserving passenger rail transportation, but also a long term solution.

The Japanese, the Germans, the British, and the French, they all have excellent train travel. 15, 20, 25 percent of their citizens take advantage of that on either a daily or a weekly basis. We can do the same. We can compete, and, in doing so, we can end the gridlock on our highways and the dangerous situation we have in our skies today.

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

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

Mr. OBERSTAR. Mr. Chairman, I compliment the gentleman on his vision of transportation and his understanding of the interrelationships of short line rail service and small town economics. That is what we are talking about. The gentleman painted it in very graphic terms. Also his larger vision of high speed rail service, which I addressed in my opening remarks on the bill today.

I just want to compliment the gentleman and associate myself with his observations.

Mr. BACHUS. Mr. Chairman, we are going to spend much less than $1 billion each year over the next few years on passenger rail travel. The Germans today are building one 86-mile rail corridor at the cost of $5.7 billion. They are putting people to work building for the future.

If this bill goes down, we lose our dream of having a good transportation system in this country. We can put people to work, we can build on that dream, or we can turn our backs on viable transportation in this country. I would urge a ''yes'' vote on the bill and on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. 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. TRAFICANT]: Page 5, after line 14, insert the following new section:

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track

work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to ensure that Amtrak's specifications match the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall annually report to the Congress on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment deals with an issue where the track that is being purchased, new track, much of it is being purchased from Europe. One of the reasons that Amtrak is buying most of its track from Europe is because their limited specifications have made it almost impossible for American manufacturers to bid competitively in this arena.

The Traficant amendment basically says that Amtrak and the American manufacturers shall get together, sit down, talk about these specifications, see how they can be in fact worked out, and see how engineering assistance and some engineering advice could be granted to the American manufacturers of trackwork so they would have an opportunity to make it and get some of that business.

Finally, it calls for a report to the Congress within 2 years after the date of enactment of this bill on the progress they are making, including a statement on the percentage of America's trackwork contracts that are awarded to American manufacturers.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this is an excellent amendment. We support it on this side and urge its adoption.

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

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

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Ohio really is justifiably known in this Congress as Mr. Buy-American, and he constantly raises the consciousness of this body to the needs of protecting the American workplace against unfair practices from our foreign competitors. The instance in which the gentleman addresses us today is one such example of unfair competition from abroad.

The Subcommittee on Investigations and Oversight during the years when the gentleman from Pennsylvania [Mr. CLINGER] and I were working together on those matters, held hearings on the Buy American Act as it applied to rail, intracity rail transit systems, Corps of Engineers, and the highway program. We found that the Federal Highway Administration was 100 percent in compliance with the Buy American Act. All the steel going into our highways was American steel. The Corps of Engineers was about 90 percent. We brought them into compliance. Horrible was the Urban Mass Transit Administration, overlooking, turning the other way, not enforcing the existing law. As a result, we have lost capacity which has flown overseas, and foreign manufacturers have now changed the standards which American manufacturers invented and created, and now they cannot compete because they cannot comply.

The gentleman's amendment will put us back on track toward compliance and toward competitiveness again. I compliment the gentleman for raising this issue and bringing this amendment to us. I support the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to compliment the ranking member for all the work he has done before Members like myself got here. The gentleman deserves a lot of credit for most of these initiatives.

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

Mr. TRAFICANT. I yield to the gentleman from Illinois.

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

Mr. LIPINSKI. Mr. Chairman, I want to thank the gentleman from Ohio, ''Mr. Buy American,'' for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

There may be no one in this body who is as strong a supporter of American workers as Mr. ''Buy American.'' I have consistently supported the gentleman's efforts on this issue, and today is no exception.

Although Amtrak is already covered by a buy-American provision, because the so-called trackwork used by Amtrak is not produced in the United States, Amtrak is permitted to buy from a foreign manufacturer. Trackwork for freight railroads is manufactured in the United States, but these manufacturers do not presently build trackwork of the quality standards required for Amtrak's passenger trains.

This amendment requires that Amtrak and the American manufacturers work together to find ways to increase the ability of the manufacturers to meet Amtrak's specifications for trackwork. Amtrak will report back to Congress within 2 years on its progress.

Both Amtrak and the American trackwork manufacturers want Amtrak's trackwork to be procured from American firms. This amendment will enable them to work toward that goal.

Mr. Chairman, this is a well-reasoned buy-American amendment. I commend Mr. TRAFICANT for his leadership and urge adoption of the amendment.

Mr. Chairman, I also would like to compliment him on his performance yesterday on the sports talk show that I watched on television. The gentleman is not only an outstanding legislator, but he also happens to be one of the most knowledgeable people that we have here in Congress—not only football, which he played at the University of Pittsburgh, but also on baseball, basketball, and just about any other sport one can think of.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from New York.

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

Mr. BOEHLERT. Mr. Chairman, I welcome the opportunity to once again support the gentleman's amendment. It is a good amendment to a very good bill.

We are moving in the right direction with respect to Amtrak. I hope all of our colleagues are paying attention, because if they have not had personal experience with Amtrak, I encourage them to do so. It is more efficient, it is cleaner, it is doing a magnificent job, it saves energy, and it is energy efficient, and, boy, is that not refreshing these days, and it is environmentally clean. We should support Amtrak for all the right reasons. So I am glad to have a good amendment to a good bill for a worthy cause.

Mr. Chairman, I believe this is a good bill and will help Amtrak to become more business-like, cut costs, and become less dependent on Federal subsidies. In preparing for the reauthorization of Amtrak we listened to numerous expert public witnesses, Amtrak, and others associated with transportation. From these discussions it became clear that without significant cost-cutting reforms, Amtrak would not survive as a national system. This bill does bring about real reform for Amtrak in a number of key areas. More important, however, it gives Amtrak the tools it needs to become less dependent on direct Federal subsidies.

There are many of us on the committee who have Amtrak in their districts and know how vital that service is to the communities. When Amtrak came before the Railroad Subcommittee in February to testify, the corporation was faced with a huge deficit. Over the past 12 months, Amtrak has cut routes, has reduced frequencies on other routes, and has cut back its staff. Amtrak's efforts have led to significant cost savings and closed a significant shortfall in the past fiscal year.

As of the end of the fiscal year, passenger revenues are up, the work force has been pared down, and on-time and safety performance continues to improve. In the business plan put forth by Amtrak at the beginning of the fiscal year, the corporation projected a bottom-line improvement of $174 million. But the improvement exceeded expectations—Amtrak improved the bottom line by $193 million. The internal reforms being implemented and the aggressive business strategy being pursued at Amtrak are showing success.

Today we will take legislative actions to allow Amtrak to manage their system free from inefficient structures and legislatively imposed impediments. These next few years will be pivotal in determining Amtrak's future, and it is my desire to help Amtrak adhere to, and succeed at, the plan for self-sufficiency. Enactment of this bill is a significant step down that path, and I hope you will support it.

Mr. TRAFICANT. Mr. Chairman, I say if Amtrak does not restate their service to my valley, there is going to be hell in the Congress over the next several years. I ask for an affirmative vote.

Mr. FRANKS of New Jersey. Mr. Chairman, I move to strike the last word.

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 1788, and I want to particularly congratulate the gentlewoman from New York [Ms. MOLINARI], and the gentleman from Pennsylvania [Mr. SHUSTER] for producing this excellent bill. It would be a disgrace for our Nation not to have a national passenger railroad. If Congress does not pass this legislation, that is precisely what will happen.

In my home State of New Jersey, the gridlock on our highways and congestion at our airports would be enormous if Amtrak were to shut down. Anyone who doubts this fact should take a ride on the most heavily traveled roadway in all of the world, the New Jersey Turnpike, or try to catch a flight out of Newark Airport, one of the busiest airports in the Nation. Without the option to take the train, millions of travelers would be forced to drive or fly. As New Jersey's highways and airports are already operating at or near capacity, the delays and congestion would simply be intolerable.

Mr. Chairman, this bill represents a reasonable compromise that gives Amtrak a fighting chance to become financially self-sufficient. Without this bill, Amtrak goes out of business. I urge my colleagues to keep the trains running by supporting this legislation.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I am going to rise in support of H.R. 1788, the Amtrak Reform and Privatization Act. I want to commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, the gentlewoman from New York [Ms. MOLINARI], the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member, and others in the committee for their fine work on this piece of legislation.

Earlier this year I had introduced H.R. 832, the Amtrak Flexibility Act of 1995, which would have repealed the current statutory requirement that Amtrak pay every employee on a discontinued route severance pay equal to 1 year of full pay for every year of service up to 6 years maximum service. This bill repeals that requirement and does allow Amtrak to renegotiate its labor agreements.

The committee members and the Amtrak officials and union representatives have all worked on this particular section of the bill, and while no side is totally happy, they all agree that this is a good compromise. I support that compromise.

Mr. Chairman, I would like to point out that Amtrak has suffered a decline in ridership over the last several years and, as a result of that, their operating costs as a percentage of their total revenues have gone up, which has made it very difficult for them to make a profit. Hopefully with this legislation, Amtrak can reform itself, it can discontinue those routes that are uneconomic and maintain those routes that are, and there will be Amtrak passenger service in the parts of the country that support it.

So, Mr. Chairman, I rise in support of the amendment, in support of the bill, and again want to thank the leadership for this.

The bill revises a number of existing laws to enable the National Railroad Passenger Corporation [Amtrak] to operate less like a Government agency and more like a profitable business;

It eliminates restrictions on contracting out many services, and allows Amtrak to renegotiate labor agreements with its unions; and

It lifts the burdensome requirement that Amtrak continue operating the entire system of routes it inherited in 1971.

Part of Amtrak's current quagmire is a result of their statutory severence package, which this legislation finally deals with. This bill, H.R. 1788, permits management to renegotiate labor agreements without having a mandated 6-year provision in place.

H.R. 832, The Amtrak Flexibility Act of 1995, would have repealed the current statutory requirement that Amtrak pay every employee on a discontinued route severance equal to 1 year of full pay for every year worked for Amtrak up to a 6-year maximum, which the majority of employees quality for. H.R. 1788 achieves many of the goals addressed in my bill.

These labor protection requirements are relics of a bygone era. This statute was mandated to protect rail workers moving to the public sector when Amtrak was created in 1971. Only 35 of those original employees still work for Amtrak. Today, Amtrak employs 24,000 people. This legislation will permit Amtrak management to make the necessary reforms, so they have a chance to become profitable.

The State of Texas—according to Amtrak's own figures, their Texas ridership plummeted from 299,083 in 1993 to 202,412 in 1994. That's a loss of 32 percent. At the same time, Amtrak has only lost 13 of its 161 Texas employees. Additionally, non-payroll Amtrak spending has increased in Texas from $5.3 million to $8.5 million—an increase of 60 percent. This bill will permit Amtrak reduce unneeded routes in Texas while saving taxpayer's dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: In Section 401, strike lines 9 through 12 on page 18.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, the amendment I am offering today corrects a highly discriminatory provision of H.R. 1788 which caps the amount of noneconomic damages that a victim of a railroad accident may recover at $250,000 above the level of economic damages. This provision pertains not only to a claim against Amtrak, but would also apply to a claim against any railroad, subway system, or any other defendant, so long as the accident involved passenger rail operations. This is wrong, it is nonsensical, it is simply unfair.

My amendment would strike this provision from the bill and I urge its adoption.

Although not as highly publicized as airplane crashes, train accidents are occurring in alarming numbers every year. According to the latest Federal Railroad Administration statistics, there were 21,730 total train accidents in 1993 resulting in 1,279 deaths and 19,121 injuries. Many of these train accidents involved the provision of rail passenger transportation services. In fact, about 8.5 times more people died in accidents involving Amtrak in 1993 than died in all U.S. scheduled commercial airline accidents. A cap on noneconomic damages could exacerbate the situation without resulting in any significant cost savings.

The noneconomic damages in this bill would unfairly impact the most seriously injured accident victims; create an arbitrary and inflexible limit on recovery of pain and suffering damages regardless of the underlying circumstances of each case, that is, loss of eyesight is worth a maximum of $250,000 above economic damages and so is loss of eyesight combined with loss of hearing; and discriminate against women, the young, the elderly, and others who may not have large economic losses.

Here's how the cap would work: Recall that five children died, and many others were injured recently when a train smashed into a schoolbus at a grade crossing in Fox River Grove, IL. The noneconomic damages cap in this bill could limit the recovery of those children and their families to a paltry sum. Because the typical child does not suffer lost wages or other economic damages, even the most catastrophically injured children could be limited to just $250,000 if they cannot show economic harm.

Congress should be focusing on the critical need for improved rail safety in the United States, not hindering the ability of our legal system to fairly compensate accident victims and to hold negligent rail passenger transportation providers fully accountable.

□ 1215

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment. I must strongly oppose my friend's amendment. The liability limitations reflect the seriousness of a long series of negotiations so we could bring this bill to the floor with support on both sides, as well as with Amtrak and the freight railroads.

Limitations on liability from passenger rail accidents are absolutely necessary because the current arrangement unfairly requires the freight railroads, which are not forced to ask Amtrak to operate over their property by law, to assume the potentially ruinous financial risk of a passenger rail accident.

Current Amtrak payments of approximately $80 million to the freight railroads for the use of their right of way do not come close to covering the potential risk posed by a passenger rail accident. In Chase, MD, for example, in which 16 people were killed, Conrail settled out of court for approximately $130 million.

Limitations on liability in domestic passenger transportation are common. There is a statutory limitation which was enacted last year for the Virginia Railway Express Commuter Service. In addition, there are liability limitations for aviation and some transit operations.

Let me emphasize, Mr. Chairman, without a reliable fix for liability which is in this bill and which the gentlewoman's amendment would strike, the freight railroads are unlikely to permit any passenger rail operators other than Amtrak to use their right of way. Amtrak's current operating agreements with the freight railroads expire in April 1996.

If Congress does not settle the liability dispute now, the successor agency to the ICC, which has no expertise in this area whatsoever, will be forced to resolve this important issue. If the liability reform in this bill is stricken, it puts in jeopardy the entire success of the bill in the long run, so I strongly urge defeat of this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, admittedly we had not had time in advance, before consideration of the bill, to examine this issue. It has been raised just prior to coming to floor consideration of the bill. But on the merits, on just an analysis of the limitation in the bill, it strikes me that the bill limits noneconomic damages in the following way.

If a person of some means suffers lost income of, say, $1 million, that person can collect the $1 million plus up to $1,250,000 for pain and suffering, whatever that person can prove in court. On the other hand, if a child is injured in an accident, say from a family of lesser means, that child would have no lost income. The child's noneconomic damages, that is, those for pain and suffering, would be limited to $250,000.

On the one hand, why would you allow a person of substantial means, a wealthy person, to collect $1 million plus $1,250,500 and limit a child to $250,000? Why, on the other hand, would you tie pain and suffering to economic damages? They have no relationship one to the other. Most of those matters anyhow are covered by the insurance that the railroads cover. Of course, they are going to have an increase, should they have a rash of accidents, an increase in their insurance costs, but that is a separate matter.

It just strikes me that in dealing with problems of Amtrak, that we should not go beyond and get into tort law limitations. There is an element of fairness that we ought to address and that the gentlewoman's amendment certainly does address.

Furthermore, the bill does protect freight railroads by requiring—they expect agreements of Amtrak to indemnify the railroads for damages for Amtrak passenger operation injuries. So I think there is plenty of protection in this legislation for the freight railroads, but it is the passenger that comes up short. Regrettably, this is an issue we did not sufficiently address prior to coming to the House floor. It is now being addressed, and I think it should be. I think the gentlewoman's amendment should pass.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment strenuously. This amendment would subject Amtrak and the freight railroads providing infrastructure to Amtrak to unlimited noneconomic damages. This would effectively destroy a carefully crafted reform bill that addresses the current unworkable liability situation on Amtrak.

The cap that this amendment would eliminate is parallel to the one that the House approved in certain situations, such as medical malpractice, under the recent product liability bill. The key fact to keep in mind about liability reform the Amtrak is that it is the taxpayer who has to pay for excessive liability awards. Amtrak's liability either hits Amtrak directly or hits the freight railroad who furnished the track. Either way, the costs get passed back to the taxpayer, because Amtrak pays access charges to the freight railroads. Those charges necessarily include liability as a so-called incremental cost.

So be very clear about this. Under this amendment, the taxpayers of the United States who helped to finance Amtrak would have their fees increased in order to pay for this.

Remember also, this is not a voluntary service by the freight railroads, Amtrak, its access to their tracks by Federal law, whether the freight railroad wants to or not. This is in stark contrast to companies who sell a product or a service voluntarily.

So, in closing, let me just advise the Members here that we are talking about passing these costs on to the Amtrak riders and to the taxpayers in general who subsidize Amtrak service, and that this is a double penalty on freight railroads who, by Federal statute, have been allowed to service Amtrak.

We may in future years, if we are lifting this cap, have to rethink the Federal obligation to mandate services upon the freight railroads, because it seems to me that we cannot penalize in two situations, which is precisely what this does.

I urge all my colleagues to vote for the collins amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentlewoman from Illinios [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to point out just a few weeks ago on November 2, a toddler stroller got struck in the train door in the Greenwich Village subway station in New York; and however, you know, Esmae Pender was able to snatch Anthony, her 9-month-old son from the stroller seconds before the train pulled out of the station, and he escaped injury. However, this lady's incident occurred just 1 week after the November 25 accident in which a child was pulled from beneath a stroller caught in doors between a subway stop at Fifth Avenue subway station. My amendment would have enabled the parents of that little child to in fact have more than the economic damages of $250,000 that we are talking about here. I think it is a fair thing to do. I thank the gentleman for yielding.

Mr. LIPINSKI. I would like to say that this particular issue has been debated, discussed, negotiated upon to a great extent since we first started hearings on the Amtrak legislation. The language that exists in the bill at the present time from my perspective is a considerable improvement over what was in the bill originally.

By the same token, it has always been my position that I seriously question tort reform being involved in this Amtrak reform legislation. I also think that it is to a great degree really a matter of fairness. As I mentioned earlier, since the start of the Amtrak deliberation we have gone over this issue and gone over it and gone over it, and perhaps even though we were unaware of this amendment coming to the floor today until very recently, something like 5 minutes after we started a debate on the rule for this bill, I am happy that it has come to the floor.

I do support it, and I believe that it is only fitting and proper that in a democracy, that ultimately the Representatives of the people in total have an opportunity to vote on this particular, to vote on this particular issue. It should not be restricted simply to the members of the Committee on Transportation and Infrastructure.

So even though I know we have debated it forever, this is another opportunity for us to debate it, but more importantly, for the other Members of the

House of Representatives to have their opporutnity to vote ''yes'' or ''no'' on this type of amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Really, if we want to run a passenger railroad in this country and we want it to be affordable and accessible, we really have to make these reforms. I appreciate the gentlewoman's concern about award of economic damages for those that are harmed, but you have to create a balance. That is what this legislation does, is try to get us to a position where we can have an affordable railroad.

If you will look at the two areas of concern, some labor reform, we have labor laws that go back to dozens and dozens of years ago that need adjustment, and we also have liability reform, which increased the costs and inability to run a railroad.

□ 1230

I asked the founder of Autotrain, which started out as a private enterprise, what factor contributed to their demise. They were running very well, running a profit privately; and he said, it was the liability question. They suffered several accidents, and liability brought that private enterprise down, and Government has had to take it over.

So if we want to continue employment, if we want to continue opportunity, we have to strike a balance, and liability reform is one of those. This House overwhelmingly passed liability reform, and the chairman of the committee has cited other instances where we, in fact, have liability reform in public transit. So there is a precedent for this.

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would like to respond to the original examples of the gentlewoman from Illinois [Mrs. COLLINS] that she gave regarding near accidents on the New York City subway system.

I would just like to point out that New York State has already and historically established limitations on liability for commuter operations, specifically because of the point that I raised, that in those instances if there was an unlimited cap, it is not the so-called Government who pays, it is the New York City subway rider or the taxpayer who has to pay that liability. So many, many States, including New York State, have actually taken the lead in what we are trying to do for Amtrak right now.

Mr. MICA. Mr. Chairman, reclaiming my time, I would just like to comment in closing that we tried to reach a compromise and a balance here, a balance between the rights of individuals and the ability of this country and this Government and Amtrak to operate. We have taken over this. We are trying to do our best to get Amtrak back on track, and we think that some of these reforms are both reasonable and needed, and I do oppose the amendment.

Mr. MASCARA. Mr. Chairman, I move to strike the requisite number of words.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, let me just point out that on November 15, 1995, just a week or so ago, a 65-car CSX freight train loaded with orange juice smashed into a pickup truck just south of Dade City. The collision knocked the pickup truck 20 feet off the crossing and caused the train to derail. The intersection where the accident occurred had no flashing lights or crossing gate, just a crossbuck sign and a large faded stop sign. It also has a history of accidents and close calls.

The driver of the pickup truck is a 34 year-old man, Steve Matala of Dade City, and he is listed in stable condition at St. Joseph's Hospital in Tampa.

On July 12, 1995, a train crashed into a car at a rural Polk County crossing in Florida, killing Marie Meyer, 26, and her oldest son, Neil. Younger siblings, Douglas and Brenda, survived the crash. Now, some witnesses said they did not even see the red warning lights at all. These are people, the younger siblings, who apparently are going to be without their parent.

On January 14 of this year, a van carrying five people was crushed by a freight train at a Riviera Beach crossing, killing four of the passengers. Now, the sad thing is that the van was carrying mourners returning from a funeral, and it is believed that warning devices and gate barriers at the crossing may have failed to operate because of mechanical problems and weather conditions, et cetera.

It just seems to me that with these kinds of things happening that we, in fact, have to take some caps off for economic damages. Mr. Chairman, there is a great loss here. Pain and suffering and economic damages should not have caps on them because they are important, they are important to people who have considerations that they are thinking about.

Mr. Chairman, I include the following data concerning my amendment in the RECORD at this point:

NEW YORK

A New York City subway train slammed into the rear of another train stopped on the Williamsburg Bridge on June 5, 1995, killing one person and injuring more than 50 passengers. An outdated safety system based on 1918 technology was supposed to prevent such rear-end collisions, but the system apparently malfunctioned in this instance. This was the fourth time in less than two years that a subway train rear-ended another train, raising noticeable questions about the system's safeguards. A modern computerized system that automatically slows or stops a train before a collision is readily available, but the local transit authority chose not to install this improved system in order to save money. This was the city's worst subway accident since five people were killed and 200 injured when a drunken motorman crashed his speeding train into a wall near Union Station in 1991.

On November 2, 1995, a toddler's stroller got stuck in train doors at the Greenwich Village subway station. However, Ismay Pinder was able to snatch Anthony, her 9-month-old child, from the stroller seconds before the train pulled out of the station. Anthony escaped serious injury. It was learned that door-obstruction sensors that could have prevented this mishap were not in place on this train, despite the fact these safety precautions were recommended back in 1988. This latest incident occurred just one week after an October 25 accident in which a tot was pulled from beneath a train car after being knocked off a stroller trapped in the doors of a subway train stopped at the 42d St.-5th Ave. station

Brown, a 25-year-out student, was attempting to board a subway train when it began to move, causing her to fall between the cars. She was then run over by the train, causing her right foot to be crushed beyond repair and resulting in so much damage to her left leg that it had to be amputated below the knee. Her left foot was successfully implanted into her right leg, but she nonetheless walks with great difficulty. Brown alleged negligence on the part of the transportation authority in allowing the train to begin moving unannounced while she was boarding. A structured settlement with a present cash value of $1.25 million was reached.

Orlando, a 62-year-old clothing store manager, had his dominant arm traumatically amputated when he fell beneath the wheels of a Long Island Railroad passenger train while trying to board. Eyewitnesses testified that they saw Orlando attempting to catch the train. As he tried to jump through the open doors, the train began to move, knocking him beneath the car. Orlando asserted that the railroad was negligent in that the train should not have left the station with its manually operated doors open, in violation of the company's own rules. In addition, there were not enough crew members to adequately observe each other's hand signals indicating whether all the doors were closed when the train was ready to depart. A settlement was reached for $750,000.

FLORIDA

On November 15, 1995, a 65-car CSX freight train loaded with orange juice smashed into a pickup truck just south of Dade City. The collision knocked the pickup 20 feet off the crossing and caused the train to derail. The intersection where the accident occurred has no flashing lights or crossing gate, just a crossbuck sign and a large faded stop sign. It also has a history of accidents and close calls. The driver of the pickup, 34-year-old Steve Matala of Dade City, is listed in stable condition at St. Joseph's Hospital in Tampa.

On July 12, 1995, a train crashed into a car at a rural Polk County crossing, killing Marie Meyer, 26, and her oldest son, Neil. Younger siblings Douglas and Brenda survived the crash. Some witnesses to the accident stated that they did not see the red warning light flashing at the railroad crossing on the CSX-owned tracks.

On January 14, 1995, a van carrying five people was crushed by a freight train at a Riviera Beach crossing, killing four of the passengers. The van was carrying mourners returning from a funeral. It is believed that warning devices and gate barriers at the crossing may have failed to operate because

of mechanical problems or weather conditions. Several witnesses stated that one or both of the barrier arm gates at the crossing were broken off or locked in an upright position because of high winds.

Gresham, 59, was traveling on an Amtrak passenger train when it derailed on a poorly maintained track. He suffered massive head trauma and died of his injuries 28 days later, leaving behind seven adult children. Amtrak stipulated that it would not contest liability in exchange for a waiver of punitive damages. The jury awarded about $2.8 million (contact Joseph Slama in Fort Lauderdale for more info/clippings)

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

Mr. MASCARA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I am sure the gentlewoman from Illinois [Mrs. COLLINS], my good friend, would not want to misstate the facts. There is no limit on economic damages, a very important point.

Second, all of the examples that the gentlewoman gave are very interesting and very sad, but they have nothing to do with this bill, because they all relate to freight, and they would not be addressed in any fashion by this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I misspoke. I said noneconomic damages. Children, of course, would not have economic damages. They, of course, would have noneconomic damages, and that is what the cap is on, not economic damages.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and colleagues, this amendment I think probably has a good intent behind it, but, first of all, it is unnecessary; and, second of all, it is actually a dangerous amendment. Let me explain why that is. It is unintendedly so.

Presently, Mr. Chairman, Amtrak must run on private railroad, freight railroad tracks, and when it does so the freight railroads really have no say. We, as the U.S. Government, say to the freight railroads, you will allow our passenger trains to run on your tracks, and we actually command them to do so. They have no choice.

What we are simply saying in this amendment is when we run a passenger train on a freight line and there is an accident, we say we will limit your liability, and we do not limit the economic liability. Medical bills, lost wages, hospital bills, if someone receives a disability of 10 percent, 15 percent, they are paid for any disability. Any permanent injury, they are compensated for.

The one thing that we simply say is we will only pay $250,000 for pain and suffering, and that is money that the railroads, which do not want us on their tracks to begin with, and which we say we are going to run on your tracks, even if you say you do not want us there.

For us to turn around and say, we are going to run on your tracks, and when there is an accident, people can sue you, and they can get $10 million or $20 million is wrong. It goes beyond being wrong, and it becomes dangerous, and let me tell my colleagues why it becomes dangerous.

Because of Amtrak and because of the Federal Government, we are spending literally millions of dollars every year eliminating dangerous grade crossings. That is what is killing people in this country is grade crossings. They are crossing these tracks, and they are getting killed.

Presently, because of this legislation and because we have an Amtrak, we are eliminating every year over 100 grade crossings, and we are saving lives. But if we attach this amendment to this bill, we will kill Amtrak. We will increase the cost. In fact, two years from now we will appropriate $403 million for Amtrak.

We have actually had court settlements in these accident cases of over $100 million. So we are talking about potentially one accident costing Congress and the United States, because we indemnify all of these. If there is an accident and we pay out all of this money, then we, the taxpayers, turn around and, out of Amtrak, we have to pay that money.

Mr. Chairman, can my colleagues imagine us giving $400 million to Amtrak to operate these trains and then them having to pay $100 million of that for one accident? This will bankrupt Amtrak, and it will also end this elimination of these dangerous grade crossings.

Other countries do not have this problem for two reasons. One is the government owns the tracks, and the people of those countries have chosen to use taxpayer money to eliminate the grade crossings. Now we have done that between Washington and New York. That is the long-term solution. That is the solution that we ought to both join in.

We are both interested in one thing. We do not want people hurt; we do not want people injured. The long-term solution is for this government to eliminate more grade crossings and to put more money into that.

Between Washington and New York, there is not a single grade crossing, so there will not be any grade-crossing accidents. Between New York and Boston, there are 13 grade crossings. Between Birmingham and Atlanta, Birmingham being in my district, there are 400 grade crossings. The answer is not this amendment; the answer is cleaning up some of those grade crossings.

Mr. Chairman, I want to make one final point. The gentleman from Pennsylvania [Mr. SHUSTER] I think said it all when he said, we are not making these grade crossings any safer with this legislation, because most of the trains over those tracks are freight trains, and this amendment and this bill has no application to those.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired.

(On request of Mr. SHUSTER, and by unanimous consent, Mr. BACHUS was allowed to proceed for 2 additional minutes.)

Mr. BACHUS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I would point out that in the committee the bill originally had a ban on punitive damages, zero, and we thought we had negotiated a compromise here, so we agreed to drop that ban and put in its place $250,000. So I am a bit disappointed that in thinking we were coming to the floor today with a compromise, and had we known there was not going to be an agreement with what we thought was an agreement, then we would not have put this in, and of course, that matter perhaps can be corrected in conference.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, let me just say to the gentleman from Pennsylvania [Mr. SHUSTER] that probably I am the culprit here. The gentleman did have, as I understand it from the gentleman from Illinois [Mr. LIPINSKI], a deal in committee; but as Mr. LIPINSKI also said, there are others of us who are not on the committee who have amendments; and at the last minute I, quite frankly, decided that this was something that I personally wanted to do, to bring this amendment to the floor of the House of Representatives which each of us has the right to do. So do not blame anybody on the committee for what I have done, please, because that is not the case.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I want to say this. The amendment of the gentlewoman I think was meant to apply to freight railroads, but this bill and this limitation only applies to passenger trains, and I think there is a lot of confusion there.

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

Mr. BACHUS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I want to emphasize that I totally respect the gentlewoman's right to offer any amendment she wants. I was not referring to any Member's right. I was referring to the committee members on both sides of the aisle, who I thought would come to the floor united in support of the bill and in opposition to these kinds of amendments.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I would say to the gentleman from Pennsylvania that when the amendment came up, I was

one of the ones that said, we do need to raise the limitations.

PARLIAMENTARY INQUIRY

Mrs. COLLINS of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. COLLINS of Illinois. Mr. Chairman, when I offered the amendment, I reserved the balance of my time, and I would like to ask now how much time did I reserve?

The CHAIRMAN. The gentlewoman cannot reserve time under the 5-minute rule.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentlewoman be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman from Pennsylvania for his kindness.

Mr. Chairman, let me say that I wanted to point out that my amendment applies to the Amtrak bill that we are working on now, not to the freight legislation whatsoever.

□ 1245

I wanted to say two more things. First of all, I feel that this Congress is not the judge and the jury. That is why we have tort laws in our courts, so that people, the jurors and the judges, can make some decisions about these kinds of matters. I do not think that 535 Members of Congress can do this on an individual basis, nor should we. That is why we have those laws in place that have worked ever since we have had tort legislation. Now we have the responsibility to change it, but I think we ought to change it with a great deal of thought in mind before we do so.

Let me say one other thing. The statements have been made that my amendment will bankrupt Amtrak. My amendment is not going to bankrupt Amtrak. The bills that we pass that underfund Amtrak might bankrupt Amtrak, but not this amendment. This amendment is not going to bankrupt Amtrak at all.

Finally, let me say this. This is a good amendment. Believe me, it should be passed. If we have feelings for Americans who are suffering because of accidents that they have incurred while on Amtrak, I think that they should have the benefit of the doubt. They should have the benefit of a fair judicial system to award them the kind of damages that they deserve.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I am somewhat confused. You have used the analogy of a CSX freight train hitting a pickup truck.

Mrs. COLLINS of Illinois. Reclaiming my time, I have a better one than that.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, on September 22, 1993, Amtrak's Los Angeles to Miami Sunset Limited jumped the CSX-owned track it was traveling on while crossing a bridge in Mobile and plowed into a bayou, submerging a number of passenger cars. Forty people died in this catastrophe, and approximately 150 were injured. This accident was the worst in the history of Amtrak.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, that accident occurred in my home State. It was a passenger train. This legislation would apply to that, but I would point out to the gentlewoman that it would reimburse each of those passengers not only for the loss of their lives but for any permanent injuries, for any medical expenses, for any lost wages, and in addition to that punitive damages and noneconomic damages with a cap, under this legislation.

I would further say that that train was running by command of Congress over that freight line.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I also reaffirm my comments that this is a good amendment and it should be supported.

Mr. BACHUS. I would ask for one last point of clarification.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

Mr. BACHUS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 1 additional minute.

There was no objection.

Mr. BACHUS. Mr. Chairman, I would urge all Members to realize that this legislation that we are voting on applies only to passenger trains. Yet this amendment that is being offered puts liability on not only passenger trains but also the freight companies. It is a wide-reaching amendment and it applies to the freight company. If the gentlewoman wants to stand up and say that this does not impose liability on the freight line, she needs to do so at this time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 239, not voting 29, as follows:

[Roll No. 830]

AYES—164

Andrews
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flanagan
Foglietta
Ford
Fox
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hoyer
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—239

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
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
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ensign
Everett
Fawell
Fields (LA)
Fields (TX)
Flake
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter

Hutchinson	Myrick	Shays
Hyde	Neumann	Shuster
Inglis	Ney	Sisisky
Johnson (CT)	Norwood	Skeen
Johnson, Sam	Nussle	Smith (MI)
Jones	Orton	Smith (NJ)
Kasich	Oxley	Smith (TX)
Kelly	Packard	Smith (WA)
Kim	Parker	Solomon
Kingston	Paxon	Souder
Klug	Payne (VA)	Spence
Knollenberg	Peterson (FL)	Stearns
Kolbe	Petri	Stenholm
LaHood	Pickett	Stockman
Largent	Pombo	Stump
Latham	Porter	Talent
LaTourette	Portman	Tanner
Leach	Pryce	Tate
Lewis (CA)	Quillen	Taylor (MS)
Lewis (KY)	Quinn	Taylor (NC)
Lightfoot	Radanovich	Thomas
Linder	Ramstad	Thornberry
Livingston	Regula	Tiahrt
Longley	Riggs	Traficant
Lucas	Roberts	Upton
Manzullo	Roemer	Vucanovich
McCollum	Rogers	Walker
McCrery	Rohrabacher	Wamp
McHugh	Ros-Lehtinen	Watts (OK)
McInnis	Roth	Weldon (FL)
McIntosh	Roukema	Weldon (PA)
McKeon	Royce	Weller
Metcalf	Salmon	White
Meyers	Sanford	Whitfield
Mica	Saxton	Wicker
Miller (FL)	Scarborough	Wolf
Molinari	Schaefer	Young (AK)
Montgomery	Seastrand	Young (FL)
Moorhead	Sensenbrenner	Zeliff
Morella	Shadegg	Zimmer
Myers	Shaw	

NOT VOTING—29

Abercrombie	Hostettler	Rose
Ackerman	Johnston	Stupak
Borski	Kennelly	Tauzin
Chapman	King	Torkildsen
Costello	Laughlin	Torricelli
Crane	Maloney	Tucker
Ewing	Manton	Volkmer
Hastert	Markey	Waldholtz
Herger	McNulty	Walsh
Hinchey	Moran	

□ 1308

The Clerk announced the following pair:

On this vote:

Mr. Costello for, with Mr. Hastert against.

Messrs. FARR, RAHALL, GILLMOR, SKAGGS, DINGELL, and Ms. JACKSON-LEE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. 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. NADLER: Page 11, after line 11, insert the following new section:

SEC. 209. TRACKAGE RIGHTS FOR FREIGHT TRANSPORTATION.

Section 24904 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''rail freight or'' in paragraph (6);

(B) by striking ''and'' at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting in lieu thereof ''; and''; and

(D) by adding at the end the following new paragraph:

''(9) consistent with safety and with priority for intercity and commuter rail passenger transportation, make agreements for rail freight transportation over rights-of-way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), notwithstanding and provision of law or contractual provision restricting the ability of Amtrak to enter into such an agreement.''; and

(2) in subsection (c) (1) and (3), by inserting ''or (9)'' after ''subsection (a)(6)''.

Mr. NADLER. Mr. Chairman, this amendment is vitally important to the States of New York, Connecticut, and Rhode Island, and affects virtually no one else in the country one way or the other. This amendment seeks to bring competitiveness and viability to the rail freight industry in the northeast corridor, especially north and east of New York City.

Amtrak owns the northeast corridor tracks. Conrail, by reason of a 1976 contract signed at a time when both Conrail and Amtrak were totally owned entities of the Federal Government, in other words, this contract was signed between one Assistant Secretary of Transportation and another one down the hall; by reason of this contract, Conrail has had an exclusive easement in perpetuity, forever, for freight usage of the northeast corridor tracks.

The major problem that this causes is that Conrail, with minor exceptions, does not utilize this privilege north of New York City and prevents anyone else from using the northeast corridor for freight, leaving an entire region effectively barred from rail freight service.

□ 1315

Taking advantage of its exclusive easement agreement, Conrail, with minor exceptions, does not allow any other rail freight carrier to use these tracks for freight. This monopoly privilege was purchased from the American taxpayer for the whopping price of $1. While the rest of the country enjoys competition in transportation, this produces the fact that 38 percent of all freight in the country is carried by rail. But in the region of New York City, Westchester and Putnam Counties, Long Island, Rhode Island and Connecticut, rail freight accounts for only 2.4 percent of traffic. In that geographic area, only 2.4 percent of freight travels by rail, compared to 40 percent in the country as a whole. This is caused to a large extent by the monopoly Conrail has and its refusal to service freight east of the Hudson River south of Boston.

The lack of rail freight service to these areas compels us to bring our freight by truck to and from Conrail terminals in northern New Jersey. This classic monopoly conduct, in which they say ''bring your business to us, we will not go to your shippers and manufacturers and ports and companies,'' this classic monopoly conduct greatly increases shipping costs, congestion, wear and tear on our roads, and pollution in the entire region, and increases the cost of doing business.

The majority in this Congress has been seeking the free market. Should we not allow private competition to give consumers a choice, to give them lower prices, and a better standard of living. This is our chance to bring competition in transportation services to the region east of the Hudson River.

This amendment quite simply opens up the possibility of competition for rail freight service to the northeast. It accomplishes this by saying ''Amtrak may, not shall, may, consistent with safety and with priority for intercity and commuter rail passenger transportation, make agreements for rail freight transportation over rights-of-way and facilities, et cetera.''

By allowing competition into the Northeast corridor, the area's economy, as well as the bottom lines of Amtrak and other rail freight carriers, which could be Conrail, if they so choose, could benefit enormously.

Mr. Chairman, this amendment mandates nothing. It simply opens up what is currently a monopoly area to open and fair competition. This unreasonable monopoly power is the result of another government give away to big business courtesy of the U.S. taxpayer. In the spirit of the free market, I urge my colleagues to vote against this amendment.

Mr. Chairman, there are several arguments against this amendment which are bogus. Let me summarize them very quickly.

First, this is a hazard to safety in the Northeast corridor, to the safety of commuter or passenger transportation. Nonsense, for two reasons: First, 50 years ago, in the 1940's, the Pennsylvania Railroad carried three times as much passenger transportation on the corridor as at present, the same number roughly of commuter transportation, and huge freight traffic, with no problems. Today we have sunk over $1 billion, I believe, of Federal money into improving the corridor. It is in much better shape. We can handle the traffic. We do not have that traffic on the corridor now. So there are no safety problems.

Second, Amtrak, which runs the passenger operations, by the terms of this amendment, Amtrak controls the track, we give them permission to allow freight transportation in the corridor. We do not tell them they must. They are in charge of the passenger transportation. They will not make any deals that would hazard the safety of the passengers that they run.

The other major argument that is made is we should not break a contract. Conrail and Amtrak made a contract giving Conrail an exclusive monopoly on freight usage of the northeast corridor forever, and we should not break it.

There are three answers to that. First, in the interests of the public in three great States, we should. The public in three States suffers from this monopoly. Second, this bill breaks other contracts, labor contracts. Why should this contract be sacred?

Third, more important than those two arguments, this is not a real contract. Conrail is now a private company, like any other private company. Amtrak, according to this bill, in a couple years will be a private company. When this contract was signed, both of them were wholly-owned subsidiaries of the Federal Government. So the so-called contract was an agreement between one finger of the Federal hand and the other finger of the Federal hand, an agreement between the Federal Government and itself. Why should it now bind two private companies?

In summation, Mr. Chairman, this amendment is important to the economy of the Northeast, of the State of Connecticut, New York and Rhode Island, and hurts nobody, and I urge my colleagues to support it.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment for several reasons. Before I get into those reasons, I am sure the gentleman did not want to misstate something when he said that this bill we bring before the House today in other places breaks labor contracts. That is not true. One of the most significant aspects of this legislation is that we do not break existing labor contracts. That is why we have such a longer period of time in which there can be negotiations, and that is why labor felt so strongly that they did not want the labor contracts broken. We agreed with that. So this bill does not break labor contracts.

But more to the point of the amendment before us, this is a contractual agreement between two corporations, Conrail and Amtrak, both held at the time by the Federal Government, but, nevertheless, two corporate entities, a contractual agreement which would be broken by this amendment.

It is very important to emphasize that Conrail owned this track. Conrail had exclusive rights in perpetuity over this track. And it was only because the Federal Government said ''You have got to give the ownership over to Amtrak'' that Conrail did so. As part of this agreement, the agreement was that Conrail would continue to have exclusive freight rights over that trackage, rights which they always had had because it was indeed Conrail's track.

Now, the Nadler amendment could also reverse efforts to minimize freight traffic on the Northeast corridor. Currently there are over 1,000 commuter trains per day on the corridor. Listen to what the distinguished former president of Amtrak had to say about this, Graham Clayton, the former president of Amtrak:

''If we are to effectively prevent passenger train accidents caused by freight traffic on the line between New York and Washington, we must eliminate the intermixture on the same right-of-way of heavy freight trains and high speed passenger commuter operations. It is not only feasible, but necessary if we are really to solve all aspects of the problem permanently and definitely.''

We had a debate on the last amendment that dealt with the problems of safety. Here we have the former highly respected president of Amtrak saying that having any freight on that corridor is a safety problem.

So the gentleman's amendment now would open it up to more freight. We want to minimize that, because we want to continue to focus on increasing the safety in the Northeast corridor.

So for all of those reasons, it is important that we defeat this amendment, because if we do not defeat this amendment, we will be making it possible to load up more freight on an already jammed up corridor. We will be creating safety problems, and we will be abrogating contracts that Conrail entered into.

Mr. Chairman, for all of those reasons I strongly urge defeat of this amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. NADLER]. The gentleman is without a doubt one of the most involved, knowledgeable, dedicated members of the Subcommittee on Railroads. The gentleman has identified a regional problem affecting freight rail service in the New York metropolitan area.

Today there is only one railroad that provides freight service on Amtrak's Northeast corridor. It seems logical that an area of such economic importance as the Northeast corridor would have service from more than one single railroad. But the exclusive use agreement that was granted to Conrail gives it no competition on Amtrak's Northeast corridor.

The Nadler amendment would allow other railroads the use of the Northeast corridor. Competition certainly makes sense to me, and I urge support of this amendment.

Mr. Chairman, I would also like to say that I concur with the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee, that there are no labor contracts being broken in this bill. I am quite sure that the gentleman from New York [Mr. NADLER], because of his anxiety of presenting this amendment, misspoke, and I am sure if he has another opportunity the gentleman will correct the RECORD in regard to that.

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

Mr. LIPINSKI. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from New York [Mr. NADLER] for offering this amendment today. I believe it raises a very important issue about access onto Amtrak rail right-of-way. The issue is should Amtrak track be made available to others? In this case, freight railroads want access on Amtrak's track to ship their goods. Certainly one would think it is in the public interest to allow such access.

Alternatively, should privately owned track be made available for passenger service if it is in the public interest and, if so, should we require freight railroads to provide the access?

I do not have the answers today, but as the class I railroads merge and we are left with just a few companies controlling 75 percent of the track in this country, maybe it will be necessary for Congress to take a closer look at what is happening in the industry. As we consider the committee's hearing schedule next year, I would ask the gentlewoman from New York [Ms. MOLINARI] to consider taking a closer look into the issue of access. I know that there are other Members who share my concerns.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Tennessee for his support of this amendment. I would just like to say in conclusion we are in the day of trying to privatize. We are in the day of advocating free enterprise. Competition in this amendment will create competition for probably the largest economic area in the entire United States of America.

So I urge all Members to support the Nadler amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New York brings to us an amendment that just makes a lot of practical sense. It is an amendment that addresses an issue regional in nature. It does not apply to the rest of the United States, but it is of intense local interest and importance.

Conrail has an agreement with Amtrak under which Conrail has exclusive right to provide freight service on Amtrak's tracks in the Northeast corridor. Conrail is not using that authority to provide freight service to New York and parts of Connecticut and southern New England. The amendment of the gentleman from New York would permit, it would not require, Amtrak to grant rates to other freight carriers when consistent with safety and when consistent with the needs of passenger service.

Conrail has written in opposition to the gentleman's amendment, making the thrust of its argument a safety concern. But the gentleman's amendment says very clearly that Amtrak may grant rights to other freight carriers when such grant of authority is consistent with safety and when it is consistent with the needs of Amtrak's own requirement to provide passenger service.

This is not a mandate, this is not a requirement. It is permissive authority. Why Conrail would be opposed to that is beyond me.

The main argument the gentleman from New York makes is that improved service to New York City and Connecticut will result if Amtrak has authority to grant rights to other freight railroads to use that corridor. Now, the

Federal Government has invested already substantial sums of money in improving the Northeast corridor where portions of that corridor are going unused because of monopoly rights held by Conrail. The gentleman would not, I know, have offered this amendment if it would abrogate an agreement between private parties.

□ 1330

As he has already pointed out, this really is an agreement between two arms of the Federal Government. In fact, two branches within the same department of the Federal Government. It makes sense. It is permissive authority. It will offer an opportunity for improved service and use of now unused track authority.

Mr. Chairman, I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the distinguished gentleman. I would simply like to add a comment in response to the comment of the distinguished chairman from Pennsylvania where he read from Mr. Claytor's—Amtrak's then President Claytor—testimony at a hearing that we must eliminate the intermixture on the same right-of-way of heavy freight trains and high speed passenger and computer operations.

As a general rule, Mr. Chairman, that is true, but there are things such as road-railer freight operations. I will not go into what that is, but it is not heavy freight but it is freight. It is these truck trailers with retractable rail wheels, which we could use on the corridor, which can go 75 or 80 miles an hour and which have a low center of gravity and which present no safety concerns and no problems mixing with passenger transportation at all. In addition to which they do not have to be on the same track. Even slow freight trains, as long as they are on a different track, we have no problem, even if it is the same right-of-way.

Having said that, Mr. Chairman, the key to this amendment is that Amtrak, which owns the track, would have the ability to make those decisions, subject to whatever safety regulations the Federal Rail Administration, et cetera, sets up. We are not mandating them. We are saying Amtrak may do this. We are simply asking that three States, New York, Connecticut, and Rhode Island, be given the opportunity to talk to Amtrak, to talk to freight railroads, and maybe we will get some rail freight service for that entire region of 15 or so million people that has no rail freight service and needs it for economic benefits.

Mr. Chairman, I urge my colleagues to vote for this amendment so that we can have the freedom to talk to Amtrak.

Mr. OBERSTAR. Mr. Chairman, again I urge support of the gentleman's amendment.

Mr. MARTINI. Mr. Chairman, I rise in opposition to the Nadler amendment.

This is a safety issue, my colleagues.

If passed, increased freight traffic on the Northeast corridor will result in a much more dangerous arrangement on an already crowded stretch of track, and will place the lives of thousands of commuters and rail workers in jeopardy every day.

The corridor already handles about 1,100 trains each day, almost 90 percent of which are commuter trains.

The heavy volume of traffic makes safety the top priority and ever since the tragic accident between a freight train and a commuter train in Chase, MD, that killed 16 people, the freight companies that operate on the line have been very careful to operate as often as possible during off hours when commuter trains are not running.

Thankfull there has not been a repeat of the Chase incident.

But opening up the track to greater amounts of freight traffic would only make it more difficult to keep the freight and commuter traffic apart, and would invite disaster again.

You will see more and more trains line up on the same crowded track, and another Chase accident will become increasingly likely.

This is not a wise amendment, and I urge my colleagues to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 249, not voting 22, as follows:

[Roll No. 831]

AYES—161

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Chrysler
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Forbes
Ford
Frank (MA)
Franks (CT)
Frisa
Frost
Furse
Gephardt
Geren
Gibbons
Gonzalez
Graham
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hoyer
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kildee
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Martinez
McCarthy
McDermott
McKinney
Meehan
Meek
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Spratt
Stark
Stokes
Studds
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Yates

NOES—249

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Fattah
Fields (TX)
Flanagan
Foglietta
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Peterson (FL)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Ackerman	Hostettler	Moran
Borski	Kennelly	Stupak
Chapman	King	Torkildsen
Costello	Laughlin	Tucker
Dicks	Maloney	Walsh
Ewing	Manton	Wilson
Hastert	Markey	
Hinchey	McNulty	

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Ewing against.
Mr. Markey for, with Mr. Hastert against.

Messrs. NUSSLE, REED, WYNN, and COOLEY changed their vote from ''aye'' to ''no.''

Mr. KASICH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of doing a colloquy with the distinguished chairman of the committee over a situation that I know has arisen in a community in my district, and I think affects some other communities as well.

In this particular case there is a bridge in the borough of Parksburg, PA, that the Pennsylvania Public Utility Commission regards as being in such a state of disrepair that they have ordered the town to demolish the bridge. Parksburg is probably going to have to bear the expense and cost of the demolition of the bridge, but the problem is that because it crosses Amtrak tracks, Amtrak is coming in and saying that you have to pay them for review of the plans for demolition, for flagmen, and all kinds of costs.

It is my understanding that in the bill as presently drafted, there are provisions that would say that instead of Amtrak having to use its own personnel for activities, that in fact these things can be contracted out. In the case of Parksburg, this could mean some of the savings. We are talking about the difference between $250,000 and $1 million to demolish the bridge.

Mr. Speaker, I would ask the gentleman if he could confirm for me that in fact one of the beneficial aspects of the contracting-out language may well be that in communities such as this that are facing these kinds of enormous costs connected with the present situation, Amtrak might well find some relief.

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

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say first, the gentleman is correct. Section 101 repeals the current contracting-out prohibition so Amtrak would be able to go out and contract out and presumably get a more competitive price; but beyond that, it is quite possible that in addition to that, the community you referred to, or any community, would have a cause of action against Amtrak if, indeed, the costs were excessive. If the job could be done for $250,000 but Amtrak was saying it cost $1 million, it seems to me that there may be a cause of action that the community might have.

Mr. WALKER. I thank the gentleman very much, because the situation is just one that is almost mind-boggling in its characteristics, because it costs $250,000 to knock the bridge down, but almost three times that much for Amtrak to review the plan and do the kinds of things Amtrak is involved in.

The contracting-out language may well be a case where it can help this small community and others like it across the country that face similar kinds of situations. I thank the gentleman very much and I appreciate what he has done in his bill.

The CHAIRMAN. Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REED: Page 39, after line 18, insert the following new section:

SEC. 702. ADMINISTRATIVE FUNDS REDUCTION.

Of the funds provided in Public Law 104–50, under the heading ''National Railroad Passenger Corporation Operating Losses'', $9,250,000 is rescinded. This reduction shall be allocated entirely against Amtrak's administrative expenses in its headquarters and Northeast Corridor Strategic Business Unit.

Mr. REED (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 Rhode Island?

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I raise a point of order against the amendment, in that it violates clause 7 of rule XVI, which rules that the amendment must be related to the pending subject matter, and the amendment is not germane.

Mr. REED. Mr. Speaker, I would like to be heard on this point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island.

□ 1400

Mr. REED. Mr. Chairman, as I stated, my amendment is a straightforward cut of 5 percent in Amtrak's administrative funds. I am concerned that, while this bill asks for many sacrifices on the part of blue-collar Amtrak workers, it may not make the same demands on Amtrak management.

With this need for shared sacrifice in mind, I would urge my colleagues to support the cutting of Amtrak's administrative account by a very small 5 percent, which is approximately $9 million in fiscal year 1995.

Mr. Chairman, I believe my amendment is fair. It does not ask Amtrak management to do anything beyond what Amtrak's management has asked of its workers. I urge my colleagues to support it.

The CHAIRMAN. The Chair is prepared to rule. The bill authorizes appropriations for Amtrak and revises the statutory authorities under which it operates. The amendment rescinds appropriations made available for Amtrak in the Transportation Appropriation Act for Fiscal Year 1996. A proposal to rescind funding provided in an appropriation act falls within the jurisdiction of the Committee on Appropriations and, as such, is not germane to this authorization bill.

The Chair sustains this point of order.

Mr. REED. Mr. Chairman, I move to strike the last word.

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

Mr. REED. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I would say that we do recognize the State of Rhode Island's concerns, and we have written the Federal Railroad Administration in an effort to address the concerns of the gentleman, and the issue will be addressed during the subcommittee hearing next year. We do insist on the point of order. I understand what the gentleman is trying to do.

Mr. REED. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF], who has been a strong supporter of my State and has been very helpful, and I know he will take this into consideration and make the right judgment in the months ahead.

Mr. MASCARA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with my distinguished colleague from Illinois, Mr. LIPINSKI, who played a very important role in the drafting of this legislation, along with the gentleman from Pennsylvania, Mr. SHUSTER, the chairman of the committee, and other members of the Committee on Transportation and Infrastructure.

My question is with section 503 of the bill and the changes it would mandate to the Amtrak Board of Directors.

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

Mr. MASCARA. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, I will be very happy to discuss this issue with the gentleman.

Mr. MASCARA. Mr. Chairman, I would say to the gentleman, section 503 of the bill would replace the current Amtrak Board of Directors with an entirely new board or with a director general if the new board were not fully constituted within 60 days of the enactment of the legislation.

It is my understanding that the current board has performed quite ably. Based on the experience of the gentleman, Mr. LIPINSKI, on the subcommittee and his work with Amtrak,

could the gentleman comment on the present board's commitment and dedication to Amtrak and a restructuring of its operations?

Mr. LIPINSKI. Mr. Chairman, if the gentleman would yield to me, the present Amtrak board has done an excellent job in providing guidance to the corporation during these difficult financial times.

Last year, Amtrak was faced with a $200 million shortfall. Rather than come to the Congress for supplemental appropriations, as has been the past practice of the board, this board worked with Amtrak management to undertake the painful cuts necessary to make Amtrak live within its means.

These efforts were successful because Amtrak finished fiscal year 1995 with a $15 million cash balance. This board has demonstrated its ability to make the tough decisions.

Within the last year, train miles have been reduced 20 percent and employment has been reduced by 8 percent. Clearly, this board is up to the challenge of moving Amtrak off its dependence on Federal operating subsidies.

Mr. MASCARA. Mr. Chairman, reclaiming my time, I agree with the assessment of my colleague of the current accomplishments of the board. I recognize that this is a compromise bill and that we need to move the bill through the House without delay so that we will be able to conference with the Senate when it has finished action on this bill. Nonetheless, I believe the accomplishments of the current board should be recognized and that we should not be removing successful and knowledgeable leadership at the same time we are providing Amtrak with the tools it needs to carry out the restructuring. I would hope that this will be one of the issues that receives careful consideration during the conference.

Mr. LIPINSKI. Mr. Chairman, if the gentleman would continue to yield, I certainly agree with the gentleman that we should carefully evaluate this during our conference with the Senate, and I thank the gentleman for the colloquy.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 38, line 12, strike ''$10,000,000'' and insert in lieu thereof ''$2,300,000''.

Mr. SHUSTER. Mr. Chairman, this is a typical amendment pertaining to the Penn Station amendment. This is to keep the authorization level from Penn Station redevelopment to a maximum total of $100 million.

Because the NHS bill included partial funding for the Penn Station redevelopment after we had reported this Amtrak bill, total authorizations for the project would have exceeded $100 million. That was not our intent, and we are offering this amendment to reduce that total authorization and to correct this situation.

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

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

Mr. OBERSTAR. Mr. Chairman, I have a technical inquiry on the chairman's technical amendment. Can the gentleman tell us what the resulting outlays will be with this reduction in budget authority?

Mr. SHUSTER. Mr. Chairman, reclaiming my time, it will be a total of $7.6 million, if it is appropriated. Of course, there will be nothing if it is not appropriated.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, the reduction in budget authority is $7.6 million.

Mr. SHUSTER. Mr. Chairman, in response to the gentleman from Minnesota, I would say not budget authority, but authorization.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield further, yes, that is budget authority. Appropriations, or actual outlays, could be substantially less than that, or they could be the same amount.

Mr. SHUSTER. Mr. Chairman, it could be zero, depending on what the Committee on Appropriations does.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Pennsylvania. I just wanted to get an understanding of where we are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 37, line 19, strike ''(1)''.

Page 37, line 23, through page 38, line 2, redesignate subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

Page 38, line 4, insert closing quotation marks and a period after ''of this title.''.

Page 38, lines 5 through 19, strike paragraph (2).

Mr. HEFLEY. Mr. Chairman, I originally had two amendments, one which would have made sure that we were putting Amtrak on a glidepath to getting rid of the Federal subsidy, and the committee has done that, and I want to commend the gentlewoman from New York [Ms. MOLINARI] and the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for doing that. So I withdraw that amendment.

Mr. Chairman, I am proud of the Republican majority. We are in the midst of passing legislation which will balance the Federal budget in 7 years. Not since 1969 has that happened. I am proud of the Republican majority, and I am proud of many of my colleagues on the other side of the aisle that think this is important.

It is not easy to balance the budget. We are all finding that we have had to make some tough choices on what this country's priorities must be. Each and every time we authorize a single dollar, we have had to ask the question, should the Federal Government be involved in this? If the answer to that question is yes, then we ask another question: Can we afford it?

There are many expenditures that the Federal Government never should have made, but there have been a host of other items that we would love to fund if we had the money. But the fact is, we just cannot afford many of them.

That is why I need to be able to go back home, as all of us do, and tell our constituents that we think the priorities set in Congress were priorities we believe in, I need to be able to defend why one program was cut and another authorized.

That is why I have to offer this amendment. I simply cannot go back home and defend authorizing almost $4 million over 4 years, even with the technical amendment which we just passed here, for a train station in New York that has already received, and I wish my colleagues would listen to this, it has already received $60 million in taxpayer money, and that many people argue is not even necessary.

I am not going to argue whether the train station should be moved from its current location at the Farley Post Office. Only the local community can answer that. But I must disagree that with these lean budget times we should tell the American people that one of our priorities is a project to move a train station across the street where bigger and better shops can be built to create a Union Station atmosphere in New York City. It will be tough enough to tell them that legislation has already been signed into law this year that provides this project $26 million.

The National Highway System legislation was able to creatively include funding for this project. In fact, one Member of this Chamber described the efforts of Senator MOYNIHAN as a masterful use of the process in getting that money allocated.

Supporters of the Penn Station project may tell you the current location is rundown and unsafe, but that is why the Transportation appropriation legislation appropriated $20 million to Amtrak and Penn Station for important life safety improvements. So that makes $46 million so far this year.

Here we are in lean budget times and one train station gets not only $20 million to improve its current home but another $26 million to help build its new home. Except for my colleagues from New York, I am not sure there is anyone in this Chamber that can look their constituents in the eye and tell them this should be a priority project.

Supporters of the project will also tell you that this is a $315 million project, and only $100 million is asked for from the Federal Government. Where is the other money coming from? Some $115 million is coming from private investors that, to the best of my knowledge, have not anted up a

dime; another $75 million from the State of New York, who has not appropriated a dime; and New York City, whose $25 million contribution is really only $8 million so far. How much more will this black hole of taxpayer money receive?

Mr. Chairman, we all need to ask ourselves the question, is the Penn Station project one that the Federal Government should be involved in, and, if it is, can we afford to fund it? I am convinced that each and every Member of this body, if they really look at the budget and what we are trying to do, will answer that question by supporting this amendment and supporting fiscal responsibility in these lean times.

Ms. MOLINARI. Mr. Chairman, I rise in strong opposition to the Hefley amendment.

Mr. Chairman, let me just state that this is not a New York-specific project we are talking about. The northeast corridor between Washington, DC, and Boston, which passes through New York City, is Amtrak's most traveled route. Ten million passengers a year, nearly half of Amtrak's annual ridership, travels on this route.

Penn Station serves not only Amtrak passengers but Long Island Railroad, New Jersey Transit and New York City subway passengers as well. Five hundred thousand passengers pass through Penn Station every day. That is more passengers than many of Amtrak's routes support annually.

Penn Station is in a current deplorable state. Conditions are crowded, and traffic will soon exceed the capacities of current facilities. In addition, there have been nine major fires or emergencies since 1987, and the New York City Fire Department has identified many inadequacies in the current safety systems that need to be addressed.

Let me just state for the record, however, we have spent the last few months on appropriations and authorizations bills dealing with the situations that confront States all over this country. This Chamber has nearly unanimously agreed on spending tens of billions of dollars on highway projects throughout this Nation. We have spent hundreds of billions of dollars on airport projects throughout this Nation.

That is OK for many Members in this Chamber, but come to an urban area that does not have the highways and does not have the airports, and then all of a sudden it is no longer a Federal responsibility to deal in transportation, because it is a transportation system that perhaps is not available in other areas of the country. Well, highways are not available in New York City to the extent that they are in many, many urban and rural areas in the country.

So in the spirit of fairness I say, rejuvenating and renovating Penn Station helps tourism in America, it helps Amtrak, it helps local commuters, and it creates a sense of parity between those people who come to this Chamber and support the appropriations of billions of dollars of highway, bridges, airport improvement funds, so that we can, in some urban areas, receive some Federal assistance when it comes to some mass transportation assistance like Penn Station.

Mr. Chairman, I urge strong opposition for this amendment.

□ 1415

Mr. NADLER. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to this amendment. I am also speaking on behalf of the ranking member of the committee and the subcommittee in opposing this amendment.

Let me just say that the gentlewoman from New York expressed most of what I was going to say so I am not going to repeat it.

There is no reason to take this money away from this project. It is an important, worthy project. That it is in my district does not detract from that. It is a very important, worthy project for this entire country.

We spend money on airports, on highways, all over the country. This is the premier jewel of the rail system in this country. It ought to be, and we ought to do what we have to do for Penn Station. I urge my colleagues to vote against this amendment.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. An article recently appeared in the National Train Journal which interviewed European tourists who had come to America. The vast majority of them said they wanted to see America by rail, and they were satisfied with Amtrak, and the average tourist, European tourist, spends several thousand dollars here when he comes or when she comes.

What they did criticize Amtrak for were two things. One was on-time performance. The other one was some of the stations. They said the South Bay Station in Boston was a crown jewel. They talked about the station, Union Station. They talked about Philadelphia and Harrisburg, PA, as being outstanding stations.

At the same time they said that some of the stations, and I will not name all of them, they said they were disaster areas. They said they almost turned them off. We are talking about a Pennsylvania station where many of these tourists form their first opinion of our rail transportation and of our country.

If we are going to continue to attract European tourists and Japanese tourists, who feel much the same way, this is money, I think, at least that we ought to consider in making this investment or not making this investment, the fact that that is one major point that they say we do need to improve, and that is our station. This is our most heavily traveled area.

I rise in opposition to the amendment.

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hefley amendment. I think this is a good amendment, and if not now, when? If not us, who?

As a gentleman from New York, I have to tell you that it is a new time, it is a new place. We are supposed to be ferreting out this kind of excessive spending, spending particularly that is without need.

In New York, we have just seen a state-of-the-art renovation to the train station there, and I would say that the Hefley amendment is well-timed and it is necessary. We do not need this kind of pork. I would move in support of the Hefley amendment and ask my colleagues to embrace it.

Ms. LOWEY. Mr. Chairman, as a great New Yorker, Yogi Berra, once said, ''This is like deja vu all over again.''

Time and time again we have debated this issue on the floor. We have gone back and forth and back and around.

Frankly, it's time for these gratuitous attacks on Penn Station to stop.

Seventy-five million passengers pass through Penn Station every year—that's 500,000 passengers a day. Penn Station is Amtrak's busiest station in the country. In fact, it serves more than 40 percent of all of Amtrak's passengers nationwide. It is also the hub for the New York City Transit System, the Long Island Railroad, and New Jersey transit. But Penn Station is falling apart. It's dark, it's dangerous, and within 10 years the station is projected to exceed its maximum pedestrian occupancy level.

In order to address this situation, the Federal Government, the State of New York, and New York City have embarked on a cooperative plan to rebuild Penn Station. This project enjoys bipartisan support, including that of Senators MOYNIHAN and D'AMATO, Gov. George Pataki, and Mayor Guiliani.

And despite all the roadblocks put up in our way we are almost there.

So why has Penn Station generated such fierce opposition?

Opponents of the Penn Station project don't like it because it's in New York. Plain and simple. We have learned time and time again that New York bashing is always in season here in Washington. We know that our friends on the other side of the aisle just can't help themselves—New York is just too inviting a target.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. INGLIS of South Carolina) having assumed the chair, Mr. ALLARD, 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. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, pursuant to House Resolution 284, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

Mr. SHUSTER. 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 406, nays 4, not voting 22, as follows:

[Roll No. 832]

YEAS—406

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Beilenson
Bereuter
Flake
Watt (NC)

NOT VOTING—22

Ackerman
Borski
Chapman
Costello
Ensign
Ewing
Hastert
Hinchey
Hostettler
Kennelly
King
Laughlin
Lincoln
Maloney
Manton
Markey
McNulty
Moran
Stupak
Torkildsen
Tucker
Walsh

□ 1441

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 1788, the bill just passed.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2539, ICC TERMINATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, CLINGER, PETRI, COBLE, Ms. MOLINARI, and Messrs. OBERSTAR, RAHALL, and LIPINSKI.

As additional conferees from the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. HYDE, MOORHEAD, and CONYERS.

There was no objection.

□ 1445

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. LIVINGSTON. Mr. Speaker, notwithstanding the order of the House of November 14, 1995, I ask unanimous consent that the veto message of the

President to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, together with the accompanying joint resolution, be referred to the Committee on Appropriations.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Louisiana [Mr. LIVINGSTON] would explain to the House the effect of his motion.

Mr. LIVINGSTON. If the gentleman would yield, Mr. Speaker, as the gentleman will recall, shortly after the President vetoed the second continuing resolution, the House acted to postpone to a date certain further consideration of the veto message. That date was December 1, this Friday.

Since then, we have had a successful negotiation with the administration regarding the content of a continuing resolution that takes us through December 15 and a resolution of the language regarding the President's commitment to a balanced budget in 7 years. So I am pleased to say no further action on the veto of the continuing resolution is necessary, and that is why I am proposing to refer the message to the Committee on Appropriations, effectively putting this chapter of the debate behind us. I hope everyone would support this request.

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

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 1, 1995, TO FILE CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow, December 1, 1995, to file a conference report on the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1350, THE MARITIME SECURITY ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–375) on the resolution (H. Res. 287) providing for consideration of the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2667

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. DAVIS], the gentleman from Virginia [Mr. WOLF], and the gentlewoman from Maryland [Mrs. MORELLA], be removed as cosponsors of H.R. 2667, a bill which I had introduced.

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

There was no objection.

PRIVILEGES OF THE HOUSE—REQUEST FOR REPORT FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT REGARDING COMPLAINTS AGAINST SPEAKER

Mr. JOHNSTON of Florida. Mr. Speaker, I rise to a question of the privileges of the House on behalf of myself and the gentleman from Florida [Mr. PETERSON], and I offer a privileged resolution (H. Res. 288) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established.

Whereas—although complaints against Speaker Gingrich have been under consideration for more than 14 months—the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore be it resolved that;

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than December 12, 1995, concerning:

(1) The status of the Committee's investigation of the complaints against Speaker Gingrich;

(2) the Committee's disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel's investigation;

(3) a timetable for Committee action on the complaints.

The SPEAKER pro tempore. The resolution states a question of privilege.

MOTION TO TABLE OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion

The Clerk read as follows:

Mr. ARMEY moves to lay the resolution on the table.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 170, answered ''present'' 9, not voting 35, as follows:

[Roll No. 833]

AYES—218

Allard	Ehlers	Lewis (CA)
Archer	Ehrlich	Lewis (KY)
Armey	Emerson	Lightfoot
Bachus	English	Linder
Baker (CA)	Everett	Livingston
Baker (LA)	Fawell	LoBiondo
Ballenger	Fields (TX)	Longley
Barr	Flanagan	Lucas
Barrett (NE)	Foley	Manzullo
Bartlett	Forbes	Martinez
Barton	Fowler	Martini
Bass	Fox	McCollum
Bateman	Franks (CT)	McCrery
Bereuter	Franks (NJ)	McDade
Bilbray	Frelinghuysen	McHugh
Bilirakis	Frisa	McInnis
Bliley	Funderburk	McIntosh
Blute	Gallegly	McKeon
Boehlert	Ganske	Metcalf
Boehner	Gekas	Meyers
Bonilla	Gilchrest	Mica
Bono	Gillmor	Miller (FL)
Brownback	Gilman	Molinari
Bryant (TN)	Goodlatte	Moorhead
Bunn	Goodling	Myers
Bunning	Graham	Myrick
Burr	Greenwood	Nethercutt
Burton	Gunderson	Neumann
Buyer	Gutknecht	Ney
Callahan	Hancock	Norwood
Calvert	Hansen	Nussle
Camp	Hastings (WA)	Oxley
Canady	Hayworth	Packard
Castle	Hefley	Parker
Chabot	Heineman	Paxon
Chambliss	Herger	Petri
Christensen	Hilleary	Pombo
Chrysler	Hoekstra	Porter
Clinger	Hoke	Portman
Coble	Horn	Pryce
Coburn	Houghton	Radanovich
Collins (GA)	Hunter	Ramstad
Combest	Hutchinson	Regula
Cooley	Hyde	Riggs
Cox	Inglis	Roberts
Crane	Istook	Rogers
Crapo	Johnson, Sam	Rohrabacher
Cremeans	Jones	Ros-Lehtinen
Cubin	Kasich	Roth
Cunningham	Kelly	Roukema
Davis	Kim	Royce
Deal	Kingston	Salmon
DeLay	Klug	Sanford
Diaz-Balart	Knollenberg	Saxton
Dickey	LaHood	Scarborough
Doolittle	Largent	Schaefer
Dornan	Latham	Seastrand
Dreier	LaTourette	Sensenbrenner
Duncan	Lazio	Shadegg
Dunn	Leach	Shaw

Shays	Talent	Watts (OK)
Shuster	Tate	Weldon (FL)
Skeen	Tauzin	Weldon (PA)
Smith (MI)	Taylor (NC)	Weller
Smith (NJ)	Thomas	White
Smith (TX)	Thornberry	Whitfield
Smith (WA)	Tiahrt	Wicker
Solomon	Traficant	Wolf
Souder	Upton	Young (AK)
Spence	Vucanovich	Young (FL)
Stearns	Waldholtz	Zeliff
Stockman	Walker	Zimmer
Stump	Wamp	

NOES—170

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

ANSWERED ''PRESENT''—9

Cardin	Johnson (CT)	Sawyer
Goss	McDermott	Schiff
Hobson	Pelosi	Wilson

NOT VOTING—35

Ackerman	Hayes	Moran
Borski	Hinchey	Morella
Chapman	Hostettler	Peterson (MN)
Chenoweth	Kennelly	Quillen
Condit	King	Quinn
Costello	Kolbe	Stupak
Edwards	Laughlin	Torkildsen
Ensign	Lincoln	Torres
Ewing	Maloney	Tucker
Flake	Manton	Volkmer
Geren	Markey	Walsh
Hastert	McNulty	

□ 1509

Mr. BACHUS changed his vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER] for the purpose of discussing the schedule for next week.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, this vote marks the end of legislative business for the evening and for the week.

For next week, we plan on a pro forma session on Monday, December 4. There will be no legislative business that day.

On Tuesday, December 5, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business to take up a number of bills under suspension of the rules. I won't read through the bills now, but Members should be advised that a list will be distributed to their offices this afternoon.

The suspensions are as follows:

H.R. 33, Stuttgart National Aquaculture Research Center Act of 1995;

H.R. 1253, renaming San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge;

H.R. 255, designating the James Lawrence King Federal Justice Building;

H.R. 395, designating the Bruce R. Thompson U.S. Courthouse and Federal Building;

H.R. 653, designating the Thurgood Marshall U.S. Courthouse;

H.R. 840, designating the Walter B. Jones Federal Building and U.S. Courthouse;

H.R. 869, designating the Thomas D. Lambros Federal Building and U.S. Courthouse;

H.R. 965, designating the Romano L. Mazzoli Federal Building; and

H.R. 1804, designating the Judge Isaac C. Parker Federal Building.

Members should also be advised that we do expect votes soon after 2 p.m. on Tuesday, December 5.

After consideration of the suspensions on Tuesday and for the balance of the week, we expect to consider the following bills, all of which will be subject to rules:

H.R. 1350, the Maritime Security Act of 1995;

The conference report for H.R. 2076, the Commerce, Justice, State & Judiciary Appropriations Act for fiscal year 1996;

The conference report for H.R. 2099, the VA, HUD Appropriations Act for fiscal year 1996;

The conference report for H.R. 1058, the Securities Litigation Reform Act;

The conference report for H.R. 1868, the Foreign Operations Appropriations Act for fiscal year 1996;

The conference report for H.R. 1977, the Interior Appropriations Act for fiscal year 1996;

The conference report for H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996; and

H.R. 2668, the Social Security earnings limit increase.

Mr. Speaker, that should give us a pretty action-packed week, and I thank my friend for yielding.

Mr. LEWIS of Georgia. Mr. Speaker, let me say to my friend and colleague from California that we received a schedule that indicated votes every weekday until December 15. We have not kept to that schedule exactly. In order to help Members plan better, could the gentleman tell us what he expects in terms of votes next Friday?

Mr. DREIER. If the gentleman will yield, I appreciate his comments, and, as he knows, we are trying to move as expeditiously as possible, but there are so many questions that at this point remain as we try to adjourn for the year that we cannot say for certain as to how closely we will be able to adhere to that schedule.

Mr. LEWIS of Georgia. Mr. Speaker, I appreciate that from my friend, but also, in light of the coming holiday season, does he have a sense yet for the schedule after December 15?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, at this point there are just so many questions that remain, we are hoping to see a budget agreement, we are hoping to see a wide agreement of other things, and until those are resolved we do not know what the schedule will be after the 15th.

Mr. LEWIS of Georgia. I thank the gentleman, Mr. Speaker.

ADJOURNMENT TO MONDAY, DECEMBER 4, 1995

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, DECEMBER 5, 1995

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, December 4, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, December 5, 1995 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday

rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY, DECEMBER 1, 1995, TO FILE REPORT ON H.R. 2684, SOCIAL SECURITY EARNINGS LIMIT INCREASE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tomorrow, Friday, December 1, 1995, to file a report to accompany H.R. 2684, Social Security earnings limit increase.

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

There was no objection.

MAKING TECHNICAL CORRECTIONS IN RULES OF THE HOUSE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order, without intervention of any point of order, to consider in the House the resolution (H. Res. 254), making technical corrections in the Rules of the House of Representatives; that the amendments recommended by the Committee on Rules now printed in the resolution be considered as adopted; and that the previous question be considered as ordered on the resolution, as amended, and on any further amendment thereto, to its adoption, without intervening motion or demand for division of the question, except a further amendment, if offered by the chairman of the Committee on Rules or his designee, and one hour of debate on the resolution, as amended, and on any further amendment thereto, equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

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

There was no objection.

□ 1515

Mr. DREIER. Mr. Speaker, I call up the resolution (H. Res. 254) making technical corrections in the Rules of the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Pursuant to the order of the House of today, the amendments printed in House Report 104–340 are adopted.

The text of the resolution, as amended, is as follows:

H. RES. 254

Resolved, That the Rules of the House of Representatives are amended as follows:

(1) In clause 3 of rule III, insert ''as may be requested by such State officials'' after ''the legislature of every State''.

(2) In clause 3(d) of rule VI, insert ''the minority leader,'' after ''the majority leader,''.

(3) In clause 1(k)(8) of rule X, strike ''the Defense'' and insert ''Defense''.

(4) In clause 1(o)(2) of rule X, strike ''and (its'' and insert ''(and its''.

(5) In clause 3(e) of rule X, strike ''and nonmilitary nuclear energy and research and development including the disposal of nuclear waste''.

(6) In clause 3(h) of rule X, strike ''energy'' and insert ''energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste''.

(7) In clause 2(l)(5) of rule XI, strike ''(excluding Saturdays, Sundays, and legal holidays)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(8) In clause 2(l)(6) of rule XI, strike ''the third calendar day, excluding Saturdays, Sundays, and legal holidays'' and insert ''the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(9) In the designation of clause 3 of rule XI, insert ''and Meetings'' after ''Hearings''.

(10) In clause 3(f) of rule XI, amend the matter before subparagraph (1) to read as follows:

''(f) Each committee of the House shall adopt written rules to govern its implementation of this clause. Such rules shall include provisions of the following effect:''.

(11) In clause 6(b)(2) of rule XI, strike ''This paragraph'' and insert ''Subparagraph (1)''.

(12) In clause 4(a) of rule XIII, place the period after the designation of the ''Corrections Calendar'' inside the closing quotation mark.

(13) In clause 4(b) of rule XIII—

(A) insert ''shall be'' before ''debatable'';

(B) insert ''and'' before ''shall not be subject to amendment''; and

(C) strike ''committee, and the previous question'' and insert ''committee or a designee. The previous question''.

(14) In clause 4(c) of rule XIII, strike ''members'' and insert ''Members''.

(15) In clause 9 of rule XVI, strike ''bills raising revenue, or''.

(16) In clause 7 of rule XXI, strike ''(excluding Saturdays, Sundays, and legal holidays)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(17) In clause 5(c) of rule XXIII, strike ''section 424(a)(1) of the Unfunded Mandate Reform Act of 1995'' and insert ''section 424(a)(1) of the Congressional Budget Act of 1974''.

(18) In clause 2(a) of rule XXVIII, strike ''(excluding any Saturday, Sunday, or legal holiday)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(19) In clause 2(b)(1) of rule XXVIII, strike ''(excluding any Saturday, Sunday, or legal holiday)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(20) Clause 4 of rule XLIII is amended to read as follows:

''4. A Member, officer, or employee of the House of Representatives shall not accept gifts excepted as provided by the provisions of rule LII (Gift Rule).''.

(21) The last undesignated paragraph of rule XLIII of the Rules of the House of Representatives is repealed.

SEC. 2. EFFECTIVE DATE.

The amendments made by the first section of this resolution shall be effective on the date of the adoption of this resolution except that paragraphs (20) and (21) of that section shall be effective on January 1, 1996.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

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

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

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

Mr. Speaker, debate on House Resolution 254 should not take more than a few minutes, because the resolution makes technical and conforming changes to reflect the intent of the amendments adopted in the 104th Congress.

January 4, 1995, ushered in the era of the reform Congress when the House of Representatives approved sweeping changes to the rules under which the House previously operated. That legacy of reform continued this month with adoption of a gift ban resolution and lobbying disclosure reform.

Also this year, the House approved changes in House rules to discourage the imposition of unfunded Federal mandates on State and local governments, and to establish a Corrections Calendar.

As a result of these changes, a number of duplicative provisions and grammatical and typographical errors need to be corrected to ensure that the rules of the House reflect their true intent. In addition, the resolution clarifies a number of longstanding parliamentary interpretations to ensure consistency of parliamentary practice in the House.

House Resolution 254 is not intended to address any of the controversial aspects of House rules. I understand the minority's concerns regarding the three-fifths vote requirement on tax rate increase, subcommittee assignment limits, and committee meetings while the House is considering amendments under the 5-minute rule. Chairman SOLOMON and I will be undertaking a comprehensive review of all of the House rules in a continuing effort to improve deliberation and accountability, and I look forward to working with my colleagues in the minority on the effort.

In the meantime, Mr. Speaker, it is important that we make these technical and conforming corrections to the rules of the House to reflect the intent of changes adopted this year.

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

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER: Page 4, insert after line 25 the following:

(22) Clause 1(c) of rule LII, as in effect January 1, 1996, is amended by adding at the end the following:

''(22) 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.

''(23) An item of nominal value such as a greeting card, baseball cap, or a T-shirt.''.

Page 5, line 4, strike ''and (21)'' and insert '', (21), and (22)''.

Mr. DREIER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. DREIER. Mr. Speaker, the amendment makes two technical changes to the gift ban rule that was adopted by the House on November 16. These changes were inadvertently left out of the Gingrich-Solomon amendment to institute a tougher gift ban than the one contained in House Resolution 250. This amendment simply reinstates the exemptions for donations of home State products intended primarily for promotional purposes, and items of nominal value, such as greeting cards and baseball caps. The Gingrich-Solomon amendment was not intended to force Members to return Christmas cards to our constituents.

Mr. Speaker, I am informed that the gentleman from Massachusetts [Mr. MOAKLEY] has been detained, but has no objections to the resolution or the amendment.

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

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is ordered on the resolution and the amendment.

The question is on the amendment offered by the gentleman from California [Mr. DREIER].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CHRISTMAS GIFT DRIVE FOR CHILDREN OF DISTRICT PRISONS AND LORTON REFORMATORY

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

Mr. WOLF. Mr. Speaker, a group of Members, Republicans and Democrats, have gotten together to try to urge congressional offices and others to donate a Christmas present for the children of residents of D.C. Lorton Reformatory or District jail. This is a program under the auspices of Prison Fellowship and Chuck Colson and a number of offices and congressional wives are doing it.

Mr. Speaker, I would urge any Member or staff that is watching to call the office of the gentleman from Kentucky [Mr. BUNNING] or the office of the gentleman from Ohio [Mr. HALL], or my office, or call the Prison Fellowship office at 265–4544 to donate a gift for children of parents who are serving either in D.C. Lorton Reformatory or District jail at this time of the year.

If these children do not receive a gift this way, many will not receive anything.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). 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.

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

[Mr. BURTON of Indiana 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 Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

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

DO NOT SEND TROOPS TO BOSNIA

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

Mr. TIAHRT. Mr. Speaker, today American troops are in Bosnia. There are approximately 10 troops in Bosnia already, Mr. Speaker. By the end of the week, it will be 700. By the end of the year, probably 35,000 directly involved and 140,000 indirectly involved.

Today, Secretary Christopher, Secretary Perry, and General Shalikashvili came to the Committee on National Security to try to convince Congress to support the commitment to place ground troops in Bosnia. Soon, we here in Congress will be asked to support an agreement that we not only had no input in drafting, but also repeatedly have expressed our opposition to.

Mr. Speaker, the American public and Congress is opposed to placing troops in Bosnia. To those that are in support of placing troops in Bosnia, I think that they will be subject to change when we see the first widow handed a flag at a grave side next to their children whose eyes will be filled with tears.

Mr. Speaker, it is a very serious issue. There may be an agreement between those involved in the crisis over in Bosnia, and I have a copy of that agreement that was signed in Dayton, OH, on November 21. It was signed for the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia. In this agreement, Mr. Speaker, there is no requirement for U.S. troops. Nowhere does it call out that United States troops must be on the ground in Bosnia.

If there is no written requirement for troops being on the ground in Bosnia, why are we there? Today Secretary Christopher said, ''We are going to place troops on the ground in Bosnia because of our commitment to NATO.'' That is why we are placing troops there. Further, he said if we do not lead in this matter by placing troops on the ground in Bosnia, no one in the international community will ever follow the lead of America again.

Mr. Speaker, I respectfully disagree with Secretary Christopher, because there is no written requirement in this agreement to place troops. I do submit that there are ways that we can lead in the effort to stop the atrocities that are occurring in Bosnia by other means. We can lead within this agreement. We can lead without placing ground troops in Bosnia. We can lead through air support, as we have done in the past. We can lead through logistical support and we can lead through intelligence gatherings and through provisions of hardware, through strategy.

In closing in the presentation that is going to be made by General Shalikashvili, he said that this operation is going to be tough and we must be prepared for casualties. We must be prepared for casualties. What is the acceptable level of casualties, general? Mr. President? The American public? Congress? What is the acceptable level of casualties? Is it 1,000 a week of young men and women, of Americans dying? Is it 250 per week?

Mr. Speaker, I do not know what that answer is, but I do know what the answer is in Kansas; what the people of Kansas are telling me. They are telling me that the acceptable level of casualties in Bosnia of United States men and women is zero. No casualties. That is what is acceptable, yet we are sending in troops now and they are going to be in harm's way.

Recently, I heard General Schwarzkopf talk about his lessons learned in Vietnam. No. 1, there is no such thing as a limited war. What we are entering into is allegedly peacekeeping. It is more like peacemaking. It may become an occupation. It will probably be termed as a limited war when the fighting starts.

Mr. Speaker, there are 45,000 to 60,000 Serbs who are opposed to this agreement. Our troops will be landing at Tuzla, within 1 mile of Serb positions, within mortar range. When those aircraft come on final approach, they will be in harm's way. There are Azerbaijan troops, which are Moslems, 4,000, who also do not agree with this peace agreement.

The second thing that General Schwarzkopf said is there must be a clear mission. I do not think that has been established.

The third is never, never put troops in a conflict without the support of the American public. Mr. President and Mr. Secretary, we do not have the support of the American public and we do

not have the support of the Congress. Let us not send troops to Bosnia.

REMOVE THE ETHICAL CLOUD FROM THE HOUSE

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

Mr. DOGGETT. Mr. Speaker, the question this afternoon is how long our Republican colleagues will be able to hold the lid down on the pressure cooker, the pressure cooker of the desires of the people of this country to see justice, to see the ethical cloud removed from the operations of this Congress.

Today, we have seen that it will take a little bit longer, for, for the second time, this Congress has refused to even discuss in the light of day whether a committee of this Congress should come forward and tell us what it has been doing for the last 14 months with regard to charges concerning the Speaker of the House.

Mr. Speaker, I believe that our Republican colleagues can hold that pressure cooker lid down. They can stand on it. They can sit on it. They can jump up and down on it. But sooner or later, enough people in this country are going to care about the operations of this House and the ethics of this House that they are going to demand a report and demand action.

We see the same concern with reference to the broader issue of the way all Members, the Speaker, myself, every Member of this institution, gets to this body with reference to the cost of campaigns.

All over this country, people are expressing their concern about the operation of the campaign finance system. I think they are pleased that despite the Speaker, we moved forward and banned gifts from lobbyists to Members of this Congress. They are pleased that despite the Speaker holding at his desk for month, after month, after month, a lobby reform bill, there was finally enough pressure built up that the lid came off that pressure cooker and we passed a lobby reform bill this week, despite his effort.

Now, Mr. Speaker, the big issue is campaign finance reform and whether there will be enough public interest to do something about that. The Speaker shook hands with President Clinton back in June in New Hampshire. They smiled at each other, it was a nice moment, and agreed that they would do something about campaign finance reform and what did they do? Well, the Speaker waited from June until November and then he came along and said, ''You know what we need is a commission to study this.'' A stall commission to delay it past the next election. Then the Speaker went on to elaborate in testimony in front of a committee of this House that what we need is not less money in the political process; we need more money. The Speaker said there is less money going into all these campaigns than the equivalent of two antiacid campaigns.

□ 1530

I think that is enough to give Americans heartburn, as they think about the future of our political system and the ethics of our system. If they had reason for concern, they certainly have reason for concern today when they look at papers across this country and reports about the improper activities of GOPAC, a committee that—essentially the ''go'' in GOPAC meant it was OK to go beyond the law.

In fact, after reading these stories, I now understand why it is that the Speaker thinks we need more money in the political process, that we are not spending enough on campaigns. That is because he has had a little more all along. He has had a little more through an organization called GOPAC that did not bother to comply with the Federal election laws, that according to the documents filed by the Federal Election Commission in Federal court here in Washington, apparently spent a quarter of a million dollars to benefit him in his reelection campaign a few years ago, an election campaign that he just barely made it back to this Congress, a pretty nice sum of additional money, maybe enough to promote antacid in Georgia, but certainly enough to get a person reelected outside and improperly, under our laws.

Let me just speak a little bit about those court documents and quote from some of them. The Federal Election Commission told the Federal judge here in Washington:

> Hiding the identity of large contributors to organizations associated with elected officials and Federal candidates creates the appearance of corruption and makes enforcement of the act's other provisions unnecessarily difficult.

This is exactly what GOPAC did. I am quoting the FEC on this.

It did it for the avowed purpose of electing a majority of Republicans to the U.S. House of Representatives.

GOPAC's failure to register and file disclosure reports creates the appearance of corruption, and it is that appearance of corruption that the American people are learning about and eventually, no matter how many people you put on top of that pressure cooker, that lid is going to explode, and the demands of the American people for justice on this matter are going to be realized.

I refer again to the documents filed in Federal court here by the Federal Election Commission. It said that, unlike the Republican National Committee and the other two Republican Party committees, where Gingrich's idea might be too controversial, GOPAC could be as bold as it wanted to be, and its only restriction was whether or not its donors wanted to keep donating.

The only restriction on this issue is whether the American people will speak up firmly enough to demand we have justice both on the ethics charges against the Speaker and on the need to see that this kind of GOPAC big spending is ended.

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

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

D.C. FISCAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day 16 of my countdown to December 15. I will be here every day we are in regular session.

Next Wednesday, there is a hearing on the D.C. Fiscal Protection Act. I am here to protect the District of Columbia from another shutdown on December 15. I am here to protect 600,000 residents who are not parts of a Federal agency but tax-paying citizens of the Capital City of the United States, who got shut down in the last shutdown, even though they had no part in the struggle between the Congress and the Executive.

I thank the gentleman from Virginia [Mr. DAVIS], who is a cosponsor of the D.C. Fiscal Protection Act which will get its hearing next Wednesday. The act has been well named; fiscal protection because the District of Columbia needs to be protected from any further blows to its fiscal health. Surely I do not need to tell my colleagues that the District is in delicate condition. There is a control board which is seeking to help the District return to financial solvency.

A shutdown of the District for the second time simply puts the city in the hospital. The Congress wants the opposite. If it indeed expects the opposite to occur, it must take action to make sure there is no shutdown.

Mr. Speaker, when the Federal Government shut down, for most Americans there was no direct hit, even though there was very direct inconvenience; and where there might have been something approaching a direct hit, the Congress took action to protect Americans and, I might add, to protect Members from the wrath of Americans, such as the exceptions that were passed to allow workers on Social Security to come to work.

The District of Columbia, on the other hand, was hit in three direct ways, three direct hits. First, the District Government was shut down. Second, District residents had their vital services wiped out and could not receive them. Finally, Federal employees who work in the District had to remain home.

Let me say a word about Federal employees today. I have not talked about them as much in past days. This is a home of the Federal Government. Of course, it follows that our largest employer is the Federal Government and, therefore, we have a disproportionate number of employers, about 60,000, who were forced to stay home on forced administrative leave. These are some of the most stable employees. We are trying hard to keep them.

Imagine what they might be thinking now: ''At least if I lived in the suburbs, if they shut down the Federal Government, my vital services would still be available to me.''

Please help us keep our tax-paying residents. If we have to shut down, give us an exception for D.C. employees. Let me say what has happened to these employees. The effect on them is simply intolerable. Because of the District's financial crisis, they have already given back 12 percent of their income to the city last year and took 6 furlough days. This year our unionized employees will give back 3 percent to the city and have 6 more furlough days. Would my colleagues like to tell folks like that that they might risk not getting their pay or that they probably will get their pay but they have to stay home and let backlogs of work build up?

What about my cops, the cops who are now working straight time, not overtime, on the weekends and at night? These sacrifices are being made by D.C. employees at a time when the American standard of living has been stable or going down for two decades. Front-line services, from trash collection to day-care centers that happen to be in libraries, were closed because libraries were closed.

There was a plethora of services that were closed for business, vital services, services that keep the residents alive and going. One of the most vital actions that was closed down, however, had to do with the multiyear plan which is due here in early February, the plan that is central to reviving the District. If we missed that deadline, there will be howls throughout this body.

Virtually all Members directly involved recognize that something has to be done, and I thank them all. I thank the Speaker for recognizing it and telling me that he thought something special should be done for the District if we shut down the Federal Government. I thank Mr. DAVIS for the hearing coming up and for his cosponsorship of my bill. The gentleman from New York, [Mr. WALSH], our subcommittee chairman, recognizes it as well. He is now with the President heading a bipartisan delegation, as he is in this House, Chair of Friends of Ireland. I applaud that. I have no objection to his going and applaud opportunities for Members to work together like this in a bipartisan line.

I hope he comes back not only as a friend of Ireland but as enough of a friend of the District of Columbia so that we can guarantee that the city will not be closed down December 15.

BOSNIA POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to discuss our Bosnia policy. In the past 4 years, nearly 250,000 people have been killed in that war-torn region, 2 million people have become refugees. Atrocities have been committed that have truly shocked the world.

The region has been a tinder box for European instability for centuries. Thus the peace agreement agreed to by the Presidents of Bosnia, Croatia, and Serbia in Dayton, OH is indeed an historic step toward bringing peace and ultimate stability to this region.

However, the deployment of over 20,000 United States troops to Bosnia to enforce the peace raises many questions. One lesson I have learned from history is that when Congress and the President are not at once with the American people, our Nation suffers. First, the Nation must be committed, and only then should we send troops. Sending troops to Bosnia without broader public consensus will prove to be a mistake.

The President's recent efforts to convince the American people fell short of achieving that public support. May I ask, why in this post-cold war era, when our U.S. citizenry has been clamoring for more defense-burden sharing by our allies, has the United States again been asked to assume the central role in resolving this situation, even convening the peace talks in Dayton, OH rather than on the European continent. The short-term cost of U.S. participation will equal $2.6 billion.

This entire matter is a defining moment in U.S. foreign policy in that the United States is being asked to substitute for European resolve in this post-cold war era.

In the NATO nations of Europe, we have thousands of European trained, deployable troops that could be dispatched immediately to Bosnia in the event a final peace accord is signed in Paris. Let me read to you the list of European countries associated with NATO and the number of their combat ready troops. This does not even count their reserve forces:

In Belgium, 63,000 troops. In Denmark, 27,000 troops. In France, 409,000 troops. In Germany, 367,000 troops. In Greece, 159,300 troops. In Italy, 322,300 troops. In Luxembourg, 800 troops. In the Netherlands, 70,900 troops. In Norway, 33,500 troops. In Portugal, 50,700 troops. In Spain, 206,500 troops. In Turkey, 503,800 troops. In the United Kingdom, 254,300 troops, bringing the total NATO active forces to over 2½ million war-ready forces.

Identifying 20,000 ground troops from among these forces would represent less than a 1-percent additional commitment for NATO's European partners to enforce the peace. Is that too much to ask of them? If the United States maintains our logistical and our air support.

The administration has stated that Europe, since 1914, has been unable to effectively maintain the peace and there was no other recourse but for the United States to assume the lead in bringing the warring factions to peaceful resolution. They have urged us not to become isolationists. The truth is, the long-term prospects for peace in this troubled region are very slim. Once the NATO troops withdraw, it will require 50 years of cooling off between the warring factions and maintenance of borders by external forces to give peace a chance. A 1-year quick fix is not going to do it.

Who will commit to that long-term maintenance of peace? And who will pay for it? Is it not time for NATO's European partners to measure up to their common defense? The United States, as a partner in NATO, has a role in logistical and air support, but we should not be sending ground troops to Bosnia. NATO in Europe is perfectly capable of doing that on its own, if it wished to.

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

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

ON BOSNIA AND BUDGET NEGOTIATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, although I am going to be speaking today primarily on the need to balance the budget for the American people, I would like to echo some of the sentiments that the gentlewoman from Ohio just stated before this House, all and all, to those that may be watching at home.

I just returned from a national security meeting where we had the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff, General Shalikashvili, coming and testifying before our committee one more time telling us why American troops need to be sent to Bosnia. Unfortunately, while we saw a lot of good charts and saw that General Shalikashvili obviously had done his homework and was going to try to carry this mission out in as impressive a way as possible, unfortunately, there was one question that was not answered over there. That question was,

why? Why are we sending young Americans to get involved in a 1,000-year-old civil war where everybody admits there will be bloodshed and young Americans will die? Why are we doing that?

□ 1545

Is there a vital American interest involved in the Bosnian civil war? Absolutely not, and that is something unfortunately that the administration has not been able to convey to the American people. They have not been able to make their case that getting involved in a three-way civil war halfway across the world is worth the death of young American men and young American women that would be sent to Bosnia.

The fact of the matter is that we in the post-Vietnam era have set up some basic requirements to make sure, to make sure, that before young Americans go to get involved in a war where there will be casualties, and everybody who has testified before the Committee on National Security admits there will be casualties in Bosnia, we set up a framework to make sure that we do not repeat the mistakes of Vietnam.

Remember what happened in Vietnam? The fighting did not just go on in the jungles of Vietnam halfway around the world. The fights went on in the streets of America, and the streets of the Capital, in the Halls of Congress, on college campuses across this country, and what did that do? That undercut American forces' ability to do what they needed to do to win the war in Vietnam. In fact, after the war North Vietnamese generals were quoted in the press as saying, ''We knew we would never win the war militarily in Vietnam, we knew the Americans would continue to rout us in battle after battle after battle. But we knew one thing. If we kept fighting long enough, we would win the war on the streets of America and in the Halls of Congress.''

So what happened? Young Americans, white and black, rich and poor, northern and southern, died in the jungles of Vietnam, and very little was accomplished when the Americans retreated and pulled out of Vietnam.

So in 1980, in the mid-1980's, we came up with a doctrine and said, ''Before we send Americans, we're going to have a few requirements. The first requirement is that there is a vital American interest involved in that war.'' And that is important because, when you are the President of the United States, and you have to pick up the phone and tell a mother and a father that their 18-year-old boy or girl has just died on foreign soil, away from home and away from their country, you better have a good reason, you better be able to explain to them that their son or daughter died for the best interests of the United States of America, and that is that vital American interest that we are all clamoring about, that we are all asking for: What is the vital American interest?

Quite frankly there is none, and the administration in the beginning said that it was because it would look bad to our NATO allies. Mr. Speaker, that is no reason to send Americans off to die. The fact of the matter is the United States is and has been NATO for the past generation. We have protected our NATO allies from the threat of communism, we have provided them with troops, we have provided them with protection, we have gone beyond the call of duty to NATO. Just because we do not get involved in a European civil war that has been going on for almost a thousand years does not mean that we will be traitors to NATO and NATO will kick us out.

The fact of the matter is we are the lone superpower in this world, the lone superpower on the world stage. So that is the first straw man. Second straw man is that this war will somehow explode beyond the borders of Bosnia. Well, in all the testimony we have heard before the Committee on National Security that is also a straw man that has been set up and knocked down. It is just not the case, and a few weeks ago in Philadelphia the Secretary of Defense admitted that this may not be a war in which a vital American interest is at stake. But then they started backtracking, and Time magazine quoted several sources that started saying maybe we do not even need a vital American interest in this post-cold-war world, maybe we can go ahead and send our volunteer troops to die in Bosnia.

Let me tell you that is just—it is sickening to think that we have people here that are willing to allow young Americans to die abroad for an interest that is not even our own.

Certainly it is horrible to see what is going on in Bosnia. I was watching a newscast a few months back, and there was a 7-year-old boy that had literally been blown off his bicycle, and they had him on a stretcher, and he was screaming, ''Please don't cut off my leg, please don't cut off my leg,'' and the news reporter came on and said they did not cut off the young boy's leg, but he died 2 hours later.

Now I have a 7-year-old boy myself, and that touched me, it tore me up, and I thought we have got to do something about it, we have got to stop the killing in Bosnia. There has to be something we can do. We need to send American troops over there.

But then I backed up and started thinking about it and started thinking about the fact that we had said the same thing in Somalia, and what happened? We sent troops over to Somalia, but it was not Somalians 2 months after we sent our troops in dying on TV screens. It was young American GI's who had been beaten, and tortured, and burned, and drug through the streets of Mogadishu.

And what happened? This same emotional impulse that pulled America into the civil war in Mogadishu pulled them back out, and the same emotional response that this administration is feeling right now when we see Bosnians dying on the TV screen, that will cause American troops to be pulled over into the middle of that conflict, it will also pull them back because it would not be Bosnians that we see dying on our TV sets 2 months from now or 3 months from now, it will be Americans, and make no mistake of it. General Shalikashvili just today, 30 minutes ago, testified before our committee that we need to expect casualties, young Americans will die.

And let us personalize this because I have heard a lot of talk from a lot of people over these past few weeks saying, well, it is a volunteer force, it is a volunteer army, they signed up for it, they should not be afraid to go and fight. It is our military, we spend money on our military, they should be willing to go and fight.

Let us make no mistake about it. It is not just a faceless military man or woman that is going to die if we go to Bosnia. It is going to be somebody's son, it is going to be somebody's daughter, or it is going to be a father or mother or somebody. In the class of my 7-year-old boy, he has several friends whose fathers are in the military who are waiting to be called and may be going over to Bosnia, and on December 15 or December 16, when we are all planning for Christmas, and when hopefully I will be able to go home and be with my family, and we can prepare for Christmastime, they are going to be saying goodbye to their fathers, they are going to be saying goodbye to their mothers, they are going to be parents who are going to be crying and kissing their young men and women, their sons and daughters, going to be kissing them goodbye, knowing that they are not going to see them Christmas morning.

And the question we have to ask is why. What is the vital American interest that we have that is worth sending Americans to get involved in a three-way civil war that will certainly end in conflict and will end in Americans' deaths? And I am not saying that we, as Americans, need to be isolationists. I am not an isolationist. There are vital American interests that need to be protected across the globe. But in this case we are not going to be able to make a difference.

Fact of the matter is this civil war has been raging for centuries, and it was brought home in testimony before the Committee on National Security by a general of the United Nations who came to us and said, ''I want you Americans to understand what you are about to get involved in.'' He said to us that he was a monitor for the human rights abuses that went on, and, monitoring those abuses, he said, one morning he had to go out and survey a situation where the Serbs had slaughtered young and old Muslims, and as he saw the young victims and the elderly victims in the ditches of Bosnia, he was surveying the scene and through how horrendous it was.

And a Serb came up to him, and he said, ''It serves them right,'' and the general turned around and said, ''It serves them right for what?''

And the Serb responded, ''It serves them right for what they did to us 600 years ago.''

Then the general paused, and he said to us, ''And you Americans believes that you are going to be able to end a thousand-year-old civil war that you do not even understand in 1 year and with one division.'' He laughed. He said it was not doable.

And the fact of the matter is we have a bipartisan group in the U.S. Congress that is urging the President to please hold back and not send troops until he gets the support of this Congress. The last speaker that was just up was a Democrat. I would guess she votes with the President 80 to 90 percent of the time. But she and several others of her colleagues on the Democratic side realize that this is a war that we cannot win.

This is a situation where young Americans will be sacrificed, and when the press turns bad, and the body bags start coming home, and inside those body bags will be the sons and daughters of Americans, when those body bags start coming home, we will have an emotional response, and we will quickly yank those troops out, and for what? I say today for absolutely nothing. We know we cannot bring about a peace to a country that has been fighting a three-sided civil war for a thousand years, and it is sheer folly and idealism to believe today that we can do that.

Also another important thing we have to take into consideration is public support of a mission. You know then Secretary of Defense Cap Weinberger talked about how the lack of overwhelming public support torpedoed our efforts in Vietnam. It was about a 50–50 split, if I am not mistaken, over having troops in Vietnam. We are not even at 50 percent today. The overwhelming majority of Americans from some of the polls that I have seen recently oppose sending troops to Bosnia.

□ 1600

So what is going to happen? If they are already thinking that right now, what is going to happen a month from now, or 2 months from now, or 6 months from now, when young Americans are killed and taken, paraded through the streets of Bosnia and brought back in body bags? What is going to happen?

Chances are good that we will see what happened in Vietnam. Fighting will erupt in Congress, demonstrations will occur in the streets of America, and we will have a President responding once again based on emotion rather than based on solid, hard military principles.

I have to say again, following up from what the previous speaker said, we should not send troops to Bosnia until the President can convince the overwhelming number of Americans from coast to coast that not only do we have a vital American interest getting involved in a 1,000-year-old civil war, but that interest is so essential to this country that it would damage America directly if we did not send those troops. Those are the questions that the President is going to have to answer.

Outside of Bosnia, we have other issues that are involved, issues that are every bit as important, and every bit as important to where we go as a country in the 21st century. For too long in this Congress we have had Members on both sides of the aisle willing to spend this country deeper and deeper and deeper into debt. Today we are $4.9 trillion in debt.

I spoke of my two boys, my 7-year-old and my 4-year-old. The fact of the matter is both of those boys are $20,000 in debt, as are all of you, and everybody who is watching owes $20,000, if you divide the $4.9 trillion that we owe. It also means that every child born today will have to pay $175,000 in taxes over their lifetime just to pay the interest on the Federal debt, just to pay the interest, $175,000.

When we talk about $4.9 trillion, a lot of people's eyes glaze over. My eyes glaze over. We cannot really begin to fathom how much $4.9 trillion is, but I want you to consider this. Think about this for a second. Starting with the day that Jesus Christ was crucified, if you made $1 million a day from the day that Jesus hung on the cross to today, made $1 million a day over those almost 2,000 years, you could not pay off the national debt that the United States of America now has. Can you fathom that? Do you know, you would have to go through seven more time periods making $1 million a day over seven more time periods, just to pay off the national debt that we owe today?

That is absolutely incredible. Yet, we still have people in this Chamber and in the media and across the United States of America that say, ''Maybe it does not matter whether we balance the budget sooner or later.'' That astounds me. That absolutely astounds me, because let me tell you what is going on here. Let us brush aside all the political rhetoric that you have heard, let us brush aside what the Republicans tell you, what the Democrats tell you, what independent demagogues tell you. Let us just look at the facts.

The fact of the matter is that this is how it works in Washington, DC. One year ago when I was a citizen sitting on my couch in Pensacola, FL, never being elected to the U.S. House of Representatives or to any other position, I had never run for office until a year ago, but the simple fact is this; this is what is happening in the House of Representatives and in the Senate and in the White House: We are stealing money from our children and our grandchildren's pockets to pay off special interests on this bill or that bill, paying out money that we as a Federal Government are not even constitutionally empowered to pay out.

Whatever happened to the words of Thomas Jefferson in our deliberations, where Jefferson said ''that the government that governs least governs best?'' Why have we forgotten the words of the 10th amendment that says:

> All powers not specifically given to the Federal Government are reserved to the States and to the citizens?

And we certainly have forgotten the words of James Madison, one of the Framers of the Constitution, who said:

> We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God.

Yet, today we have a Federal Government that has ignored these pleas of our Founding Fathers on both sides of Pennsylvania Avenue. They have continued to spend more, they have continued to overregulate, they have continued to punish people for daring to be productive. They have continued to let Federal bureaucracies explode.

This House has continued to allow the Federal Government to step in and tell us how to educate our children and how to protect our communities. It just makes absolutely no sense, but this Congress, after a generation, after 40 years of not being able to balance its budget, this Congress finally passed a Balanced Budget Act for the first time in a generation. What does it do? It makes sure that this Congress does exactly what Americans are required to do by law. That is, spend only as much money as we take in.

Right now, even though given the fact that we are $4.9 trillion in debt, we as a government this past year spent $4 for every $3 that we take in. What happened at the White House when the real crisis came, and we refused to raise the debt ceiling in Congress until the White House committed to balancing the budget, where they simply went in and raided the trust funds of our Federal employees, simply decided that they would go in when it suited them to raid the trust fund of Social Security recipients and to raid the trust funds of Medicare?

Let me ask this, as a rhetorical question. If you were running a business and you were spending $4 for every $3 that your company took in, and you piled up such a massive debt that you decided to raid your employees' retirement funds, what would happen to you? You would be sent to jail. But what has happened in Washington, DC? We have reelected these people for years and years and years.

Up until 1994, when 72 freshmen who campaigned on balancing the budget came to Washington, and we told the Speaker of the House, we told the majority leader, we told the President of the United States, we told everybody who listened that we as a freshman class were going to draw a line in the sand and not allow this Federal Government to continue its runaway deficit spending, that we were going to say

no to higher debts, we were going to say no to higher taxes, we were going to say no to more regulation, we were going to say no for punishing people for daring to be productive, and that we were finally, as a principle, going to stop stealing money from our children and our grandchildren, and it has worked.

We passed the first Balanced Budget Act in a generation's time, but what have we heard? What have we heard from the media? You would think that all of America would rejoice, that the media would come out and say, ''Good job, guys.'' Some have, but unfortunately two many have listened to the scare tactics from the liberals and have listened when they told them that we have massively cut all these programs.

You heard about the massive cuts in Medicare, you heard about the massive cuts in student loans, you heard about the massive cuts in the earned income tax credit, you heard about all these massive cuts in education and environment. I guess as a freshman I did not understand how it worked in Washington, DC, but I figured it out. I am not too good at math, but there is some new math going around in Washington, DC. You see, a spending increase is actually now called a spending cut. I say that because you hear how we are slashing all these programs. You have heard about the draconian cuts, but let us talk real numbers. If you want the budget, call your Congressman or Congresswoman and they will send it to you.

These are the real numbers. Under the Balanced Budget Act of 1995 that the Republicans passed, spending on the following programs will increase. In the school lunch program that we heard that we savaged, spending increases 37 percent, from $4.5 billion to $6.17 billion at the end of our plan.

Under the earned income tax credit, spending increases 28 percent.

In student loans, and how many of us have heard that student loans are going to be cut, in student loans spending increases 48.5 percent, and it increases from $19.8 billion to $25.4 billion in student loans.

Why is the White House angry? Why are the liberals angry? Because we actually want to keep the power in the communities, so students who want to go to college do not have to kowtow to a Federal bureaucracy in Washington, DC, to get student loans. That is what the Clinton administration wants.

They actually want, and they are arguing against history here, they actually wanted to consolidate power in Washington, DC, so if you are a student who wants a student loan you have to come to Washington, to the Department of Education bureaucracy here, and crawl on your hands and knees for a loan instead of getting it in your local community.

Despite the fact that we are spending about 50 percent more under our plan for student loans, they still characterize that as a cut.

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

Mr. SCARBOROUGH. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, I think in our effort to balance the budget, we see some honest differences on what money should be spent in education between the States and the Federal Government. I know, as a Member of Congress from Kansas, that our State constitution does have a requirement to educate the children in that State. We have a State board of education, and through State funding it provides 94 percent of the funding requirements and the needs of the children to get a public education for Kansas. So where does the authority come to override that constitution in the State of Kansas?

There are some things we could do, I think, as niceties, and providing student loans is one I advocate. I was able to go through college on student loans, as was my wife, and I am glad to see we are supporting student loans in a strong fashion. But to say that kids will not be educated if the Federal Government does not take that role is somewhat misleading. I think it is a violation of the 10th amendment; where States can provide that need, I think we should allow them to provide it.

In your home State of Florida, I know they have a magnificently large building that would house the Department of Education or whatever it is termed in Florida; and again, they have plenty of requirements there to meet the needs of the children in Florida.

So I guess what I am saying is that there is an honest difference when it comes to Federal spending for education that we have with the liberals. We think that the States have that responsibility through their constitutions, and I am unable to find that requirement in the Federal Constitution that I have sworn to uphold.

Mr. SCARBOROUGH. I would say to the gentleman, the fact of the matter is he mentioned the 10th amendment. All powers not specifically given to the Federal Government and in the Constitution are reserved to the States and the citizens. Read the Constitution of the United States. There is no mention of a Federal role in having an education bureaucracy to micromanage education at the State and local level.

Then read the constitutions of all 50 States. Did you know all 50 State constitutions have contained in them provisions for the States controlling education? That is why, as you know, I have introduced a bill that 120 people have cosponsored, including most of our leadership, I think all of our leadership, to abolish the Department of Education bureaucracy and send all those education dollars back home, send them back to the communities. So instead of a bureaucrat in Washington, DC, educating my children and your children, we will have parents, teachers, principals, school boards, and communities empowered to make choices about education, because our Founding Fathers envisioned this country as being a nation of communities and a nation of families and a Nation of individuals who could be empowered to control their own life, and not have those decisions made by a highly centralized Federal bureaucracy.

Mr. TIAHRT. If the gentleman will continue to yield, going back to Kansas again, we do have recent legislation that addressed the concern that Kansas had that their students were not getting the quality of education that they would like. If they looked at test scores, there was a degradation in test scores, and they passed measures called quality performance accreditation, QPA. It has been very volatile, very controversial, but it was in fact duplicative of what is going on with American Goals 2000.

□ 1615

So now we have a Federal entity in the Department of Education, as I join with the gentleman to abolish, duplicating the effort of the State board of education in Kansas and duplicating paperwork, duplicating effort, duplicating, all under the guise of getting a world-class education for our students. So I think that we are struggling at the State level trying to provide the quality of education that we need, and we really do not need big brother Government looking over our shoulder asking for twice the amount of paperwork.

We have spent hundreds of millions, close to billions of dollars here in Washington, DC, in the Department of Education and not educated one child. I think it is a little unique that we have wasted so much money when our goal is to provide a world-class education for our students.

Mr. SCARBOROUGH. Mr. Speaker, I will tell my colleagues some interesting facts that people do not understand about the Department of Education is that it was just recently created. A lot of people said to me, what in the world will we do without a Federal Department of Education bureaucracy? I said, we will do what we did for the first 203 years of this constitutional Republic. We will allow parents, teachers, principals, school boards, and communities to make decisions on how to best educate their children.

It was not until 1979, when Jimmy Carter struck a deal with the National Education Association, that we even had a Federal Department of Education bureaucracy. Since that time, spending has gone from $14 billion to $33 billion, while test scores have plummeted. That is $33 billion in education money that is being drained, literally drained out of the education programs at the local level and brought up to Washington, DC, and for what?

The fact of the matter is the Department of Education only gives States 6 percent of their funding for education, and yet they give them over 55 percent of their paperwork.

Mr. Speaker, I do not know if my colleagues watch ''Baywatch.'' I do not watch ''Baywatch,'' but I know what it is about. Did you know that your money, your Department of Education money goes into an educational program to provide closed caption for the hearing impaired for ''Baywatch''?

Did you also know that the Department of Education said that they had to slash $100 million this year from the education budget in money that was to go to keep schools safe, to stop roofs from caving in, to make sure that children had a good learning environment and safe learning environment? While they slashed and chopped $100 million from that upkeep, that building upkeep program, they added $20 million to upgrade their own bureaucracy building here in Washington, DC.

So they are literally taking our education dollars, robbing money from our school children to build their bureaucracy here in Washington, DC, and that is not what people in my community think is a wise investment for education dollars.

Mr. Speaker, I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I would say to my colleague that I did not realize that there was any educational or intrinsic educational value to ''Baywatch.'' I have never seen the program myself. As you, I have heard that it is not worth watching.

Be that as it may, I think it is ironic that we spend this money here that has no educational value as far as fully teaching children, which is where the rubber meets the road. This goes back to the overall picture, why are we spending money in certain portions of our Government that have no constitutional authority, that have no apparent success, and there is no correlation between the spending of additional funding and the quality of education?

Much of what has occurred in the past in the educational realm has not been related. I mean, if you track it on a graph, how much money has increased, and test scores, as they have either held stable or increased or decreased, there has been no correlation between spending more money. So we have not really addressed the problem, the problem of seeing that our children have a better education.

So, again, we are going back to these attempts to balance the budget. Why should we waste money on funding areas that are not effective and that have no constitutional background?

Mr. SCARBOROUGH. Mr. Speaker, I agree with the gentleman. We need to ask that constitutional question. We need to hold everything that we pass up and see how it does in the light of the 10th amendment.

Mr. Speaker, let me in the remaining minutes that we have discuss some things about Medicare. Because, again, talking about the big lie that has been promulgated and all of these other issues that we are gutting funding for, all of these other things when, in fact, we are increasing funding, the same thing occurs in Medicare where we hear the President saying that he is going to shut down the Federal Government because our plan cuts too much in Medicare.

Well, the fact of the matter is that the President of the United States himself came out with a report with the Medicare trustees, with three people in his own Cabinet telling us that Medicare was going bankrupt and we needed to reform it, and we dared to step forward and reform it. And yet, remember when the Government shut down, the President said, I will not allow them to slash Medicare benefits. Well, it ended up that it was a sham. His plan was just like ours.

If I could read a few quotes from The Washington Post. Now, mind you, the Washington Post has not been a Republican ally, but they have been very straightforward and fair, and this was written actually by Matthew Miller, who is a former administration budget official for Bill Clinton.

Mr. Miller wrote in the Washington Post last weekend:

> Though many of the President's advisors think the Republican premium proposal plan on Medicare is sensible and that it differs very little from the President's own plan, the President fired sound bites from the Oval Office daily, taking the low road in ways that only Washington pundits can recast as standing tall.

Also on Medicare, the Washington Post wrote on November 15, 1995:

> The Democrats have been prospecting harder for votes among the elderly and against the Republican proposal than they have for the savings to bring the deficit down.

Finally, on November 16, in what I believe is one of the most important editorials that has been written this year, the Washington Post wrote that ''The budget deficit is a central problem of the Federal Government and one from which many difficult problems flow.

''Bill Clinton,'' again, this is the Washington Post, not me, ''Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of a congressional Republican plan to balance the budget over 7 years.

''Some other aspects of that plan deserve to be resisted, but the Republican proposal to get at the deficit, partly by confronting the cost of Medicare, deserved support. The Democrats, led by the President, chose instead to present themselves as Medicare's great protectors.''

Again, this is the Washington Post. ''They have shamelessly,'' and this is what they say, ''They have shamelessly used the issue, demagogued on it, because they think that is where the votes are and the way to derail the Republican proposals generally.

''The President was still doing it this week. A Republican proposal to increase Medicare premiums was one of the reasons the President alleged for the veto that shut down the government, but never mind the fact that the President himself, in his own budget, would count it as a similar increase.

''We have said it before, but it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving.''

Again, I want to show my colleague, just so no one will think I wrote this, this is the Washington Post saying that Democrats have shamelessly demagogued on this issue and have tried to scare senior citizens into believing that the President is the protector, when his plan is just like our plan.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, Medicare, just in a short review of the 1960's BlueCross/BlueShield plan that was put in place 30 years ago, the medical industry has progressed some considerable amount, and yet BlueCross/Blue Shield in this Medicare Program has been stagnated, frozen in time. So what we are proposing to do is not cut Medicare at all. In fact, the average payment per beneficiary goes from $4,800 per recipient this year to $6,700 per recipient in the year 2000, with more recipients.

Mr. SCARBOROUGH. If the gentleman will yield, actually, they have redone the numbers, and it actually goes from $6,700 up to $7,100 per Medicare recipient. We go from spending $900 billion on the program this year to $1.7 trillion on Medicare in the year 2002. Now even in the schoolrooms that I went to that is considered a spending increase.

Mr. TIAHRT. Mr. Chairman, I think if we could talk to someone in elementary school and showed them a basket that had 47 baseballs in it and a basket that had 71 baseballs in it and ask them which one has more, everyone would realize that there is more in the basket with 71.

That is kind of a simplistic example, but there are no cuts to Medicare. There is a reduction in projected growth, but, good grief, it was growing at 11 percent per year. Medical inflation is growing at about 4 to 5 percent per year. Something needs to be done.

I think the plan that we have before us that the Republican Party has come forward with, the Republican Conference, is a good plan, because it not only preserves and protects Medicare, but it also gives options, it empowers individuals, seniors. They can choose alternate plans or they can stay in Medicare, as they choose. I think it is still within the realm of balancing the budget. We have been able to preserve and protect Medicare and provide some options.

I do not know how much time we have here, but I do want to say before we close, talk about some of the recent agreements that have been signed in a continuing resolution as far as making

a commitment to balance the budget by 2002.

Briefly, most of America knows that for a long, long time, a man or a woman's word was their bond. Well, my grandfather bought cattle and bought grain. His word was his bond. He would return some day later and pay cash for it. When my father purchased farm equipment, his word was his bond. My father-in-law taught me many lessons about honest and integrity. His word was his bond.

Yet we have just recently signed a agreement on November 20, 1995. The President signed a continuing resolution that said this:

> The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002.

Now, the first session of the 104th Congress ends on December 31, so we do not have a whole lot of time to do this.

Mr. SCARBOROUGH. Does it say Congress and the President ''shall'' or ''may''?

Mr. TIAHRT. It says the President and the Congress shall.

Mr. SCARBOROUGH. So it is required by law. The President is required by law.

Mr. TIAHRT. Required by law to enact legislation to balance the budget by fiscal year 2002.

I want to quote something that was reported on the Fox Morning News on November 28. It was in the White House Bulletin on November 28 and in the Associated Press on November 28. This is quoting White House Secretary Mike McCurry when he was asked whether the White House would prefer to put off the larger budget debate until after next year's election and operate the Government on a continuing resolution, and here is what he said. ''There are big differences between the President and Congress.'' That is a true statement.

He continues by saying, ''and I suspect that those kinds of issues will have to be settled in November 1996. But, in the meantime, we can avert the crisis, avert the shutdown, get on with the orderly business and have our debate next year during the national election campaigns when we should, as Americans, have that kind of debate.''

I would put to Mr. McCurry and the American public that this was a signed agreement. This is not something that is debatable. This has the power of law.

Mr. SCARBOROUGH. Mr. Chairman, if the gentleman will yield, the next day Presidential Spokesman McCurry said, ''I think they will get a compromise that everyone will agree needs to really be a placeholder until we have a national election. Pragmatically, that is what is going to happen anyhow.''

So the gentleman is correct. It astounds me that this White House can waffle the way it does. Remember Leon Panetta saying the day after they signed this law, ''The President and Congress shall by law enact a balanced budget to save future generations in 7 years.'' The day after, 24 hours after that, Leon Panetta had the audacity to go on national TV, being smug, and say, ''Well, maybe 7, maybe 8; we really do not know.''

Now, this is the same Leon Panetta that said, Congress is holding a gun to the President's head. He called us terrorists right after the terrorist attack in Israel.

□ 1630

This is the same Leon Panetta who said we were being terrorists for attaching something to the continuing resolution requiring the President to balance the budget. This same Leon Panetta did the same exact thing when he was sitting on that side of the aisle in this House of Representatives and did it to two different Republican administrations.

These people feel so free to use the English language any way they want to use it to try to get around the fact that we must balance the budget for the sake of our children. And they think they are cute playing these semantics games.

Well, we are $5 trillion in debt. My children and your children and their children are $20,000 in debt apiece. My children and your children and their children will spend over $150,000 in their lifetimes just to service interest on the debt.

Mr. ABERCROMBIE. Will the gentleman kindly yield?

Mr. SCARBOROUGH. My children, your children and their children are the ones who this Congress has been stealing money from for the past 40 years and the past generation and the time has come to say enough is enough.

I see the gentleman from Hawaii is asking for time. We have to close right now. I will say this, though. I am looking forward to working with the gentleman from Hawaii who yesterday appeared to say that we did not go far enough and we actually needed to find another trillion dollars, and I would welcome the gentleman's help in figuring out a way to get Social Security off budget and find a way for us to go that final step, to find the additional trillion dollars to do what we need to do.

But I have got to tell you this: If we are $1 trillion short, then the President of the United States is $1.85 trillion short.

I look forward to working with the gentleman. I certainly look forward to working with the gentleman from Kansas.

Mr. DORNAN. Would the gentleman yield for a second?

Mr. SCARBOROUGH. Unfortunately I believe we are out of time.

Mr. DORNAN. I just wanted to say that I am going to do an hour special order later on Bosnia. I will not have to say it now.

Mr. SCARBOROUGH. I thank the gentleman. Unfortunately, we are going to have to wrap this up. I thank the gentleman from Kansas for helping us out.

I ask Republicans and Democrats alike on both sides of the aisle to dare to make a difference.

Bobby Kennedy, a Democrat, said the future belongs to those who dare to make a difference.

I got a letter from a constituent in Pensacola, FL, thanking Congress for daring to make a difference and going where this Congress has failed to go for the past 40 years.

He said a South African missionary once wrote to David Livingstone, ''Have you found a good road to where you are? We want to know how to send some men to join you.''

The missionary wrote back, ''If you have men who will come only if they know there is a good road, I don't want them. I want those who will come if there is no road.''

For 40 years this Congress provided no road to balance the budget. For 40 years this Congress shamelessly stole money from future generations to pay off their political interests, and for 40 years this Congress did not have the guts to do what we have done as middle-class Americans for the past 40 years, and that is to balance our budget and to spend only as much money as we have.

Well, we have made the difference now. I ask people on both sides of the aisle to come forward and dare to make a difference, and stop trying to scare senior citizens. Follow what the Washington Post tells you to do: Save Medicare, balance the budget, pass true welfare reform, and ensure that our future generations will have a lifestyle in America that is even better than our own.

THE BUDGET

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I will try not to use the entire 60 minutes, but I do appreciate the opportunity to address my colleagues about the budget.

As I am sure that most of us can tell from listening to the debate on the House floor, the biggest issue right now is the budget which is being negotiated between the President, the White House, and Congress, both the Senate and the House, and over the next couple of weeks or so hopefully decisions will be made so that there can be a compromise worked out between the Republican leadership budget which passed the House and the Senate about a week ago and the priorities that have been articulated by President Clinton and most of the Democrats in Congress.

The chief concern of myself as well as most of the Democrats is the fact that the Republican budget as passed essentially cuts Medicare and Medicaid by

significant amounts in order to provide tax breaks primarily for wealthy Americans. If you look at the chart over here which I have pointed to many times, you can see that the cuts in the Medicare Program, the health care program for seniors, of $270 billion roughly translate into the tax breaks primarily for wealthy Americans of $245 billion.

I contend that during this budget negotiation, the only way that we are going to preserve and protect Medicare as well as Medicaid, which is the health care program for low-income Americans, is if we eliminate most if not all of these tax breaks for the wealthy and put that money back into the Medicare or Medicaid Program. Without that happening, and I hope that the budget negotiators accomplish that, but without that happening, it would not be possible in my opinion to preserve the Medicare and Medicaid Program.

The consequence would be that many seniors and many low-income people would not have health care, would not have health insurance, or if they do have it, they would have the quality of that care significantly reduced. This not only impacts seniors and low-income people but also all Americans, because the cuts in Medicare and Medicaid directly impact every hospital in this country, every health care provider. The quality of our hospitals will deteriorate. Many of our hospitals will close because we are taking so much money out of the health care system, because of the dependence of hospitals and health care providers on the Medicare and the Medicaid programs and the Federal dollars that go along with it.

One of the things that I wanted to start out with this evening is to point out that repeatedly the Republican leadership has suggested that these tax breaks that are in the budget bill that they approved would somehow be helpful to all Americans, it would not primarily be for well-to-do Americans. In fact, the gentleman from Texas [Mr. ARCHER], who is the chairman of the House Committee on Ways and Means, has repeatedly defended the budget bill by saying that there will be benefits for all Americans, proportionately and in a fair way.

Well, the Treasury Department just came out in the past couple of days with an analysis of this Republican budget, and it was put forward or summarized, so to speak, in an editorial a few days ago on November 23 in the New York Times that definitively showed, in my opinion, that the Treasury's analysis is correct and essentially shows that most of the tax breaks go to wealthy Americans.

I just wanted to read briefly, if I could, from the editorial in the New York Times. It says that the Treasury Department estimated that the richest 1 percent would rake in almost twice as much, or 17 percent of the tax breaks. The Treasury figures are solid evidence that the Republican tax cut is heavily weighted toward the rich.

If you look at this analysis on the chart here, it shows the Treasury's version based on the fully phased-in law, and as can be seen, the significant amounts of the tax breaks go to wealthy Americans: 23.8 percent to those that make more than $200,000; 23.7 percent to those that make between $100,000 and $200,000; 19 percent for those who make between $75,000 and $100,000; 19 percent again to those who make between $50,000 and $75,000; to the point where if you are making less than $20,000, you actually pay a tax increase under this Republican budget.

I just want to put that to rest, because I know we have heard a lot of discussion and statements on the other side of the aisle suggesting that this is not the case, but it is the case.

One of the reasons why, and again I will go back to the New York Times editorial, one of the reasons why the Republican analysis is wrong and the Treasury Department is correct is because of the Republican distribution tables and the way they distort the bill. The New York Times says that the Republican distribution tables are distorted in at least four ways. I would like to go through those four ways.

First, they underestimate the benefit to wealthy investors of the cut in the tax on capital gains. There is a major cut in capital gains that goes mostly to wealthy Americans.

Second, the Republicans' estimates ignore the distribution of corporate tax cuts which help the wealthy more than the poor. Again, a big part of these tax cuts are for corporations.

Third, the gentleman from Texas [Mr. ARCHER], again the Republican chairman of the Committee on Ways and Means, his numbers look only at the first 5 years of the tax cut. The Treasury's estimates calculate the benefit when the taxes are fully phased in, so we are looking here at the full phase-in of the taxes over the 7 years of the budget bill.

And, fourth, the figures of the gentleman from Texas [Mr. ARCHER] fail to consider the fact that many low-income families will lose rebates they now receive under the earned income tax credit, a subsidy for low-wage workers. Again, the Republican analysis ignores the fact that if you are in this $20,000 or below, you are getting what we call an earned income tax credit, which means that if that is taken away, which the Republican bill does in significant ways, you are actually going to pay more in taxes than you pay now.

I think that this is important because I honestly believe that the only way, and I will repeat, the only way that we can arrive at a budget bill negotiated between the President and the Republicans in Congress that actually saves Medicare and Medicaid is if we eliminate or at least significantly cut back on these tax breaks for the wealthy. I hope, I sincerely hope, that that is a big part of the budget negotiations, so that we can save Medicare and save Medicaid.

I wanted to next, if I could, move to two reports that came out in the last week that talk about the impact of these Republican budget cuts on Medicare and Medicaid.

The first report was done by the Leadership Council of Aging Organizations. They put out a report this Tuesday, November 28, that essentially identifies nine different ways how the budget hurts older Americans, our senior citizens. I would like to just go through those nine points and then maybe give a little more detail about some of the more important ones.

The nine ways that the budget hurts older Americans, according to the Leadership Council are, first, that Congress cuts Medicare by $270 billion, and that means that part B premiums rise from $46.10 to almost $90 a month by the year 2002. Beneficiaries needing certain hospital outpatient services would pay even more than the 50 percent co-insurance they now pay, and many would lose extended home care coverage.

So not only are we cutting Medicare, but we are also charging our senior citizens more. Part B is the health insurance program that covers their physician's care. The premiums that they pay for part B are doubled over the 7 years of the budget.

Second, Congress cuts Medicaid long-term care. Medicaid spending would be cut by $164 billion over 7 years. Federal standards for eligibility, services, payment and quality would be seriously weakened. In other words, in order to accomplish this cut in Medicaid, the health insurance program for low-income people, Federal standards would either be eliminated or relaxed.

There would no longer be an entitlement to Medicaid. It would be up to the States, because the money from the Federal Government, a reduced amount of money in real terms, would go in a block grant to the States and they would decide who they would cover and how. So a lot of low-income people, whether they be children, senior citizens, disabled, would simply not be covered by Medicaid any longer because the States would not have the money to pay for their care. That includes seniors.

Third, Congress cuts Medicaid acute care. So current Federal requirements to pay Medicare deductibles and co-insurance for low-income Medicare beneficiaries would be ended.

What that means is that right now if you are a senior citizen, instead of paying your premium for your part B Medicare which covers your physician's care, right now if you are below a certain income, Medicaid pays that premium.

□ 1645

However, under the Republican bill, Medicaid would no longer be required to pay that premium. Again, it would be up to the States, and if the States decided they did not want to pay, then Medicare part B premium for low-income seniors, they would not have to,

and a lot of those seniors would go without having part B and having their physicians' bills covered by Medicare or Medicaid.

Fourth, under human services, the Older Americans Act, Legal Services, aging research, training senior volunteers, cuts would mean 6.2 million fewer meals at senior centers, 5.6 million fewer to homebound elders, research on aging issues funded under the Older Americans Act. Right now, a lot of the programs that exist and that help senior citizens are funded under the Older Americans Act. Those of you who have been to a senior center in your community know a lot of times meals are provided to seniors at the senior center, nutrition programs, or if they are homebound, meals are delivered to them in their home. There are other services the Older Americans Act provides for senior citizens.

That takes a huge cut in this budget and can be translated into fewer meals and fewer services for the elderly.

Fifth, during the last decade the number of grandparents raising grandchildren climbed 40 percent, and most have household incomes under $20,000 per year. Reforms in the welfare system will make it more difficult to obtain aid for grandchildren.

So incorporated in all of this is the fact, and in this budget, is the fact that a lot of children who are now raised by their grandparents will not get assistance to pay for various activities that are important to child care.

Sixth, food stamps; block grants offer no assurance even minimal protections for older people would be retained by States by making access to benefits still more difficult. A lot of senior citizens depend on food stamps. The cutbacks in that will affect them.

Seventh, supplemental security income, individual States may slash or eliminate SSI supplementary benefits. Again, a lot of senior citizens who are disabled and who receive cash benefits pursuant to social security disability programs would be cut.

Eighth, housing assistance, older people make up approximately one-third of all public housing residents. Operating subsidies and modernization funds for public housing would be cut by 3.5 and 33 percent, respectively, from 1995 levels. When we talk about public housing, a lot of people forget a third of the public housing is for senior citizens. If you cut back on money available for new construction, modernization, they are also impacted and, again, have fewer and fewer places to live or more expensive costs to continue to rent or to live in subsidized housing.

And lastly and ninth on this list is low-income home energy assistance programs. The Senate recommendation is for a 32-percent cut. Nearly 2 million households could lose their energy assistance. A lot of senior citizens right now basically have their energy assistance, their utility bills, if you will, supplemented through what we call this LIHEAP program. That also is cut.

So our point and the point I am trying to make here is that not only with regard to Medicare and Medicaid but also with a lot of other programs, the impact on senior citizens in this budget is really great. They are disproportionately singled out for cuts that will make it much more difficult for them to have health care, for them to have proper nutrition, for them to be able to live in decent housing, and that is not fair.

What we are doing is making those cuts in order to provide tax breaks primarily for wealthy Americans.

The other report that came out this week and that I would like to briefly mention was a report that was put out by the Consumers Union and the National Senior Citizen Law Center. It is entitled ''What the Congress Isn't Telling You.'' Families of nursing home residents may face financial ruin under Federal Medicaid bills. And basically, what the report shows is that, under the Republican budget, an estimated 395,000 nursing home patients are likely to lose Medicaid payments for their care next year. Families of nursing home patients will face significant new financial burdens.

This was actually put out; this is the report here that was put out within the last week or so, and again trying to highlight some of the people that the report makes, again it talks about the impact of the cuts in the Medicaid program which, again, is for low-income people, but affects seniors, children, disabled people. Basically, what they stress is that the budget transforms the Medicaid Program into a block grant called a Medigrant, a cash grant to each State, and there are few requirements as to how the money is spent, virtually no guarantees for benefits for any individual regardless of how poor or sick the individual is. Cuts in the Medicaid Program are $163 billion, and these cuts will reduce projected Federal spending on Medicaid by approximately 30 percent by the time the seventh year of the 7-year program goes into effect.

What the Republican budget does is it caps the amount of money that is spent on Medicaid, and it basically sends a block grant to the States with that smaller amount of money than is necessary to keep the Medicaid going as a viable program.

So what we are saying is that because of that reduced level of funding and because the States now have to administer Medicaid with less funding, millions of current Medicaid recipients and those needing services in the future are likely to lose all access to health insurance and not have their health care provided for.

Now, this report basically says that an estimated 395,000 long-term patients are likely to lose Medicaid payments for their nursing home care if this bill is approved. The combination of drastic cuts and projected spending and elimination of important patient and family protections will cause State Medicaid programs and private nursing homes to adopt policies that will place additional financial pressures on families of people needing long-term care.

Right now, Medicaid pays for the nursing home care for all of these low-income people that are on Medicaid. But if this bill passes, not only will the same amount of money not be available, but what the States will do, because they do not have enough money to pay out to nursing homes for these patients' care, is they will simply go after the families, the children, the grandchildren, whatever, and the assets, if you will, of those nursing home patients in order to make up the difference.

Just to give you an idea of the type of things that will go on, if the Medicaid law is changed, basically families of nursing home patients may be forced to spend funds previously earmarked for their children's education or retirement. Family assets may be sold or even seized by Medicaid liens. Adult children, previously protected from liability, may now be held responsible for the nursing home bills of their patients. Protections against nursing homes that charge more than the amount Medicaid pays are weakened by the bill. Right now it is difficult for the nursing home to charge you more than what Medicaid pays. Families become vulnerable; there is no longer a guarantee of Medicaid eligibility for anyone. Liens on property and claims against the States are unrestricted under the proposed legislation. Hearings to dispute issues, such as who receives coverage, are completely eliminated. Financial planning for disabled children is no longer protected. States may even narrow coverage to exclude chronic nursing home care from their programs, and the limited income protections included in the bill for husbands and wives do not provide financial security for families.

What we are basically saying here, and it is very clear, and this is what this study demonstrates, that the proposed transformation of Medicaid may force American families into financial ruin if a loved one needs a nursing home. It is a major change from the current law which provides, which basically says Medicaid right now guarantees nursing home coverage for those low-income seniors or any senior who runs out of money and does not have enough money to pay for their nursing home care. I am not sure if a lot of people realize that there are very few Americans who, if they become disabled and have to go to a nursing home, can afford to pay for that nursing home care for very long. Sometimes people can pay privately for a few months or even a couple of years, but eventually they run out of assets. That is where Medicaid comes in and pays for the care under current law, but would no longer be guaranteed under this Republican budget.

I talked mostly so far about the impact of this budget on health care, and

I believe that that is the worst impact of this Republican budget, the fact that our health care system, in general, will be negatively impacted and a lot of people will not receive health care or have access to health care and the quality of care will also be reduced.

But there are other major impacts and other major impacts that President Clinton has specifically talked about. He has talked also about the need to make sure there is adequate funding for education, particularly student loans, and he has also talked about the need to prioritize funding for the environment. Because if you look at this budget, this Republican budget, as well as some of the appropriation bills that have been moving through the House of Representatives, you certainly notice that, again, like with senior citizens, the environment and the effort to protect the environment has taken too much of a cut in this overall budget bill. In other words, the amount of money that is taken away from those agencies on a Federal level that protect the environment or the money that goes to the States in grants and loans to protect the environment is cut back considerably more than a lot of other areas. Again, that is not fair, and that is totally inconsistent with the priority that most Americans give to environmental protection.

Just to give you an idea of how this budget, not only the budget but also some of the appropriation bills that have been moving in this House, would impact the environment, again, a report was recently put out by the National Wildlife Federation that is entitled ''Funding Worth Fighting For: Your Guide to Proposed Reductions for Environmental Spending in Congress' Budget and Appropriation Bills.'' Again, this was produced and made available within the last couple of weeks or so.

Essentially, it points out how this budget and how the appropriation bills make drastic cuts in environment protection. It is a very sinister aspect of this whole budget process because I think that many people in the beginning did not realize that the Republican leadership was trying to make such drastic changes in environmental protection. And so in putting together this report, the National Wildlife Federation, I think, did a very good job in explaining how these cutbacks affect the quality of our environment in this country.

Basically, in its introduction, the report says that the congressional leadership intends to achieve its aims to weaken, dismantle, or dismiss environmental safeguards through the budget process. The tactic is to legislate through appropriations, to tear away at the enforcement and fabric of environmental laws in the budget process without the scrutiny of public debate and the straight votes on the merits. Oftentimes these things are put into the bills, and we are not necessarily made aware of it. There have not been public hearings. There has not been an opportunity to even comment on it, which is one of the reasons, I think, this report takes note of these changes.

The budget and appropriation bills passed to date by Congress contain a regressive environmental and natural resource agenda that has no precedent in modern American history. If enacted, these measures will mark the first time the Nation has legislated a retreat in water and air quality, in conserving valuable wetlands, protecting beaches from being fouled by contamination and enforcing environmental protections for public health.

In effect, this Republican leadership is proposing lower environmental quality of life for the average American as well as huge public land and asset giveaways to narrow special interests.

As documented in this report, the hallmarks of this assault, and they basically say four areas where this budget assaults, if you will, the environment: One, sharp cuts to the core budgets of the agencies that protect the environment; two, elimination, in some cases, of entire environmental programs; third, suspension of environmental safeguards; and, last, expansive concessions to narrow interest groups.

Now, I say this in the overall context of knowing, not only because I talk to people in my own district but also because of public opinion surveys that have been done, that show that Americans are very supportive of environmental protection and seek to prioritize funding for environmental protection and not have these kinds of cutbacks. I think the solid majority of Americans support upholding the environmental progress that we have seen in the last 10 or 20 years in this country and do not want to see us turn back the clock as is being proposed by the Republican leadership in this budget and these appropriation bills.

I just want to summarize, if I could, because again I do not want to use all the time allotted to me, but I do want to summarize, if I could, some of the major provisions, some of the major changes that the National Wildlife Federation in its report points out are occurring or will occur if this Republican budget is passed, if these Republican appropriation bills are passed.

Congress' fiscal year budget bill that we have talked about and the five appropriation bills discussed in this report contain changes in environmental, public lands, wildlife, and natural resources policy that would do the following, and let me just list some of these: First, it would open the Arctic National Wildlife Refuge to oil and gas drilling. Many are not aware that in Alaska the Arctic National Wildlife Refuge now is a very pristine area where oil and gas drilling is not allowed. This would allow it to occur.

Second, the budget and appropriations would trigger sale of public lands under an industry-sponsored rewrite of the 1872 mining law. Essentially, what we are doing is giving away a lot of our public lands. It would also end the EPA's enforcement of wetlands law, very important in my home State of New Jersey. We have a lot of area that needs to be protected, a lot of wetlands that could be the subject of development, and right now the EPA provides a certain amount of protection for those wetlands.

□ 1700

That would be eliminated under this budget and under these appropriations bills.

It would also slash national wetlands inventory funding by 48 percent, reduce wetlands habitat conservation funds by 24 percent, and cut endangered species funding. Right now we have a very good endangered species protection program. This would cut out a lot of the funding for that protection. It would also suspend new listing for imperiled species and terminate endangered marine species research.

It would slash funds for stabilizing world population by 38 percent. The United States contributes through international organizations in efforts to basically support family planning around the world, in many parts of the world. That is also slashed by a third under this budget.

The Republicans would also reduce the Superfund budget by $400 million. We have in the United States and at the Federal level now a program that seeks to clean up the most seriously polluted hazardous waste sites pursuant to what is called the Superfund Program. The program has been successful in starting and in many cases actually completing the cleanup of many of these hazardous waste sites around the country. That budget would be reduced by $400 million under this proposal. It also stops new cleanups at hazardous waste sites, so if you are not already a Superfund site, the site cannot be added to the Superfund list for possible cleanup.

It increases timber cuts in the Tongass National Forest. It cuts funding for drinking water and wastewater treatment. In my own area, I represent a good part of the New Jersey shore. We have made great progress in cleaning up our water, basically because of grants and loans from the Federal Government to upgrade sewage treatment plants. These are severely slashed under this budget proposal.

It also cuts enforcement for strip mining law by 28 percent. It cuts funds for international environmental programs by 32 percent. It allows agribusiness to avoid $117 million in repayment obligations in unbudgeted new Army Corps of Engineers construction projects, and cuts global climate change research funds.

Those of you who have been reading the newspapers in the last few weeks have noticed, I am sure, there has been a lot of information that has come out about how global climate changes are having negative impact on the environment around the world. We have contributed over the years to research on

an international basis to try to study the problems related to global climate change. Again, that is cut significantly by this budget bill and by some of the appropriations.

The list goes on and on. I do not want to continue going through it tonight. I think it is important over the next few weeks, as the negotiations take place between President Clinton and the Congress over where this budget bill is going and how a compromise is going to be achieved, that we continued to prioritize environmental protection, that we do what is necessary to make sure that Medicare and Medicaid are good programs and continue to serve our senior citizens and our low income people, because ultimately, I believe that if environmental protection is significantly degraded or if our health care system is significantly impacted in a way that the quality suffers or a lot more people are no longer eligible for health insurance, that ultimately, if any of those things happen, it is going to impact every American, and it is going to impact the quality of life for every American.

So I think we need to continue to speak out to say that it is very important that money be put back in the budget for those health care programs, for environmental protection, and the easiest way to do that is to eliminate these tax breaks for wealthy Americans.

U.S. MILITARY POLICIES

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I said last night that I would come back with some other freshmen Members. Some of them are in their offices watching, so they may join me in this continuing special order on Bosnia. But I was not here during the Vietnam years. I came right after our Bicentennial election in 1976, and I remember my campaign consultant, he now is principally doing the best polling I have ever seen in the country, although he concentrates mainly on California. His name is Arnie Steinberg. That is his company name, Arnie Steinberg & Associates. He knew how deeply I felt about the loss of Laos, Cambodia, and the southern part of Vietnam south of the 17th parallel to vicious Communist conquerors. And he said to me, ''I will consult in your campaign, if you will promise me that in this entire year of 1976, you will not mention Vietnam.''

I looked at him. I knew instantly what he meant, that Americans were exhausted and did not want to hear any longer about the tragic fate of people who wanted freedom so desperately in Southeast Asia. I made the promise to him, I would go through the whole campaign without mentioning Vietnam, and I did.

I got elected in November of 1976, and within weeks, days, a House select committee voted to shut down their investigation as to whether or not Americans were alive in Indochina. Americans were alive in Indochina. We had left them behind in Laos, and there was a good case there were some left in the north, because we had an ex-Marine CIA agent who had been captured in Saigon when it fell to Communist armored units on April 30, 1975, named Tucker Gugelman, and he was beaten to death, tortured to death, over many weeks in the Saigon prison system. His screams were heard by other people that were later released, and he was alive when this committee was investigating. The committee for some strange reason was an even number of people, 10. It was 6 Democrats and 4 Republicans, and when they voted whether or not to continue to be in existence when I was sworn in on January 4, 1977, the vote split 5–5, and the committee shut down.

Two Democrats came over and voted with the Republicans. One of them is still here, JOE MOAKLEY. The other is now a Republican, but he retired or was beaten by DAVID DREIER, Jim Lloyd.

Lloyd and MOAKLEY voted not to shut the committee down. One Republican kind of had earned the right to be contrary, had the Navy Cross the hard way in hand-to-hand combat as a Marine in Korea, Pete McCloskey, left voluntarily in 1988 to run for the Senate seat won by Pete Wilson. He finished ahead of me in that 13-man race, I was fourth, he was second, Barry Goldwater, Jr., was third. But Pete McCloskey voted to should it down with 4 Democrats. One of those Democrats announced their retirement yesterday, PAT SCHROEDER. Another one is over in the Senate, fell in love with the Communists in Hanoi and is still making a case for them, and the other on Republican side, Tenny Guyer is now dead, died while he was chairman of the POW task force. It was this strange split. One Republican went one way, two Democrats came from this side. We shut it down, and we have been left with an agony ever since.

This morning, here we are almost two decades later, 19 years later, and I chaired a committee, subcommittee hearing, my Subcommittee on Military Personnel, taking evidence again on what is called the comprehensive review of all the missing in Vietnam.

Now, we have not resolved the missing from the cold war period, with all of our Ferret air crews around the periphery of the very, very evil empire where they shot down dozens of our planes and captured or killed on the ground or killed in the shutdown over 300 of our air crewmen. I do not think we ever killed a single Soviet pilot in any of their Bear aircraft intelligence-gathering missions or any of their fighters that went astray and crossed the border. We never murdered anybody. They murdered some of our lost pilots in cold blood and had no compunction in shooting down our intelligence pilots. There were Americans with Russian or Slavic or Ukrainian surnames that were full American citizens that were in camps overrun by the Red army in 1945 that disappeared into the gulag camps never to be heard of again.

Korea is especially painful. In the Hall today in the Rayburn Building, while taking testimony on Vietnam, Laos, and Cambodia, and about to go in at 2 o'clock to hear the Secretary of State, Warren Christopher, Secretary of Defense, Mr. Perry, and the Chairman of the Joint Chiefs, the man who came directly after Colin Powell, Shalikashvili, I am out in the hall looking at a prison picture, and I learned from my wife, Sally last night that the cameras cannot cooperate and will not come in for a closeup. But this is a very clear photograph, it must be taken with the very biggest cameras we had in our RB–29's, slant photographic imagery of a major north Korean prison camp called Camp No. 5. It is a huge facility. Across the Yellow River, this is the Yellow River I am looking at and it is much wider than I had ever expected, is a graveyard. In other words, they buried Americans on the Chinese side, and then there is a graveyard in the foreground on this side.

In this camp, like many camps in North Korea, were Americans, called category 1 prisoners, known to be alive and healthy that were never returned from Korea. The major problem with Korea, and it seems that we in the Congress and in the Senate have convinced Clinton not to go into Bosnia under U.N. colors or U.N. flags, Specialist Michael Ngu, whose father I had the pleasure of meeting last Sunday, Daniel Ngu, he is being court-martialed for refusing to wear the U.N. blue beret and blue arm patch on assignment to Macedonia, where we have a blocking action of 494 Americans by last count. But in Bosnia, the troops that Clinton is moving in there as we speak, making a lot of the debate on this floor moot, they will go in under NATO colors, not under U.N. colors.

Here is a haunting, excellent photograph, of very healthy American prisoners in this Korean Camp No. 5. Here is a banner in perfect English letters, ''soccer ball champions, No. 5 camp,'' and I cannot read what it says, It looks like ''united by.'' All of the prisoners are at top military weight,they are all laughing and cheering at some game. The man who gave me this circles one very clear picture that he says is his brother. This was taken in 1953, very close to release. They all have full prison uniforms on with scarfs and T-shirts, and almost everybody in the picture must have been by order, yes, every single person is wearing what I would call a Dutch boy hat or a soft garrison hat without grommets, and they all look healthy.

This brother of a prisoner in this picture told me that not a single man in

this picture came home. I told him I have no reason to disbelieve you, and this is not an insult, but my instinct tells me that just simply cannot be true.

Then I was told by other activists in the POW cause that the Pentagon, and I have no way to confirm this until tomorrow, has blown this picture up to maximum clarity and size, and has sent it to the Veterans of Foreign Wars and the American Legion to ask for identification of people in this picture.

My staff counted about 100 people, including North Korean camp workers, many of them women, in the background, and of these 100 at least 60 or 70 can be clearly identified by families as their loved ones.

If it turns out nobody from this picture came through, then this is a majority of the 389 American soldiers still carried on the books at 8th Army Headquarters in South Korea as category 1 prisoners, known to be healthy, no amputations, no head wounds, no amoebic dysentery, looking as healthy as the men in this picture, never returned from North Korea.

What is the problem with North Korea? Every time I educate fellow Americans, they seem to react in disbelief that the problem is so simple. Why, it is worse than Indochina and why did we not get these people back? It is simply because the Communists in P'yongyang in North Korea said if you want to talk about live American prisoners left behind or about all the graveyards that we overran, with Chinese forces helping us in November and December of 1953, 42 years ago, then talk to us unilaterally.

□ 1715

Our response for 42 years has been, and this is the part that Americans cannot seem to grasp as being true, no, we will not talk to you directly, unilaterally, one-on-one, about our prisoners. You must go through the United Nations command at P'anmunjom, where they argued for 2 years about the shape of the negotiating table. Relived that nightmare in 1968, in Paris, while they argued for months while Americans died at the rate of 200, 300, 400 a week while we argued about the shape of the table in Paris. How many years later would that have been? Fifteen years later, same nightmare.

The North Koreans said no, you fought the war, 98 percent of the casualties are yours. Of course. South Vietnamese ROK forces, Republican Korean forces, suffered worse than anyone, but of those there to help, we took 98 percent of the casualties. You paid for almost all of the war. The NATO contingents that were there under the U.N. colors, some did not lose a single man and did not have anybody wounded. The names of these countries, wonderful little countries, Norway, Denmark, Netherlands, they did not have anybody killed or wounded, yet their names are carved in the stone leading up to the Korean War Memorial that, at its dedication, Clinton talked about the armistice. There is no armistice, it is merely a cease-fire between the belligerents and could flare up at any moment. And the U.N. command there really was the United States, but we keep telling the North Koreans you knuckled under to the U.N. command that voted because of China being absent on the Security Council, then called Red China.

Communist China did not have the same powers that they have now to influence national debate. They had taken the free China seat of Chiang Kai-shek, and the Communist victories in 1949. But because of an absentee on the part of one of the five permanent members of the National Security Council, we got a vote to go in with the U.N. effort in Korea. If we had not gotten that vote, the United States would have still gone and done the job alone, taking 100 percent of the casualties instead of 98-point something percent of the casualties.

So all of that, Mr. Speaker, is by way of prologue that the nightmares of World War II, the bloody part of the cold war with our crews shot down all around the periphery of the very evil empire, and then the nightmare of Korea, with missing in action men; and then the nightmare of three remains not being returned from Somalia; the nightmare of my hearings this morning, all of that is by way of prologue to say here we go again in Bosnia, without a definitive exit strategy and with very few options left to the United States Congress.

Now, Mr. Speaker, never, since I came here in 1977, with Vietnam, Cambodian and Laotian problems on my mind of our men left in some cases behind alive; reliving the nightmare of Korea and remains; expecting us to relive the tragedy of what the French went through, paying regularly blackmail money to the Communists in Hanoi for all of the remains, including Charles de Gaulle's own grandson, who died fighting in Indochina in Vietnam. Here we go again.

Now, at the hearing just now, to the Secretary of Defense, Secretary of State, and to the Commander of the Joint Chiefs of Staff I read from Gerald Seib's article. He was all wrong on Colin Powell and why he should run, and how he thought Bill Bennett had it all figured out, but Gerry Seib wrote, I think, the definitive column for this week on Bosnia. He said there are only four things we can do in the Congress, and I read all four of them slowly just an hour and 15 minutes ago to Clinton's first team that had been given the job.

And I told them, you give new meaning to the word good soldiers. I said a triple draft evader is now ordering you to put men in harm's way and in his speech deliberately leaves out the word Vietnam. Even put in North Ireland, where he is today, but no mention of what Reagan called the noble cause of trying to keep freedom in the southern half of Vietnam as we bought freedom for the southern half of Korea over the last 42 years, including the Olympic Games being in Seoul in 1988.

Here are the four things, and I could not add a fifth. Imagine you are the Secretary of Defense, Secretary of State and Chairman of the Joint Chiefs listening to this. I do not know if they saw yesterday's Wall Street Journal column on the political page, A–16.

First, we can pass a resolution disapproving of the deployment. We have already done that, Mr. Speaker. Forcing Clinton to decide whether to send the peacekeeping troops on his own. He is already doing that. This is a recipe for disaster, to have another vote and redo the vote of a few days ago that was 243 to 171, two people voting present. I do not grasp that at all. That is usually reserved for a financial interest in some vote. You vote present to clear your conscience. Seventeen people missing the vote. We have already had that vote. But if we vote again, then Mr. Seib said this is a recipe for disaster. Constitutionally it is a disaster, diplomatically and militarily.

Troops will be sent anyway. They are already on their way. They are landing there now. We have had advance units in a different world there for a long time. These plans have been drawn up. I know my friends in the Pentagon. These contingency plans now being enacted have been drawn up for years and discussed in depth. The troops are moving. The trains are leaving the stations in Europe. And we are going to stage out of Hungary, no matter what they say, because the rail lines go through Budapest. Troops will be sent anyway, though with an explicit signal that they do not have national support.

We have sent those signals twice. The calls are coming into my office, still not a single call saying to my staff in Garden Grove, CA, or here in Washington, the Congressman must support Clinton, let the troops go. I have had a few call in saying tell the Congressman to shut up. This will probably trigger a few more. Don't waste your time. I have earned the right through nine elections, very tough elections, to hold a Democrat seat, which some people think should be a safe Democrat seat, and I wore the uniform for 22 years and 4 months. Got back in an aircraft after they had tried to kill me.

I deliberately chose the most difficult and dangerous thing you could do in peacetime, because after the spasm of killing in Korea, I anticipated that I would get to serve under a 5-star general, Eisenhower, my years of active duty; over 5 years that there would be no one going to take on the man who had driven Hitler to suicide in less than 3 years and 5 months. Nobody was going to take on Eisenhower.

Conversely, if Clinton were to pull the plug on the peacekeeping mission, which my sons thought he was going to do up until yesterday, Republicans in Congress would find themselves blamed for whatever horrors followed in Bosnia. This may have been in the

back of their heads in the White House, certainly not the three distinguished cabinet people that faced me today.

Second, avoid a vote entirely. I think that is what we are heading toward. This is for all the people that phoned my office during special orders or right afterward and that are particularly leaning on all the freshmen Members, Mr. Speaker, probably yourself included. They are saying you must vote again, you must debate again, you must let Clinton know the Nation does not want this.

But, if we avoid a vote entirely, leaving Clinton out on a limb alone, and I think this is what is going to happen, this option appeals to some younger lawmakers. Yes, freshmen have told me this is what they expect. Some senior Members have told me that we should leave it alone now. The train has left; we must support our men in the field. But in practical terms this is not much better than the first option.

Troops are going anyway, without any sense of national support, either in the polling data or by their calls to the Senate and the House. Worse for Congress, this will look like washing its hands. I added the words Pontius Pilate approach, and told the secretaries and General Shalikashvili that I added those words Pontius Pilate. It would forfeit a chance to influence how the troops are used.

Third, Pass a resolution, Gulf War style. In other words, repeat the vote from a few days ago and switch about 30, 40 Members. Give Clinton the support that Bush got that simply endorses the Bosnian mission. This is Clinton's best dream. He looks definitive, resolute, masculine, macho, changed enough votes through the power of his oratory Monday night—not—and his speech in front of the prime minister, parliament, Madam Hillary sitting there, that we will not go down the course of isolationism again.

He has referred to the League of Nations, 1919, World War I, Congress not supporting Colonel House's dream exorcised through Woodrow Wilson. He has changed the image of the campaign, the youthful farm boy Arkansas image of biting the lower lip, which some of my Democrat friends said drove them nuts, that biting the lower lip and shaking his head as though it was early Parkinson's disease, like this, biting that lip. That is all gone. Now it is Mussolini style, the jaw muscles tensed, the head raised and the chin thrust forward in the air, resolute. I am a decisive leader.

This would be his dream, to get us to debate it again and turn the debate and give him a Bush-type resolution. Bush had 250 to 183. Would that not be nice, if he could change the 243 to 171 to a victory of 250? That is not going to happen, No. 3, because of the phone calls. Congressmen do not vote that courageously against their own self-interest when America is furious that our men are going in by Christmas, not being pulled out by Christmas.

I told General Shalikashvili and Mr. Perry and Mr. Christopher, I said, and they flinched, they did not have any comment when I said, gentlemen, whether it is the movie ''Gone With The Wind'', truthfully reflecting every Civil War year, 1861, the men will be home by Christmas. The South said that and the North said that. That was all changed by the battle of Bull Run out here in Manassas. The second battle of Manassas kind of ruined it in 1862. Even Antietam did not help. The troops will be home by Christmas of 1862. Certainly Chancellorsville, Gettysburg, did not change optimists from saying the men will be home on both sides by Christmas of 1863. 1864 it was a cry all year long, in spite of the siege at Petersburg. We were going to have those troops home by Christmas of 1864.

World War I, the troops will be home by Christmas of 1918. We made it. Not 1917, though. World War II. 1943, no, they did not. 1944, Eisenhower said the troops from Europe will be home by Christmas and they were. Eisenhower got elected President. He said if I am elected President, if I win, I will go to Korea as president-elect and everybody will be home by Christmas of my first year. He won, he did go, and he was correct, they were home by Christmas of 1953.

LBJ. We can get this all done in 1965. All the troops that I am putting on the beach, all the Marines in I-Corps that are hitting the beach March 8 of 1965, they will all be home by Christmas of 1965. No, they were not home by 1965 or 1966 or 1967 or 1968. Tet offensive year. He was home in Texas by Christmas of 1968. Humphrey was home by Christmas of 1968. Nixon had no secret plan whatsoever, and he was home by Christmas of 1974 in California at Casa Pacifica, and the Vietnamese were in all of Vietnam, and Americans were rotting in cells and being tortured to death in Saigon prison. As I said, ex-marine Tucker Googelman.

□ 1730

By Christmas of 1975, it was a nightmare for the boat people, and by Christmas of 1976 and 1977, 2 million people were being slaughtered in Cambodia if they wore eyeglasses or had finished the seventh grade.

Here for the first time in my life I am hearing, and this is what I told the Secretaries, I am hearing the most unusual thought I have ever heard of in Christendom, we think we can have the troops in by Christmas.

The mines that are there, and General Shalikashvili asked us not to say 6 million, because he does not know who created that figure. All right. So it is only a million or 500,000, and when the snow covers the ground, maybe that will give us a feeling of false security, but we will not know where the mines are. Maybe we will not venture off the proven road paths.

Knowing the quality of man and woman that serves, I can hear from hero's bed in Ramstein, the Air Force base there, I can see some American that lost a leg saying, ''Better I lost this leg. I got to play sports as a kid. Better that it happened to me than to some little Bosnian boy or girl, no matter that they are Moslem, Serbian, or Croatian. I have had most of my youth.''

Mr. Speaker, I know the heroism of the people that we are sending there. To a man, they all want to go. They are all seeing it as a humanitarian peace mission to stop atrocities, three-way atrocities, but most of them Bosnian-Serbian atrocities.

So, No. 4, pass a resolution approving the deployment. This is a derivation of No. 3, but expressing misgivings and attaching some conditions. This final option may seem the coward's way out, but under the circumstances it makes a lot of sense.

There are some legitimate policy questions to be decided. How far will America go in arming the Bosnian Moslems so they can defend themselves, while also playing the role of peacekeeper? I proposed that question on the floor yesterday and put it in the RECORD the day before and proposed that during the debate. That is one of my 50 questions to Clinton.

What are the outer limits on the size, the scope, and the duration of an American deployment? What are the outer limits? It has crept up from 20,000 to 37,000. Some of my colleagues who are becoming experts at this say it is more like 40,000 or 45,000. The chain of support is generally, if you use Vietnam numbers, 7- or 10-to-1. For every young American taking it on the chin in some jungle or snow-covered hill in the Balkans, there are 7 or 10 people in a chain of command having to be financed to keep that person in the front lines.

So, there are the four options given to us by the Wall Street Journal, and I told the three witnesses in the Committee on National Security, ''God bless you. Good luck. I am going to be an optimist and expect the people in Bosnia to hunker down and wait for us to leave on the election cycle, the Presidential election cycle.''

I reminded them that Ho Chi Minh, although he died September 3 of 1969, had planned the Tet offensive; two of them. Big Tet, starting January 29 and Mini Tet in September. I was there that whole month, end of August and early September of 1968. He planned both of those offensives to influence the American Presidential election of 1968. He planned some of the terrorist attacks in 1964, and the Tonkin Gulf incident in 1964 was all based on American Presidential elections.

Do not think they did not learn in Somalia, on the third and fourth when 18 Americans died, and on the sixth when Sergeant Mike Rearson was killed with a direct hit by a mortar shell. At the front door of headquarters hangars of Mogadishu and a dud landed at the feet, or we would have lost a 2-

star general named Garrison. Do not think that in Somalia on Columbus Day, do not think that those Haitians when they were chanting, ''Remember Somalia,'' in French and English, do not think that they were well aware of the price that Americans put on the sacred, human lives of our men in uniform, and our women.

Gerald Seib goes on to finish: Republicans in Congress should have some say on those kinds of decisions, and the resolution of approval can give them the opening to do that. But he is recommending we vote for it and put conditions on it.

Clinton is not going to pay any attention to our conditions. He is in a full-time, 24-hour-a-day election mode. The one thing he does effectively in life is campaign. He is in full campaign mode. Everything is geared to what is good for November 5, 1996. No matter what conditions we as armchair generals, with or without varying levels of experience, including all the 73 freshmen, no matter what we put down in open amendment process, which would probably take a week of 8-hours-a-day debate, he is going to ignore them all.

He is going to be as smart as George Bush was to leave this in the hands of the military people to minimize the risk and be out of there in 11 months. And if the Bosnians of all the 3 sides are smart, they will do what I predicted they probably will do: Hunker down; tell the killers and the terrorists from Iran that are all over that area now that want to kill Americans, tell them to, ''Shut up or we will kill you,'' the Serbians will tell them. ''Do not touch Americans. Hunker down for 11 months. We have been doing this since the Battle of Kosovo in the mid-1300's. If we waited 600 years to kill one another, and if we hunkered down under a Croatian named Joseph Tito, and hunkered down for half a century waiting to kill one another until he died, we can wait 11 months.''

So, I am predicting that Clinton is going to look like he has a victory here in time for election, but it will not help him because people will remember Somalia, and Haiti will have exploded in his face.

So, do not worry. He is going to be beaten on domestic issues. Republicans in Congress should have some say. Just as a Democratic Congress tried to define the limits on American paramilitary activity in Central America in the 1980's, a Republican Congress can now try to define the limits on American peacekeeping activity in Bosnia in the 1990's. One idea is to pass a resolution prohibiting troops, but one that gives Clinton an escape clause. This seems too cute. The Republicans' practical problem is that after 12 years of arguing for presidential latitude in foreign policies, they are not well-positioned to cut down that latitude.

Remember, I and about four other senior Members fought our freshmen to take away the War Powers Act to give a President, not necessarily this President, more latitude in emergency situations, which I do not think the Balkans constitutes at this point.

The case for peacekeepers in Bosnia, while a close call, is defensible. I have always conceded that. It is that this particular person, Mr. Clinton, makes it exceedingly difficult to send people in harm's way when in his own speech he pours salt into the wounds of every person who felt Vietnam was a noble cause, however poorly, politically, it was fought or not fought, given the political constraints on the commanders and the war fighters, to leave that word ''Vietnam'' out of that speech and then to talk about in a macho way under he, the Commander in Chief, ''Fire will be met with fire, and then some,'' good grief. What an afront. But a case can be made for stopping the killing and for not having any more Jasenovac concentration camps. That was the World War II camp with a museum and a beautiful memorial that I visited with former Members Helen Bentley and Bob McEwen of Ohio, which Tudjman bulldozed months later after the Croatians overran this dreaded concentration camp, the biggest in all of that area; the only one in what was the former Yugoslavia in which hundreds of thousands of Yugoslavian Jewish people were executed, and hundreds of thousands of Serbs were executed by Nazi-style Ustasa Croatian who had gone psycho with the blood of killing.

The Republicans' practical problem is we do not have latitude to cut down Clinton's power as Commander in Chief. The case for peacekeepers is defensible, I can see that. Two arguments count above all others. The first is the moral argument. If a great power has the chance to stop horrible atrocities, it sometimes has the obligation to do so. I accept that on its face. And when my friend, the gentleman from California, TOM LANTOS, who is the last survivor of the Holocaust to serve in this Chamber, when he made that point, I understood that point.

The second is the realpolitik argument. This is a Frederick the Great term, ''realpolitik.'' What is the real politics of this? If the United States backs out on Bosnia now, it probably means the end of the trans-Atlantic alliance as we know it. Some may want to take that chance, that it is the end of the alliance. Most do not.

Who is ''most''? I find myself agreeing with the gentlewoman from Colorado [Mrs. SCHROEDER] in her 5-minute question period a few hours ago. The gentlewoman who, the day after announcing her retirement saying that she was at the top of her game, finally had me agreeing with her.

She was talking about burden sharing. She asked the Secretary of State and Secretary of Defense and they did not answer directly. She asked what is the percentage of our contribution in the intelligence gathering? They kind of equivocated. Strategic is there anyway, Mr. Perry said. The fallout of our strategic intelligence is like it is a freebie, because we are going to be collecting it anyway. Combining tactical and strategic, which is done in a tough situation like this.

Mr. Speaker, 98 percent of the intelligence comes from us. The Turks are flying some photo-recce missions. The Germans, that is their only way of helping, because out of guilt, they do not want to fire any guns in the name of their once-great, and now-great nation, so they fly photo-recce.

We control the intelligence process there. The gentlewoman asked what is the sea power in the Adriatic? She got doubletalk. It is true we have our own fleet there. They neglected to name it, the 6th Fleet. We have an Adriatic force there. The direct answer was: Mrs. SCHROEDER, 90 percent of the naval force at sea is ours, and one of the drawings on the briefing paper was a picture of a C–17. It is rescued like a Phoenix from the canceled programs. Now we are going to go with a full, robust C–17 program. There was a lot of hard management work to get over some Douglas Aircraft scandals. McDonnell Douglas now has the contract of their dreams. Boeing wants to grab them and swallow them into the world's biggest defense company. The two of them alone are in the top three, or four, and now they are going to combine into a mammoth defense company. Boeing's commercial contracts, combined with McDonnell Douglas'. A great breakthrough on C–17 Globemaster III. And this was the image of the C–17 on one of the things talking about airlift. Mrs. SCHROEDER did not get a direct answer on that.

The airlift is 95 percent ours, for pete's sake. What do the Germans have? A little Transvaal, 2-engine transport. It is all U.S. airlift. Airlift, sealift, air power, sea power, all the sorties flown. The French that I mentioned last night, for anybody who did not hear the special order last night, I have been around like an annoying conscience of Jimminy Cricket showing this picture of the French pilots to everybody. SAM JOHNSON who lived this nightmare, lived this terror being captured on the ground, enemy country, his eyes focused in on this fast.

So did DUKE CUNNINGHAM, who bailed out in combat, hit with a SAM missile into the water off of Vietnam and was rescued out of the sea as they were coming out on boats to get him.

Here is the backseater, Souvignet, Jose Souvignet, when they turned inside and I showed him the picture. I wish we had the camera capability to zoom in. Look at this stern face of the frontseater, Captain Frederique Chiffot. Frederique Chiffot, shot down while I am over there. I am at Aviano on the phone getting an intelligence briefing in the Ops room when he was shot down. Two good parachutes on American television that night.

Mr. Speaker, why is he being held up by these tough-looking Serbian fighters? Look at the young Serbian boys in

the background. Like the Bosnian Moslems, like the Croatians, they all look like Americans, because there are enough Croatian-Serbians and Moslem people from that area living over here in the United States. The Moslems have blond hair and blue eyes, some of them, and the Croatians look like ever single American graduation picture we have ever seen in a lot of our high schools.

□ 1745

The only thing they are lacking is people of African or Asian heritage. But there is the picture of the front seater from that Mirage 2000 state-of-the-art European fighter, giving a face of defiance like I am not cooperating, I am going to hang out here.

Here is another picture of the back seater, Lieutenant Souvignet, S-O-U-V-I-G-N-E-T, Jose Souvignet. There he is. Neither feet touching the ground, being held up by a very young, handsome Serb fighter and an older fighter with this beard. Here is a young American looking guy with a beautiful ski type sweater tucked into his European camouflage fatigues, American probably. His suspenders, their gun belts, their weapons of every type.

Where are these two Frenchmen? Everybody on both sides of the aisle in the Committee on National Security agreed with me. I will mention TILLIE FOWLER of Florida by name. She said, I agree with you, BOB. If this had been an American shot down with these two pilots missing, particularly, as I said, if one of them was 1 of our 14 Air Force female pilots now, if we had an American man or woman missing and they had not been jerked out of evasion like Captain Scott O'Grady, Clinton could not have made the speech Monday night.

This is only Thursday. Everybody on both sides of the aisle agreed. An American air crew missing? No peace negotiations at Dayton, OH at Wright-Patterson Air Force Base.

Do you know what SAM JOHNSON said to me, Congressman from Dallas, 7 years in Hanoi, 3½ in solitary confinement? He said, why were these two allied airmen not brought up at Dayton? Why was not Milosevic, who flew there from Belgrade, and a lot of people think he is a war criminal. Would the ethnic cleansing have taken place without his OK from up in Belgrade, when a lot of the units were all fleshed out and the leadership was coming from the former Yugoslavian Army. He said, why were they not brought up at Dayton?

I asked the Secretary of Defense. I asked the Secretary of State. I showed him these pictures. I asked General Shali, did not the three rescue operations, was not the first rescue operation only Americans? Was not a joint French-American rescue operations, this Paris Match cover story says it all took place off the *Teddy Roosevelt*, our biggest battle carrier in that area at that time.

It says in here that two of our men were wounded on the first mission. That means Americans. Why is this kept silent? Why are they not on the cover of People magazine, Life, Time, Newsweek, U.S. News? Why are we not told about the two Americans who were wounded trying to get the Frenchmen out? Probably because we want to try again, so it is closely held, it is top secret.

Why was I not informed on my 7th year on the Intelligence Committee? What is the fate of these Frenchmen? Two days in August, 30 in September, that is 32; 31 in October, that is 53. Today is 30 days in November, 83 days missing. On day 52, Karadzic, who is an indicted war criminal by an international war tribunal in The Hague in Netherlands, says they were kidnaped from the hospital on day 52. Why were they in a hospital for 52 days? These minor leg injuries? Their wits are about them. There are no battle wounds anywhere but limping. Were they beaten to death, as the French foreign minister suspected, when he called it a grotesque statement that they were captured by Bosnian Moslems? The Moslems would have given us these two men to stay in our good graces within hours, if they had kidnaped them.

Radovan Karadzic says, they were taken maybe by rogue groups. Both Mr. Perry and Mr. Christopher used that term, ''rogue groups.'' How we are ready to punish rogue groups if they kill Americans, but we are ready to accept a lot of casualties, they also said.

If a rogue group took them, Karadzic said it would be for ransom. Not a single ransom request has been put forward or a hostage payoff in 31 days. If these were Americans, what a different situation it would be.

I consider them our warrier brothers, French allied pilots flying out of Villa Park in Italy a few kilometers between Milan and Venice from our bases at Vicenza and Aviano. I visited all of them. Drove by Villa Park, asked Congressman LAUGHLIN of Texas, let us go to Villa Park and see the French crews. We do not have time, my escort officers said. You cannot see it all, Mr. DORNAN. We have had an amazing trip. We have been to Albania. We have been to Slovenia. We have been to Slavonia. We have been to Qatar. We have seen where the Serbians destroyed the international airport. You witnessed two secret programs. You have witnessed a supposed-to-be-secret-program of the predator unmanned aerial vehicles getting us close-in tight intelligence. It has now been in all the press. Who leaked that secret program that I thought I had as privileged information? We have been all over. The only thing you did not get to do was fly into Sarajevo like CHARLIE WILSON, on a Russian airplane, one of our retiring Democrats who served well here, helped save Afghanistan from the evil empire, which we won by a vote of one person in a secret vote in the intelligence committee. No, you have seen plenty. There will be another trip coming up.

And I told Shalikashvili, and he nodded, in confirmation, and he will help me, I said, I know one thing, God bless you, good luck. I know you are prepared to take more casualties now than 19. That is what I learned at the hearing today.

I have been saying for weeks that half of the 19 who died in Somalia, actually 30 killed over the whole year and a half in hostile fire and another 14, including shark bite, suicide, and a drowning in a pool on recreation at Mombasa, 44 died in Somalia, 30 in combat, 19 at the end. I thought that 8 or 10 would drive us out of there. I said, if you bug out of here like Vietnam, if you bug out of here like Somalia, if you turn around like the Norton Sound on Columbus Day in Haiti before we went in in force later, I said, it is the end of us as a superpower. I do not care how big our defense budget is, we are finished.

But I said, I can see you are conditioning us to take serious casualties. So all I will do is move the figure up.

Do you know what I think the benchmark is now? Desert Storm, not the 19 or the 30 in Somalia. It is the 148, with one man dying of his wounds later, 149, let us throw in the allied, the British and the French deaths, that was 99. So let us make it 248. Somewhere between 149 and 248, this Congress will go ballistic, berserk, and we will demand a pullout to the detriment of our standing in the world and to the joy of every war criminal in Burma, in East Timor, in Tibet, in China, in North Korea, in poor, crushed Communist-controlled Vietnam. In Cuba, Fidel Castro will say, I told you the United States are paper tigers. I am going to stay in office until I drop dead.

Every killer everywhere in the world will say, all you have to do is what Ho Chi Minh taught us, kill Frenchmen, kill Americans, they will both pull out. They have European Judeo-Christian standards. Kill them. It is the bloodletting that goes on in the West Bank of Israel, on both sides, killing the flower of their youth to see which one is going to cave in first.

Mr. Speaker, let me look at some of the articles here that have come out today. Memorandum to me, a seven-page fax from a lawyer named Clancey, a good friend in California. Is this not all breaking down because of the chickens, interesting word, the chicken coming home to roost. I said in committee today that the jokes are out there now. When the troops deploy, Clinton goes to England. It is not funny anymore. I said then there are the rumors around. I told this to them in private. The rumors that Shalikashvili was in the room when Clinton expressed, properly, concern about the Hamas and the secret police of Tehran and the evil Mujahidin, the Iranian Mujahidin, the bad Mujahidin, there is a good Mujahidin, just like there were good

and bad Mujahidin freedom fighters in Afghanistan, there is good and bad in Iran.

In spite of all that, Clinton asked, concerned, as he should be, over casualties, what are we going to do to keep them tamped down. Then he said, do not let the Congress find out about this, try and downplay this.

We have accomplished some things. Chain of command. The top, General Joulwon, USA; Sarajevo, Air Force NATO South, Adm. Leighton Smith, several Congressmen had met with him at his headquarters in Naples. He will probably move his headquarters to Sarajevo, right next to Sniper Alley where little boys and girls and mothers have been murdered right in front of their children by both sides. In that case the Croatians get a pass because they were not in Sarajevo.

Air South, the beautiful Lion of St. Mark, the evangelist, the symbol of southern NATO, General Ryan, he has been there for years. I met with him two or three times, great commander.

Now we have a little joint endeavor, as this mission is called, Lieutenant General Walker, British general, land forces, under Admiral Smith, the United States admiral. And we let the Italians come in here, naval command south, Admiral Angelli, there is the Italian flag.

Then it comes down to the forces on the ground, gave a very difficult area along this Serbian Serb border to the Russians. The commander in Bihac, where the fighting has been going on for 600 or more years, the point of the Ottoman-Turk penetration into the heart of Europe, when they were rolled back from having burned Prague and Buda and Pest to the ground but being stopped, no, being stopped at Prague and stopped at Vienna, they were pushed back to the arrow shape that is the Bosnian part of Bosnia and Herzegovina, the tip of the Islamic spear at the heart of Europe pointing right at Paris, that is Bihac, the Bihac pocket. Not so small a pocket any longer. Who is the commander there? Major General Kievenaar, probably a Dutch general.

Then we have the multinational division at Sarajevo but down at Mostar, a beautiful city where I had lunch on the way to Majaguria on that trip of March 1991 in beautiful Mostar where they dumped a bridge, 500 years old, that stone bridge, they are going to try and rebuild it with United States and world money through the NATO cultural aspects of the U.N. headquarters in New York. This is commanded by Major General Rideau, sixth French division. There is a French command.

Back to another British command, the multinational division, this is the rapid reaction force. They do not wear U.N. paraphernalia. Michael New would not have had any problem serving in this unit. This is NATO and they wear their uniforms.

Southwest, this is in Gornji Vakuf. I thought they were going to take Gornji Vakuf, the Croatians, if we had not told them to back off after they had cleaned up the whole Krajina area, Major General Jackson, third UK division.

And then the multinational division northeast, right there in old downtown Tuzla, this is going to be one of the big ground headquarters, Major General Nash, probably one of the last of our Vietnam combat experienced men. He was probably a brandnew second lieutenant out of the academy or ROTC in Vietnam. He is the 1st Armored Division. I have seen him on television. The last of our combat trained divisional commanders. They will all be gone in 2 years or so. He is there in Tuzla.

Here is an interesting thing. I see on the news the operational commander of this operation out of the Pentagon is a top notch West Pointer named Wes Clark, was the commander of the 1st Cavalry Division when he and I were spun in kind of a trap that I detected, probably by Carville and Stephanopoulos. Listen to this story, Mr. Speaker.

On Halloween day of 1992, 25 days after the House had adjourned and Mary Matalin told me, Bush's principal fighter in his campaign, that her then boyfriend, James Carville, was chewing nails with Stephanopoulos that war heroes SAM JOHNSON, DUKE CUNNINGHAM, and DUNCAN HUNTER and this peacetime fighter pilot might cost Clinton the election. On or about the 30th or 31st of October, a gentleman calls my office, serious voice and says, I never thought it would come to this. Congressman DORNAN is the only man can handle this. Clinton tried to renounce his citizenship in Oslo, Norway and a West Point Rhodes scholar, Wesley Clark, was sent up to Oslo to talk him out of it.

My staff panicked. Congressman, we almost did not tell you. You are not going to go public with this without checking it out. Relax, I said, smells like a trap to embarrass me. Called the Pentagon to get the general officer biography of Gen. Wesley Clark. If he is the commander of the first cav, I will call him there. We get his bio within the hour.

I go to a Halloween parade for one of my grandchildren at the Mission San Juan Capistrano. I call from the principal's office. Do you have the general's bio? Yes. Is he a Rhodes scholar? It does not say anything about Rhodes scholar. Does it have Oxford on it? Oh, my God, yes, it does. He was at Oxford with Clinton.

What year does he graduate from West Point? 1966. Does not work, I said. It was a trap.

What year does he graduate from, get his Rhodes scholarship? 1968. Where does he go? Sill Artillery School, then to Vietnam. He has the Silver Star. He has the Bronze Star. He was in combat so his 2 years as a Rhodes scholar set him up for the noble cause of Vietnam.

□ 1800

I said, ''OK, he left in June. Clinton was on the SS *United States* in August. I have seen the powder blue picture, blown-up, overweight, on his way as a Rhodes scholar, has already managed to put the draft board off the first time because graduate school didn't count any more, how he worked that politically through the Buick dealership, political power of his stepuncle; who knows how he did it. He arrives in August of 1968.''

I said, ''Get me Wes Clark on the phone.'' I called Fort Hood in Texas.

''He's on the golf course.''

''Get me his aide-de-camp.''

I get his aide-de-camp.

''Have the general call me when he comes off the golf course. Give him my daughter's home number in Capistrano.''

He calls me.

''General, have you gotten any media calls that you or young Rhodes scholar, West Point graduate, that went up to Oslo to talk Clinton out of renouncing his citizenship? I think it's a trap.''

''Yes, Congressman, AP has already called me, I sense it is a trap. I never met the man.''

''How many other Rhodes scholars were there from Annapolis, Air Force Academy?''

He said, ''Four.''

He gave me their names. One of them was the skipper of the *Kitty Hawk*.

I said, ''So they would have overlapped Clinton; right?''

But I questioned about other things. I said ''What was it like when you left Oxford as a young Army second lieutenant on your way to train to go to Vietnam?''

Quote, Wesley Clark, three stars, operational commander of this whole operation under the Joint Chiefs of Staff, so when I see him on television, do not think I do not have some interesting feelings for Gen. Wesley Clark. I have been meaning to have lunch with him for 3 years now.

He says, ''Congressman,''—now listen to this, and think of Clinton at Oxford 26 years ago: ''Congressman, it was the most hate-America environment I have ever been immersed in or witnessed in my life. We academy men from the Air Force Academy, West Point, and Annapolis hung out together, studied, avoided all this hate-America madness going on, got our degrees.'' Clinton, no record of his ever going to classes second year. One of 3 in his class of 32 who did not get any degree, got an honorary one on the way home from Normandy memorials, could not miss that photo op, although Tony Lake and others said:

''Don't go. It will recall what you did in England and why you couldn't go to Grosvenor Square for the big ceremony with Bob Hope and all of the other people before they left for the Normandy beaches.''

He told me about that hate-America climate and the other academy men that were there overlapping Clinton's first year. I will bump into one of them. The skipper of the *Kitty Hawk* is a two-star admiral now. He is over

there at the Pentagon. I will bump into him someday.

But this is what makes all of this uncomfortable: Mr. Speaker, Roosevelt was 35 years of age when he was Assistant Secretary of the Navy and we went to war in World War I. He could name every single ship of the line, and after him we had a run of five naval officers, four of them back to back, George Bush the last, and we had an artillery captain named Harry, like my dad, an artillery captain in World War I named Harry, then a five-star general during all of my years of active duty, then an Army Air Corps lieutenant who was also, like Roosevelt, 35. People say, ''Why wasn't John Wayne in combat?'' He was 35 when the war started, with three small children.

After this a long run of military people, I think of Roger Patterson, the trooper who told me to my face that Clinton said to him once driving around at night when they were out catting around; he said, ''You know, Roger, why is it that the American people accept somebody to have worn the uniform or served? I don't think that is necessary.'' And his dream came true.

And now all the editorials are coming out saying of all people, of all people, to be in the commander in chief's job, to be sitting in the Oval Office, of all people to be there, it is this man who deliberately leaves Vietnam out of his speeches and who is going into what Churchill called the tinderbox of Europe, into the Sarajevo area.

Ironically our headquarters, our ground headquarters, will be in Tuzla. What is Tuzla? Tuzla is the last atrocity photographs on American television. On Friday, August 25, I met with the Japanese envoy, direct representative of Boutros Boutros-Ghali, Secretary General of the United Nations, Mr. Akashi. I have GREG LAUGHLIN and three military escorts as witnesses. I said, ''Mr. Akashi, you are not qualified to pick military targets.''

''Oh, I picked good targets back in April.''

I said, ''You mean an outhouse with some ammunition in it? You must let General Ryan and his people, we just left him, we just left Admiral Layton; they say they are ready to use severe force if there is another atrocity.''

This is Friday, the 25th; the bombing, the mortaring, of Tuzla was the 28th. I said, ''I will do everything I can to get you removed from this position if you set yourself up as an armchair general under the U.N. chain of command, and you're going to pick out these meaningless targets. It's been 14 months since you unleashed the first strikes here. We never had but two ships elements ever go in here. We lost a British Harrier. It's been a miracle that we got Scott O'Grady back. Don't you pick the targets.''

And I will close on this, Mr. Speaker. Monday the mortars hit the marketplace in Tuzla where we are setting up our headquarters and men are arriving now. Bodies were blown in every direction, a man draped over a railing, children killed, people with their limbs, bones sticking out of their limbs. We are there, and I will close with what I told Clinton's team:

God bless you, good luck, we will be tracking the casualties, and may they be smart enough to hunker down for 11 months until we are out of there.

Clinton may posture as a winner on this case; we will beat him on domestic policy, on balancing the budget.

I will be back again next week with more special orders.

THE MINIMUM WAGE AND EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I will take 28 minutes and would like to yield the balance to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. Speaker, I think today is November 30. A continuing resolution has been passed which will take us to December 15. So, the countdown that I mentioned on Tuesday now moves forward. We have about 16 days left before the budget decision will be made. Hopefully there will not have to be another continuing resolution.

So the countdown continues, and tonight I would like to talk about two basic questions related to what is going on here as this budget process unfolds. The negotiations are taking place in various quarters, and we will expect probably next week to begin to see the outlines of some proposed negotiating positions by both the Democratic White House and the Republican-controlled Congress.

There are two basic questions I would like to ask tonight which relate directly—not so directly, but certainly indirectly, to the budget process that is going forward. One of these questions relates to the minimum-wage issue.

This morning we had a forum on the minimum wage. We called it a response to the 100 leading American economists, a congressional forum on minimum wages. One hundred and one leading American economists said more than a month ago that the American economy could not only benefit from a minimum-wage increase, but it was highly desirable, and we have not responded here adequately on Capitol Hill to that statement by the leading economists in the country.

We have a bill here, H.R. 940, sponsored by the minority leader, the gentleman from Missouri [Mr. GEPHARDT], which calls for an increase in the minimum wage in two steps; 45 cents an hour 1 year, and then a second year, another 45 cents, so a too-little 90-cent increase in the minimum wage would take place under the Gephardt bill.

The Gephardt bill has only 110 sponsors, only slightly more than the 101 economists, so there is a big question about why there is not more enthusiasm, on the one hand, among Democrats since we have 195 Democrats. I hope soon we will be joined by my good friend, Jesse Jackson, Jr., and there will be 196 Democrats, but the 195 Democrats are hesitating. Only 110 are on the minimum-wage bill; so there is a question there.

The President has endorsed the Gephardt minimum-wage bill. The President has endorsed the increase in the minimum wage to 90 cents over a 2-year period.

But there is a great opposition. First of all, there is not much enthusiasm among the whole Democratic Party, and then there is a great opposition among the Republicans, the majority Republicans refusing to even have a hearing on the minimum wage.

I am on the Committee on Economic and Educational Opportunities which has direct responsibility for the minimum-wage law. I am the ranking Democrat on the Subcommittee of Workforce Protections which has even more specific jurisdiction over the minimum-wage law, and we have not been able to get a hearing.

So we had an unofficial forum today to replace the kind of thing that would have happened at a hearing.

Why is there such great opposition? Why cannot we have at least a discussion of an increase in the minimum wage? Why does the majority leader of the Republican Party here in the House state that not only is he against any increase in the minimum wage, but he would like to see the minimum wage abolished altogether? He would like to see the law repealed. What does this have to do with balancing the budget? You know, what does it have to do with the Contract With America? The balancing of the budget will not be impacted in any significant way by an increase in the minimum wage.

You know, it is not—taxpayers do not pay workers; you know, the various enterprises where they are engaged, they pay the minimum wage. So why if there is a great concern about balancing the budget, why do we have to go off to the side and wage war against workers by saying that we will fight any increase in the minimum wage? Why? You know, it is a question that needs to be answered.

The other question I want to ask is also why do we have such tremendous cuts in the education budget? You know, I think that, you know, jobs and education are inextricably interwoven. That is why when I came to Congress I signed up for the Committee on Education and Labor, as it was called at that time, it was not the Committee on Economic and Educational Opportunities, because you cannot separate the two. Education and the ability, the capacity, of people to qualify for jobs and to stay, to keep up with this fast-moving economy and the complexities of our present highly technological world, make education absolutely necessary

in order for people to be able to take advantage of jobs, and the employment question cannot be separated from the education question.

Today the Committee on Education funding has dubbed this day as Save Education Day, and they are battling to save education from $4 billion in Federal cuts, $4 billion, and the $4 billion in Federal cuts have stimulated a wave of cuts across the country at the State level and the local level.

So why is education being cut? Why are we trying to abandon the public education system?

The polls show that the American people clearly favor education as a high priority for government expenditures at every level. The polls show this. They show it this year, and as a matter of fact right now the No. 1 priority, according to the taxpayers and the voters that we serve, the No. 1 priority is education. Education is ahead of health care, and health care is a great concern; but now education is the No. 1 priority.

So why are politicians refusing to read the polls? Why is there talk about a compromise at the White House where they are not going to insist that we not accept these $4 billion in education cuts? Why was it placed on the chopping block in the first place?

After years of bipartisan support for Federal involvement in education and Federal support for education, all of a sudden education is placed on the chopping block, despite the fact that the American people say that is a priority we want to support. We want to support education.

□ 1815

So these are two basic questions. There is something happening here in this Capitol which is not related to balancing the budget. There is something else going on. In fact, balancing the budget becomes questionable when you look at these other activities.

Why is there war being waged against workers in terms of the OSHA, Occupational Safety and Health Agency? Why are we so determined to make the workplace less safe? Why is the Republican majority driving so hard to take away safeguards against accidents in the workplace? Why is there is war being declared on the Fair Labor Standards Act which determines what the hourly wages are going to be and also the conditions under which we set those wages in terms of overtime and various other provisions? Why is there an attack on that? Why is there an attack on the National Labor Relations Board? What does that have to do with balancing the budget?

Yes, it is true they have cut the budget, partially, of the National Labor Relations Board. It is such a tiny budget. The cuts clearly have nothing to do with trying to get more revenue out of the system in order to help balance the budget, the cuts are punitive. The cuts are designed to make the agency work less effectively. So the war against labor has nothing to do with balancing the budget.

There is a class war going on here, maybe; I don't know. Every time you mention class war, the Republicans on the floor get very upset. ''How dare you accuse us of waging a class war?'' I am not accusing the Republicans of waging a class war; it is not a war, it is a massacre. When you have a war, you have contending parties of some kind of equal strength. What we have against the working people of America is a massacre. They are using their overwhelming power against the workers in every way.

Whether you are talking about OSHA and worker safety, fair labor standards or the National Labor Relations Board activities, or you are talking about minimum wage, there is a massacre going on directed against the American working people. It is not a class war, but certainly there is great contempt being shown for working people. There is great contempt being shown for the people at the very bottom in this society.

Yes, Wall Street now, the Dow Jones industrial average I think is up above 5,000. The boom is going on and on, great amounts of money are being made, executives are being paid the highest salaries ever. Everything is great for the management class, the ruling class, the elite that controls the House at this point. Why can there not be some generosity, some sense of sharing? Why can we not give a lousy 90-cent increase in the minimum-wage law? Why can we not have a 90-cent increase over a 2-year period?

The history for this minimum wage is that since 1938 we have had about six increases, and right now the last increase took place 6 years ago. That is when we last enacted legislation increasing the minimum wage. At that time the Senate majority leader, who is the leader of his party in both the House and Senate, and right across the country, he made a statement which I will quote.

Six years ago Senator DOLE said:

> This is not an issue where we ought to be standing and holding up anybody's getting a 30 to 40 cents an hour pay increase at the same time that we are talking about capital gains. I never thought the Republican Party should stand for squeezing every last nickel from the minimum wage.

That is the end of the quote by Senator DOLE 6 years ago.

Apparently the Republican Party has changed their minds. Today it seems the Republican Party does stand for squeezing every last nickel and every last penny from the minimum wage. As I said before, the Republican majority leader of the House of Representatives has recommended that we repeal the minimum age law completely, wiping it out. We are talking about pennies, 90 cents an hour, 45 cents this year and 45 cents next year. But beyond the money and the pennies at stake here is more than money. It is the work ethic itself.

When we permit the value of the minimum wage to erode, as we have in recent years, we not only cause economic pain to working people, we do violence to the work ethic that we all profess to revere. Our words as elected officials exhort Americans to work hard, but our actions ridicule them by making work pay less and less year after year.

The value of the minimum wage is now at its second lowest level since the 1950's. It has lost nearly one-third of its value over the last decade. When Speaker GINGRICH graduated from high school in 1961, the real value of the minimum wage was $5.41. That is $1.16 cents more than it is today in value.

When Speaker GINGRICH completed higher education in 1971, the wage was worth $5.67. That is a value of $2.42 more than it is today. In 1978, the year Mr. GINGRICH was first elected to Congress, the wage was worth $6 an hour, fully $1.75 cents or more than 41 percent more than it is worth today.

We had some people testify who bring home this whole matter of how important this 90 cents per hour is. We had a gentleman who I would call a noble American worker, the best that we can offer, who testified today. I am proud to cite Mr. Donald Knight of Elizabeth, PA, who had to endure quite a bit of hardship to get to our hearing, our forum today.

I am going to read Mr. Knight's testimony in its entirety because I think it drives home the fact that we are not talking about something which is paltry. It may seem that 90 cents an hour does not mean much to a lot of people, but for the people out there making minimum wage, it means a great deal.

Mr. Donald Knight, I quote:

> My name is Donald Knight. I am 61 years old. I live in Elizabeth, PA. My wife Barbara and I have raised three sons. Life in my area was good for as long as I can remember: Good jobs, and friendly communities. When your kids grew up, they got good jobs and you could depend on them in your old age. All of that changed in the 1980's. All of the good jobs in the steel mills and other manufacturing industries disappeared when the companies closed. For years there were almost no jobs, especially for someone like me in their fifties.
>
> Now there are jobs, but they don't pay much and there are few benefits. We had an economic recovery, but it was a minimum wage recovery for us. Our kids, the ones that didn't leave the area for jobs somewhere else, they can hardly take care of their own families.
>
> I started working in 1952 at a glass factory. In 1966 they closed down, and I went to work in a steel mill. From then until the 1980's I worked for U.S. Steel. We had layoffs and it wasn't always easy to support my family, but the mills always called us back to work. In 1982, U.S. Steel laid me off from the national tube mill, and when they closed that place in 1984 I knew things were going to be different. My unemployment checks ran out in 1984 and my wife and I were forced to swallow our pride and take welfare.
>
> I cashed in my pension in 1987 to help us survive but that money went to bills and we were back on welfare soon after.
>
> My wife and I took any jobs we could get. Some were under the table and all were temporary. We cleaned houses, got paid to walk other people's picket lines.
>
> Then in 1990 I finally got a permanent job. It was for Allied Security as a guard. I

worked many different places, guarding other people's property. I even guarded a slag dump where they put the waste from steelmaking though I never understood why someone would want to steal the slag.

The only problem then was that I never made more than $5.00 an hour and have had no health insurance for myself or my family. I have no pension and last made $4.80 an hour for Allied Security after 5 years with the company.

My wife and I had bought a house and had it paid for by the time I lost my first good job. But over the last 10 years I haven't been able to take care of it. The water main broke and the water has been shut off for 3 years. The thermostat broke and we have had to use a kerosene heater for 2 years. Now my house has been condemned and all of the housing projects where we have tried to get into have waiting lists for at least a year.

My eyesight and hearing are getting bad and my wife has back problems but we can't afford to go to a doctor. They tell me I got clinically depressed when all the good jobs left my area but I never could find any place to go get help. When we absolutely have to, we go to the emergency room and somehow try to make payments on the bills. My wife and I were shocked to hear the Republicans here in Congress say that we don't need national health insurance because the current system is working fine. They say ''let the private sector run things'' but I can't find out who that is to go get the help I need. We guess they just don't know what it is like out where we live.

So working at about the minimum wage allowed us to survive, always falling further behind in our taxes and bills, but able to eat and buy kerosene. If a person makes a lot of money, the increase in the minimum wage proposed by President Clinton of 90 cents an hour might not seem like a lot. But to my family the additional couple thousand dollars a year would make a big difference. I probably couldn't pay all my debts but I would not be falling further behind all the time.

Just one final thing. Last week, just before Thanksgiving, I got fired from my job. After making my rounds I was sitting in my shanty and put my feet up on the table. Someone turned me in and said I must have been sleeping and the company fired me. I hope the Mon Valley Unemployed Committee can help me get unemployment checks and they told us about food stamps and medical assistance so I guess we will survive.

I only hope I can hang on until July next year when I can get Social Security. That and another minimum wage job will be the best standard of living Barb and I have had in more than 10 years. Lots of people, friends and family have helped us over these tough years but I always took pride in taking care of my family. A higher minimum wage would help me help myself.

That is the testimony of Mr. Donald Knight of Elizabeth, PA at our forum on minimum wage this morning.

There were other people who testified; a Mrs. Wong, a Mandarin garment worker from New York. Mrs. Wong spoke in Chinese and had to have an interpreter. Mrs. Wong told us that she would be happy to work for the present minimum wage, but the present minimum wage law is not being enforced in Chinatown in New York, so people are being forced to work below the minimum wage. She would like just to have greater enforcement of the minimum wage.

Why are we opposing a 90-cent increase in the minimum wage, which would help these very poor people who are trying to help themselves?

I think perhaps most of the Members of Congress have lost contract with what real working people are all about and with what poverty is all about. They do not understand that an increase of 90 cents can make a great deal of difference. On the other hand, we are closing off the opportunity for the people who are forced to work at minimum wage to move beyond the level where they have to work at minimum wage. The only road out for people who are on poverty, in poverty now, is education. So I ask the second question.

In addition to us having a situation where the Republican majority opposes, adamantly opposes, an increase in the minimum wage, that same Republican majority is calling for great, deep cuts in education. Why are we cutting education when the American people have clearly said, ''We don't want education cut, we would like an increase instead''?

Recently 71 percent of those polled say that President Clinton should reject a budget if it makes major cuts in Federal support for public education. Seventy-two percent said he should not accept any budget that cuts the student loan program and makes it harder for the middle class to afford college. This is reported by Peter D. Hart Associates, November 15, 1995.

Americans ranked education as the top legislative priority for Congress, 39 percent did, and improving education as the most important goal for the Federal budget, 35 percent. Lowering taxes and balancing the budget ranked last in the six choices.

This is an NBC News-Wall Street Journal poll taken September 16 and 19 of 1995. Ninety-two percent of all Americans believe that the Federal Government should spend the same or more on education, and 68 percent of those polled believe that the Government should spend more than current levels. Only 8 percent answered that the Government should spend less money on education. This was an NBC News and Wall Street Journal poll, again of January, 1995. Seventy-eight percent of Americans polled opposed cuts to Federal aid in education as a means of reducing the budget deficit. This is a New York Times poll and CBS News poll that was taken in December 1994.

Every time you take the polls and ask the question, education comes up clearly as a high priority. Why is the Republican majority insisting on cutting education so drastically? Where in the Contract With America is there a promise, a commitment to cut education?

There is something happening here which has nothing to do with balancing the budget. There is something happening here that has nothing to do with economics. There is something vicious happening here that needs to be looked at more closely. I enjoy watching the animal movies, the nature movies. I do not have any children, so I do not have an excuse for watching them. I will have to confess, I like to watch them myself.

There is a particular animal movie about the competition between lions and hyenas, and maybe some of you have seen it, because it has been shown over and over again, a lot of reruns, and it is fascinating because what it says is that in the jungle, in the jungle, in nature, animals sometimes behave as irrationally as human beings.

We always thought, I was always raised to believe that the animal kingdom is pure. They only kill for food, when they need food. They do not get into revenge and hatred. But the competition between the hyena and the lion, the hyenas and the lions, it demonstrated that there was something else at work, something else was happening other than the battle for survival, other than the desire to survive from day to day, and the competition for food. They were not necessarily in competition for food. They fought each other like human beings fight each other in Yugoslavia and Rwanda. There is a kind of hatred there which makes them almost human, unfortunately.

The hyenas taunted the lions, and one hyena is murdered by a lion because he gets caught while he is taunting the lions, not trying to get food. The hyenas find a lioness out by herself and they murder her, not to eat her, but they murder her because they want revenge. There is an evil at work there. There is something that has not been figured out by the naturalists and the people who study animals in biology. There is something at work here in Washington that we have not quite put our hands on also. It has nothing to do with saving money. It has nothing to do with streamlining the budget. It is something else. There is a contempt, a hatred for working people, a desire to wipe out a segment of the population.

A lot of the budget cuts are not designed to save money, they are designed to destroy programs. They are not designed to reform, they are designed to wreck. There is a mentality that the elite minority deserves to have an America that belongs just to that elite minority. Otherwise, how do you justify the intense opposition against an increase in the minimum wage? How do you justify the Republican majority fighting a 90-cent increase in the minimum wage?

☐ 1830

How do you justify the Republican majority waging war on education programs, cutting education when our future is clearly wrapped up in our educational advances and the possibility that we will be able to survive in the future will depend on the degree of education that we have? That is pretty much understood. National security is very much interwoven with our ability to educate the population and to stay ahead of the tremendous unfolding of more and more complex knowledge all the time.

Mr. Speaker, we need to have the best educated, the most educated population possible. The rhetoric clearly understands this. Speeches that have been made by Republican presidents, started by Ronald Reagan and then continued by George Bush, have always said that America is at risk, that we are a nation at risk if we do not provide proper education, and yet the Republican majority has undertaken budget cuts that are devastating. If enacted, this will be the largest setback in education in our history. They will be cut by 17 percent, while overall spending is only being cut by 4 percent.

We need to come to grips with why is this being done by the Republican majority. The proposal would deny millions of America's children, youths and adults precious opportunities for education. They would slash funding for basic and advanced skills.

The bills would deny access to college by eliminating student aid Pell grants for 280,000 students. The budget bill would jeopardize the education of children with disabilities by shifting some $1 billion in Medicaid costs for health-related services for more than 1 million children with disabilities to the States.

The legislation would eliminate help for safe and drug-free schools, eliminate most of the program that exists throughout the school system all over the Nation. The legislation would halt progress on school reform and innovation. The cuts would deny access to Head Start for 180,000 children in the year 2002, compared to the present 1995 enrollment in Head Start.

These are devastating cuts, the combination of the two. Why do we have the assault on the minimum wage, the assault on workers in every way, minimum wage, safety, Fair Labor Standards Act? Why do we have these cuts in education which would allow the poor to help themselves, allow the poor to get into the mainstream and be able to become part of the great middle class?

America has built a middle class over the years through education, something called the GI bill of rights which helped hundreds of thousands all in one program. Then we had aid to higher education that existed long before we had aid to any other form of education.

Mr. Speaker, I am going to close at this point and yield to my colleague, but the question here I want to end with is, what is it at work here in Washington that goes beyond a concern with balancing the budget? What is at work here that goes beyond a desire to streamline government?

There is a desire by an elite minority to wipe out a certain segment of the population. A massacre has been organized against the defenseless people at the lowest rungs in our society, and that has to be examined closely if we are to understand where we are going in the next 16 days.

In the next 16 days, the people out there who have let it be known through the polls that they support education, in the next 16 days the people out there who have overwhelmingly supported an increase in the minimum wage, they have to let it be known that they are watching; and their common sense should prevail over the kind of strange behavior that is predominant here among the Republican majority who control the House of Representatives.

THE 7-YEAR BALANCED BUDGET IS A CHARADE

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from Hawaii [Mr. ABERCROMBIE] for 33 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] for yielding to me.

The point that the gentleman was making and has been making so clearly about the minimum wage and the necessity for having a living wage in order to be able to sustain one's self in today's world is more than amply demonstrated if we consider the budget negotiations now underway.

Mr. Speaker, this is not the first time that I have appeared on the floor on this subject, but obviously you and other colleagues and other citizens, friends tuning in to our proceedings, may not have heard everything it is that is at stake. You see and hear the headlines about balancing the budget, but Mr. Speaker, I am here to tell you today, and I am not the only one, that that is not what is taking place.

The budget is not being balanced. I feel very, very strongly that every time the national media in particular, whether linear or in newspapers or electronic with radio and television, report the balanced budget negotiations going on, they are doing a disservice. I do not want to say it is a question of lazy journalism. It may simply be the fact that not sufficient homework is being done or that we have moved into a situation in which news is reported simply on the basis of what is said by one side and another on an action-reaction basis, and then no one bothers to research any more as to whether anything anybody says is true or not.

Mr. Speaker, let me put forward to you the simple proposition that I am contending is the actual situation with the nonbalancing of the budget. I do not know if we want to call it a truth-in-budgeting proposition, but we most certainly do not have a balanced budget. Very simply, very plainly, I want to state, and so far there has been no repudiation of this whatsoever by anyone in the majority, that there is in fact no balanced budget, that the budget that is printed has been available to us right straight through from the beginning from the majority, does not contain a balancing by the year 2002.

I can understand why the Speaker of the House said that he arrived, or is reported to have said that he arrived at the 7-year number by intuition. I can understand that, because it is all guesswork. The No. 7, the 7 years, 2002, is something that was picked out of the air because they were able to balance the budget on paper, but on paper only. It is a charade. It is an illusion.

What is happening, Mr. Speaker, is as follows: Every year, including this year, there is going to be a deficit, and the deficit will be here this year to the tune of some $245 billion; and the deficit in the year 2002 will be in the neighborhood of $105 to $108 billion, all assuming that there are no bumps in the economic road. In order to mask, in order to mask those deficits put forward by the Republican majority, put forward by the Speaker of the House, they are going to take from the Social Security trust fund billions upon billions upon billions of dollars, starting in the neighborhood of $63 billion this year and billions upon billions every year thereafter, up until the year 2002, in which they will take approximately $115 billion.

So you see, Mr. Speaker, that if the deficit in the year 2002 is approximately $105 billion and you borrow $115 billion, you can claim on paper that you have a $10 billion surplus.

So I am stating yet once again today—and I hope the proposition will attract some interest at some point—that the negotiations now going on between the White House and the Republican majority are not geared toward balancing the budget. No one who examines this budget can come to that conclusion.

Now it is going to be said that it is balanced, but it is not. Because on the day that the budget is supposed to be balanced, we will need an explanation from Mr. GINGRICH as to how we are to pay the approximately $636 billion that has been taken from the Social Security Trust Fund, plus interest.

My calculations and those of Senator HOLLINGS and Senator DORGAN in the other body indicate that that will probably be in the neighborhood of $1 trillion owed to the Social Security trust fund by the people who say they are balancing the budget.

Now I have been a single voice so far, at least on the floor of this House, trying to bring out what the truth of all of these budget negotiation shams are all about. But I can assure you I am not the only one and will not be the only one by the time this process is over. I am going to continue to speak out; I am going to continue to bring to this floor the quotations from columns and observations by others who are beginning to catch on to what this is all about.

Does anybody out there, do any of our colleagues really believe that if it was possible to balance the budget in 7 years that it would not have been done already? In time to come I will show how this kind of proposition has been put forward before. President Reagan said he was going to do it. President Bush said he was going to do it. President Clinton indicated he would certainly like to do it.

President Reagan was unable to balance the budget. He put forward a plan on paper; never worked out. President Bush said he wanted to do it. Put forward a plan on paper, never worked out. President Clinton has been unable to do it.

President Clinton, to give him credit, as a result of his first budget proposition, has been able to bring down both the rate of the deficit as well as the deficit itself, since his first budget came to the Congress and since we passed it in 1993. But the plain fact is that bringing down the deficit, either in absolute numbers or the rate of the deficit, is not the same thing as balancing the budget.

Now, everybody in the country, when they are told by the Speaker of the House that we are to use honest numbers in balancing the budget in 7 years, expects that that will be a reflection of the budgets that they understand.

Mr. Speaker, in your home and my home I think we know what we mean by balancing our budget at the end of the month or at the end of the year. We have so much revenue come in; we have so much revenue go out. And if those books balance at the end of the year, we say we have balanced our budget.

But you do not balance your budget, Mr. Speaker, I am certain that you do not balance your budget in your household any more than I do in mine, by telling your spouse that you have balanced the budget, your family has balanced your budget for the year by stealing your mother's and father's Social Security.

I am going to emphasize that. Maybe stealing is a bit of a harsh word, because it is only being borrowed, but some people might call it stealing if they did not know that it was being borrowed; and I do not think the average American taxpayer knows that that is what is happening.

I am frankly surprised, Mr. Speaker, that the American Association of Retired Persons has not gotten on this, the AARP. The various committees to protect Social Security seem to be silent.

I notice that the Consumers Union and some of the tax groups, tax justice groups have been very vocal with respect to Medicare and Medicaid cuts and expenditures, but in this area of actually balancing the budget, they have all been strangely silent. I wonder about those among our colleagues and across the Nation who are paying dues to these organizations. I wonder whether they might begin to inquire of the leadership of some of these organizations that say they are trying to protect Social Security and provide tax justice, some of these people that supposedly analyze what is going on in government, Common Cause.

There is a whole range of organizations out there that seem to be silent on this. Why is it that they have not come forward to indicate that we are not balancing this budget, unless someone has put forward a proposal that I am unaware of that indicates how we will pay more than $1 trillion that will be owed in the year 2002 to the Social Security trust fund in order to make up for the money that, on paper, is supposedly balancing the budget?

□ 1845

Just bringing down the deficit does not balance the budget. And robbing—there I go again—I suppose I should not use that word—borrowing is perhaps the more appropriate term as far as accountants are concerned. But I can assure you as far as the average taxpayer is concerned, he or she is going to feel a little bit upset about the idea of taking their Social Security trust fund dollars and putting that money toward so-called balancing the budget.

I have here in front of me the National Journal's Congress Daily from Wednesday, yesterday, November 29. Budget negotiators must close a $730 billion gap.

And I read through this learned publication. It is depended upon by you Mr. Speaker, and I, I think, as a source, a reference point, depended upon by other members of the public as being reliable.

It says here the Democratic and Republican budget negotiators began meeting Tuesday night, face the daunting task of trying in a few weeks to bridge the differences totaling at least $730 billion in entitlement savings, discretionary spending levels and tax cuts if they are to agree on a 7-year balanced budget path this year.

Mr. Speaker, this is not the first time that you have heard that phrase, the glide path to a balanced budget. It keeps coming up. But I notice the more time I spend on this floor talking about the fact that there will not be a balanced budget, there is no glide path, except to budget oblivion in 7 years, the greater the silence that accompanies it.

I have invited over and over again the Speaker to come down and refute what I am saying, but I understand he is probably over at the White House or in touch with those people who are at the White House doing the negotiating on this illusory, phony, 7-year nonbalanced budget. Now I do not think they are going to be able to fool Senator DORGAN with it.

I will at some point in the near future be reading into the record some of the points that Senator DORGAN has made, a Democratic Senator from North Dakota who is on top of this and understands it as well as Senator HOLLINGS. But the fact is, is that Senate Budget Chairman DOMENICI says, ''We're making progress. We will meet every day this week including Saturday. This is a serious effort.''

If it is a serious effort, I would like the good Senator to indicate whether or not they are negotiating how much money they are going to take out of Social Security to mask the budget deficits that they in fact have in this budget and have in the next budget and the budget after that all the way up to the year 2002.

Has anybody come forward to explain what happens in 2003? Do we suddenly disappear? Is there some Biblical implication from this that I am unaware of? Is there something in the book of Revelation that says that the world as we know it and particularly the budget of the United States ends in the year 2002 and somehow we will not have to pay that $1 trillion in principal and interest that we have taken from Social Security?

Now, if it is indeed a surplus, and so we can borrow from it and keep it, as the budget wizards say, off-budget, now think about that, Mr. Speaker. How many of us in our lives when we talk about a balanced budget to our families are able to say, Oh, by the way, that credit card payment? Well, that's off-budget. We're not counting that, because that credit card came in the mail. I didn't really solicit that, so even though I've spent money, even though I've used that card, in this instance the Social Security trust fund card, I'm not going to count it. That's just a surplus.

Well, if it is a surplus, why do we not give it back? If it is a surplus that is not needed to pay Social Security to those who are eligible for it, then why do we not give it back? Why does a bill not come forward tomorrow from the Speaker's office saying, We're going to give that surplus back. We don't need it?

I will tell you why. Because we want to give a tax cut. I hear everybody saying they want a tax cut on the Republican majority side. They want a tax cut. Well, let us give a tax cut to those people who really need it, the people who pay into the Social Security trust fund. We have increased taxes before on Social Security. Why? to make it solvent. We did that in the early 1980's as a result of the Greenspan Commission report which said unless we increased the amount of taxes that we pay out of our paychecks every week to Social Security, we would not have that trust fund, the trust fund would not be sound, it would flounder. We would be unable to make our obligations to Social Security recipients.

And so we raised the taxes on ourselves. Take a look. It is called FICA on your paycheck every week. Just take a look down, when you get all of the deductions, your State taxes, your Federal taxes and all the other deductions that you have, FICA. That is your Social Security tax.

Well, if there is a surplus in there, why not give that back? There is your middle-class tax cut, I submit to you, Mr. Speaker. There is your middle-class tax cut. Cut that Social Security tax.

Well, this is not original with me. Senator MOYNIHAN and others previously have indicated, ''Well, look, if you indeed have this surplus, let's give the money back.''

Well, the hue and cry that went up when Senator MOYNIHAN first broached

the subject was something to behold. No one wanted to give it back because no one believes for an instant that there is in fact a surplus there that we will not need to call upon.

So what we have is a situation in which a supposed surplus is available for the picking. And so if you want the illusion of having a balanced budget, why not go to the Social Security fund, take the money, promise at some vague time in the future to pay it back with no plan as to how that is to occur, and then be able to claim to the voting public that you have a balanced budget?

There is the real tax cut. No, what do we propose? What does the Republican majority propose instead? No, let us have a tax break for the wealthiest people, and let us take away the tax incentives that we have at the very bottom, the so-called earned income tax. If your wages are below a certain level for a working family, your taxes are cut in order to give you more money to spend to increase your prosperity.

No, we take billions from them, at the bottom, and give it to those at the top, when the real tax cut if we wanted to do that would be to give back the Social Security surplus.

But if you gave back the Social Security surplus, then you could not borrow from it, could you, to try and fool people into thinking you have balanced the budget.

And so the policy hurdle, it says in the Congress Daily, negotiators have to scale after they finish process issues is evident in six big ticket items.

Tax cuts, which I just mentioned, and savings from Medicare, Medicaid, welfare reform, agriculture, and reform of the aforementioned earned income tax credit.

Now, do you think that you are really saving money if you cut Medicare, if you cut Medicaid? And the welfare reform does not include that which is already available to those who can go to work in terms of child care, in terms of health insurance, in terms of education credits? Of course not. These are no savings. This is going to be tremendous pain inflicted on people. And for what? In order to achieve the illusion of a balanced budget when no balanced budget exists.

How is it possible for us to raid Social Security on the one hand, and at the same time make a claim that taking money from Medicare and Medicaid, those people least able to help themselves, is in fact a step forward toward the balancing of that budget?

Some of my good friends, my Republican friends have indicated, well, if what you say is true, and one or two of them even indicated they would do a little homework on it, and I am pleased that they have that kind of attitude, that they are always willing to learn as I hope I am.

They have indicated that if it is in fact the case that we are going into Social Security, into the trust fund, and that that could be construed as a breach of good faith, if you will, with the public in terms of actually balancing the budget, if that is the goal, then they indicate, ''Well, we'll have to make even deeper cuts.''

And I said, well, maybe that's your solution. I'm not sure how much more pain you want to inflict on people than that which would already occur if we adopted the proposals that are forthcoming right now.

But I can assure you in order to do that, you are going to have to come up with some $636 billion in addition just to make that number come out in 7 years.

That may be the proposal. The sentiment was expressed to me by freshman members of the Republican majority, and inasmuch as at least a reputation of some sort has grown in the media that freshman representatives in the republican majority are trying to work together, perhaps they can figure out a way to add an extra $636 billion to at least attempt to bring the budget into balance in 7 years.

How they are going to do that without inflicting the pain that I have mentioned, I have no idea. That is not my problem. After all, I am not in the majority right now. that may change by 1996. I can assure you, Mr. Speaker, if and when the public makes a determination that when you tell them you are going to balance the budget and take their Social Security money instead, that they are sorely afflicted by that notion.

Now, I have had discussions with a great many people in their thirties and forties and those in their fifties as well, but particularly the younger voter, that they fear they will not have their Social Security available to them when they get into their sixties, 62, 65, or whatever number we set as being the number at which you would be eligible to collect Social Security, if we change it.

Now, think about it. if you are in your thirties out there, and you are working hard, you are in your forties and you are beginning to think about, gee, maybe I have had a career and I am going to be moving down the road towards a pension and I am counting on my Social Security. How many of those people, Mr. Speaker, do you believe would like it that their Social Security trust fund is going to be raided over the next 7 years in order to accomplish the illusion of a balanced budget?

So I say to those of my colleagues here, some of whom have made it quite clear that they do not intend to make Congress their career, although as I understand if the Constitution is still operative, none of us can make it a career past 2 years, every 2 years we have to renew our license or the people renew a license for us in order to sit here, none of us have a right to be here except by leave of our constituents. And those constituents may take offense if they believe that we have abused the privilege of our office by saying to them that we have balanced the budget in 7 years and taken their Social Security funds in the process. I think some questions are going to start to come up for people when they have to answer those questions.

Senator GRAMM of Texas, from the other body has said, I am quoting again from the National Journal. He is concerned the way it is going to be breached—he is talking about the balanced budget in 7 years—concerned the way it is going to be breached is by assuming away the problems by changing the economics so negotiators have to cut less to get to balance.

☐ 1900

That very well may be. Maybe Senator GRAMM knows more than some of the other negotiators over there. I wish he would be a little more specific about it.

The National Journal seems to say that, seems to feel that the GOP, and I am quoting again, the GOP reconciliation bill over 7 years calls for the savings, again, of $270 billion in Medicare, $163 billion in Medicaid, $75 billion from welfare reform, $32 billion from the working poor and the earned income tax credit, $13 billion from agriculture, plus the $245 billion in tax cuts.

We keep seeing those numbers. Why did we not see in all of these reports that come out the $636 billion in Social Security that is being taken?

Mr. Speaker, I think that if our good friends in some of the organizations that I mentioned previously would examine the issue, they would find that what I am talking about is, in fact, taking place.

Now, it may be said that in the past, and going back as far as Mr. Truman's administation, let us go back to World War II, and I have the figures here in front of me, courtesy of Senator HOLLINGS, it may be said that as far back as in 1945 and 1948, the last said that as far back as in 1945 and 1948, the last year of Mr. Truman's administration before his election in 1948 over Mr. Dewey, that they actually ran a surplus, and I may say to you that in 1948 the U.S. budget outlays in billions of dollars was $29.8 billion, $3 billion of which came from trust funds. The real deficit was nonexistent. We had a $5.1 billion surplus in that year, and the gross Federal debt, as opposed to the deficit, for that year, the debt that we owed was some $252 billion. Now, do not forget we had just concluded World War II.

Obviously, the investment that had to be made by this country in advancing the cause of World War II was such that our debt, our national debt, was $252 billion. We were on our way toward moving on that debt, reducing the deficit by not only balancing the budget but by actually producing a surplus of $5 billion.

By the time we got to the end of President Bush's time in office, by the time in 1992 we finished that particular

year, the budget for the year in terms of outlays had risen to $1,381,000,000,000. Trust funds we were into to the tune of $113 billion. The real deficit was $403 billion, and our gross Federal debt had moved to $4 trillion. The interest alone, Mr. Speaker, at that point had come to $292 billion.

I submit that we are not making any changes in that except for the budget that President Clinton put forward. Whatever fault President Clinton may be assigned by the Republican majority, they can not deny, or rather should not deny, obviously they can if they wish, but it would be a political statement as opposed to a statement which is borne out by the facts, the fact is that the budget deficit and the rate of the deficit has gone down under President Clinton. We can have arguments about that, whether that is a good thing or a bad thing in terms of the overall prosperity of the Nation.

On the whole, there seems to be agreement that it has been a good thing. The economy as a whole has prospered, if this has not been shared, as my good friend, the gentleman from New York [Mr. OWENS], has indicated in remarks just previous to my own, but that remains another issue to be resolved.

The facts are that in terms of the deficit, in terms of the rate and the absolute numbers of the deficit, President Clinton has succeeded to this point.

So now comes Mr. GINGRICH with his contract, saying the budget will be balanced and picking this number. Now, it may be fair. And, Mr. Speaker, at this juncture to indicate that in future discussions, hopefully with other Members who feel as I do, that I will be indicating to you how it might be, how a genuine deficit reduction, debt reduction and balancing of the budget can take place.

There are no magic formulas involved. There is no sleight of hand, no legerdemain, no David Copperfield illusions to it. It is a tough, hard road to go, and it is lengthy. It will take discipline of many Congresses, not just whatever time the good people of this country might give to you or to me, Mr. Speaker, to be here. It involves separating capital expenditures from operating expenditures, just the way you do in your own family, just the way we do and did and do now in the city council in Honolulu on which I served, just the way we did and do now in the State legislature in the State of Hawaii, and I am sure you do in your area, Mr. Speaker.

I guess my timing was pretty good then as I got to my conclusion about what is to be done. We will be bringing forward that proposition, Mr. Speaker, about the sensible way to solve the problem of long-term debt, of balancing the budget with using true and honest figures and not raiding or embezzling money, as the late Senator John Heinz put it, money from the Social Security trust fund.

With that, Mr. Speaker, it remains only to say this: that if we are going to use honest numbers and we truly want to balance the budget, let us do it forthrightly, let us do it honestly, let us not try and fool the American people. Let us see to it that we are able to bring forward a budget that we can stand here and say with veracity to the American people: We have truly acted in your interest.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. HOSTETTLER (at the request of Mr. ARMEY), for today, on account of official business.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Ms. MCKINNEY, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

Mr. ABERCROMBIE, for 60 minutes, today.

Mr. BARRETT of Wisconsin, for 60 minutes, today.

(The following Member (at the request of Mr. TIAHRT) to revise and extend his remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes each day on December 5 and December 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TIAHRT) and to include extraneous matter:)

Mr. MARTINI, in three instances.

Mr. YOUNG of Alaska.

Mr. ISTOOK.

Mr. SPENCE.

Mr. BARTON of Texas.

Mr. CUNNINGHAM.

Mr. HUTCHINSON.

Mr. BEREUTER.

Mr. HUNTER.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BERMAN.

Mr. TEJEDA.

Mr. BARRETT of Wisconsin.

Mr. HAMILTON.

Mr. FOGLIETTA.

Mrs. COLLINS of Illinois.

Ms. DELAURO.

Mr. POSHARD.

Ms. FURSE.

Mr. SERRANO.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. CONYERS.

Mr. LEVIN.

Mr. FIELDS of Texas.

Mr. PACKARD.

Mr. RICHARDSON.

Mr. PORTER.

Mr. MFUME.

Mr. ROEMER.

Mr. FARR.

Mr. SMITH of Michigan.

Ms. PELOSI.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes; to the Committee on Resources and the Committee on Banking and Financial Services.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes; and

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2491. An act to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, December 4, 1995, at 12 noon.

OFFICE OF COMPLIANCE NOTICE

Notices of Proposed Rulemaking: For the text of the Notices of Proposed

Rulemaking regarding the extension of the rights and protections of various federal statutes made applicable by the Congressional Accountability Act of 1995, see page S17603–17664 of the RECORD dated November 28, 1995. The 30-day period for public comment on these proposed regulations ends December 28, 1995.

For the text of the Notice of Proposed Rulemaking regarding the procedural rules of the Office of Compliance, see pages S17012–17019 of the RECORD dated November 14, 1995. The 30-day period for public comment on these proposed rules ends December 14, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1726. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled ''Rural Performance Partnership Initiative Act of 1995''; to the Committee on Agriculture.

1727. A letter from the Assistant Secretary (Legislative Affairs and Public Liaison), Department of the Treasury, transmitting notification of a 1-week extension for the monthly report thats to be made pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1728. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the first annual report of compliance by FDIC-supervised institutions, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

1729. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the corporation's semiannual comprehensive litigation report and the corporations semiannual progress report on professional conduct investigations, pursuant to Public Law 103–204, section 3(a) (107 Stat. 2374); to the Committee on Banking and Financial Services.

1730. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions regulations—Equity in Athletics Disclosure Act [EADA], pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1731. A letter from the Secretary of Commerce, transmitting notification that the Department intends to expand foreign policy export controls on specifically designed implements of torture, pursuant to 50 U.S.C. app. 2405(f); to the Committee on International Relations.

1732. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1733. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 1103, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

1734. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 2394, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

1735. A letter from the Comptroller General, General Accounting Office, transmitting the list of all report issued or released in October 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1736. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1737. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1738. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by H.R. 1905 and H.R. 2002, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Reform and Oversight.

1739. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by H.R. 2020 and H.R. 2492, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Reform and Oversight.

1740. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the Commission's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1741. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1995, through September 30, 1995, pursuant to 2 U.S.C. 104a (H. Doc. No. 104–139); to the Committee on House Oversight and ordered to be printed.

1742. A letter from the Secretary of Transportation, transmitting the 13th annual report of accomplishments under the Airport Improvement Program for the fiscal year 1994, pursuant to 49 U.S.C. app. 2203 (b)(2), to the Committee on Transportation and Infrastructure.

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 Alaska: Committee on Resources. H.R. 826. A bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas; with an amendment (Rept. 104–371). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R.308. A bill to provide for the conveyance of certain lands and improvements in Hopewell Township, PA, to a nonprofit organization known as the Beaver County Corporation for Economic Development to provide a site for economic development (Rept. 104–372). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 632. A bill to enhance fairness in compensating owners of patents used by the United States (Rept. 104–373). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1295. A bill to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks; with an amendment (Rept. 104–374). Referred to the Committee of the Whole House on the State of the Union.

Mr. QUILLEN: Committee on Rules. House Resolution 287. Resolution providing for consideration of the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes (Rept. 104–375). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYCE:

H.R. 2692. A bill to amend the Internal Revenue Code of 1986 to provide for deductible contributions to medical finance accounts and to reform the earned income credit; to the Committee on Ways and Means.

By Mr. COOLEY:

H.R. 2693. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. FLANAGAN, Mr. LEVIN, Mr. MCINNIS, and Mr. SALMON):

H.R. 2694. A bill to provide that it shall be a Federal crime to misappropriate a person's name in connection with lobbying; to the Committee on the Judiciary.

By Mr. KLINK:

H.R. 2695. A bill to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania; to the Committee on Commerce.

By Mr. MINGE:

H.R. 2696. A bill to extend and revise the agricultural price support programs for rice, upland cotton, feed grains, wheat, and oilseeds, and for other purposes; to the Committee on Agriculture.

By Mr. PAYNE of New Jersey (for himself, Mr. HOUGHTON, Mr. RANGEL, Mr. PORTER, Mr. LANTOS, Mr. MFUME, Mr. FRAZER, Ms. MCKINNEY, Mr. ACKERMAN, Mr. ENGEL, Mr. JOHNSTON of Florida, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. WYNN, Mr. CHABOT, Ms. WATERS, and Mr. SALMON):

H.R. 2697. A bill to impose sanctions against Nigeria, and for other purposes; to the Committee on International Relations, and in addition to the Committees on the Judiciary, Banking and Financial Services, and Transportation and Infrastructure, 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. SOLOMON:

H.R. 2698. A bill to require States that receive funds under the Elementary and Secondary Education Act of 1965 to enact a law that requires the expulsion of students who are convicted of a crime of violence; to the Committee on Economic and Educational Opportunities.

By Mr. STOKES:

H.R. 2699. A bill to require the consideration of certain criteria in decisions to relocate professional sports teams, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. TEJEDA:

H.R. 2700. A bill to designate the U.S. post office building located at 7980 FM 327, Elmendorf, TX, as the ''Amos F. Longoria Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. WICKER (for himself, Mr. HEINEMAN, and Mrs. CLAYTON):

H.R. 2701. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSTON of Florida:

H. Res. 288. Resolution relating to a question of the privileges of the House; laid on the table.

By Mr. SANDERS (for himself and Mr. BASS):

H.J. Res. 129. Joint resolution granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCCRERY introduced a bill (H.R. 2702) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Jive Devil;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. WELDON of Florida.
H.R. 44: Mr. MCCOLLUM and Mr. COSTELLO.
H.R. 89: Mr. OBEY.
H.R. 103: Mr. LEVIN.
H.R. 263: Mr. LEWIS of Georgia.
H.R. 264: Mr. BORSKI.
H.R. 311: Mr. VENTO.
H.R. 313: Mr. RAMSTAD.
H.R. 326: Mrs. FOWLER.
H.R. 468: Mr. BROWN of Ohio.
H.R. 497: Mr. BLILEY.
H.R. 499: Ms. DANNER and Mr. TIAHRT.
H.R. 862: Mr. ROGERS, Mr. HILLEARY, and Mr. EMERSON.
H.R. 1023: Mr. DOOLEY and Mr. HUTCHINSON.
H.R. 1221: Ms. LOFGREN and Mr. FOGLIETTA.
H.R. 1227: Mr. FUNDERBURK, Mr. BARRETT of Nebraska, Mr. NORWOOD, and Mr. HUTCHINSON.
H.R. 1363: Mr. KIM.
H.R. 1416: Mr. DIAZ-BALART, Mr. OBERSTAR, Mr. JOHNSTON of Florida, Mr. FRAZER, Mr. MANTON, Mr. ENGEL, Mr. TORRES, Ms. KAPTUR, Mr. NADLER, Mr. WAXMAN, and Ms. WOOLSEY.
H.R. 1496: Mr. BILBRAY.
H.R. 1627: Mr. MANTON and Mr. MYERS of Indiana.
H.R. 1709: Mr. ANDREWS and Mr. WAXMAN.
H.R. 1733: Mr. WARD and Mrs. LINCOLN.
H.R. 1742: Ms. LOFGREN and Mr. STUMP.
H.R. 1757: Mr. SANDERS and Mr. MCDERMOTT.
H.R. 1946: Mr. DEAL of Georgia, Mr. LAUGHLIN, Mr. DREIER, Mr. SCARBOROUGH, Mr. ARMEY, and Mr. COBLE.
H.R. 1950: Ms. JACKSON-LEE and Ms. BROWN of Florida.
H.R. 1973: Mr. MYERS of Indiana, Ms. SLAUGHTER, and Mr. WILLIAMS.
H.R. 2019: Mr. TATE.
H.R. 2036: Mr. STUPAK.
H.R. 2138: Mr. MORAN.
H.R. 2180: Mr. LINDER and Mr. CALVERT.
H.R. 2190: Mr. WELDON of Florida, Mr. HEFNER, Mr. MICA, Mr. ACKERMAN, Mr. TRAFICANT, and Mr. TORKILDSEN.
H.R. 2193: Mr. WISE, Mr. PETRI, and Mr. LAUGHLIN.
H.R. 2209: Mr. COBLE, Mr. GILCHREST, Mr. WELDON of Pennsylvania, Mr. TEJEDA, Mr. PAYNE of Virginia, and Mr. LIPINSKI.
H.R. 2273: Mr. EVANS.
H.R. 2310: Mr. FOGLIETTA, Mr. MFUME, and Mr. FRISA.
H.R. 2320: Mr. BONO, Mr. WICKER, Mr. LARGENT, Mr. BASS, Mr. DELAY, Mr. HASTINGS of Washington, Mr. LOBIONDO, Mr. MORAN, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. LIVINGSTON, Mr. DORNAN, Mr. DURBIN, Mr. CALVERT, Mr. SENSENBRENNER, Mrs. VUCANOVICH, Mr. BRYANT of Tennessee, and Mr. NORWOOD.
H.R. 2323: Mr. WALKER, Mr. MURTHA, Mr. MCINTOSH, Mr. GEKAS, Mr. LATOURETTE, Mr. SHUSTER, Mr. NEY, Mr. ROEMER, Mr. COBLE, and Mr. WELDON of Pennsylvania.
H.R. 2375: Mr. DELLUMS.
H.R. 2472: Ms. ROYBAL-ALLARD, Mr. OLVER, Mr. CONYERS, Ms. DANNER, Mr. KLINK, Mr. COLEMAN, Mr. MATSUI, Mr. KILDEE, Mr. CLAY, Mr. HOLDEN, and Mr. BERMAN.
H.R. 2500: Mr. BILBRAY and Ms. NORTON.
H.R. 2507: Mr. BAKER of Louisiana, Mr. FRAZER, Mr. STUMP, and Mr. COOLEY.
H.R. 2548: Mr. BATEMAN.
H.R. 2579: Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. HUTCHINSON, Mr. BREWSTER, and Mr. COYNE.
H.R. 2598: Mr. WATTS of Oklahoma, Mr. TIAHRT, and Mr. COSTELLO.
H.R. 2599: Mr. EHRLICH.
H.R. 2608: Mr. RANGEL.
H.R. 2617: Mr. CALVERT.
H.R. 2634: Mr. BARCIA of Michigan.
H.R. 2651: Mr. TIAHRT and Mr. DUNCAN.
H.R. 2654: Ms. WOOLSEY, Mr. BALDACCI, Mr. VENTO Ms. ROYBAL-ALLARD, Mr. FOX, Mr. SERRANO Mr. BROWN of Ohio, and Mrs. COLLINS of Illinois.
H.R. 2664: Mr. DEFAZIO, Mr. FIELDS of Texas, Mr. HOLDEN, Mrs. MORELLA, Mr. CANADY, Mr. LATHAM, Mr. CAMP, Mr. BROWDER, Mr. SHADEGG, Ms. DANNER, Mr. MCDERMOTT, Mr. SHAW, Mrs. SCHROEDER, Mr. TANNER, Ms. KAPTUR, Mr. BAESLER , Ms. ROS-LEHTINEN, and Mr. SERRANO.
H.R. 2665: Mr. FOGLIETTA and Mr. LAZIO of New York.
H.R. 2682: Mr. MCHUGH.
H.R. 2686: Mrs. ROUKEMA and Mr. BARRETT of Wisconsin.
H. Con. Res. 10: Ms. MCKINNEY and Mr. TORKILDSEN.
H. Res. 255: Mr. JACOBS and Mr. GENE GREEN of Texas.
H. Res. 285: Mr. BROWDER, Mrs. MEEK of Florida, Mr. CONYERS, Mr. OLVER, Mr. FRAZER, Mr. DELLUMS, Mr. GENE GREEN of Texas, Mr. DIXON, Mr. BRYANT of Texas, Mr. FLAKE, Mr. WYNN, Mr. TUCKER, Ms. NORTON, Mr. WATT of North Carolina, Mr. PAYNE of New Jersey, Mr. FOX, Mr. RUSH, Mr. OWENS, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. YATES, Ms. JACKSON-LEE, Mr. THOMPSON, Ms. BROWN of Florida, and Mr. ACKERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2667: Mr. DAVIS, Mrs. MORELLA, and Mr. WOLF.

PETITIONS, ETC.

Under clause 1 of rule XXII,

49. The SPEAKER presented a petition of the city council of the city of Compton, CA, relative to opposing congressional reform legislation shifting liability for securities fraud State and local elected officials; which was referred to the Committee on Commerce.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, NOVEMBER 30, 1995 No. 190

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

In the 13th century, Richard of Chichester prayed:

''Day by day, dear Lord, of Thee three things I pray:

''To see Thee more clearly,

''To love Thee more dearly,

''To follow Thee more nearly.''

This is our longing for this new day, dear God. Help us to see You in the beauty of the world around us, in the never to be repeated miracles of Your grace, in the people of our lives, and in Your providential care in timely interventions to help us in the circumstances of life. Yes Lord, we do want to see You more clearly.

We love You not just for what You do for us, but most of all, for who You are. Your loving kindness, mercy, and faithfulness are our stability in a world of change. You are our help when we are helpless, our hope when we are tired in body and troubled in mind. Yes Lord, we do want to love You more dearly.

We hear Your summons to follow You sounding in our souls. We commit ourselves to walk humbly with You through this day. May we neither run ahead of You or lag behind, but keep pace with You. Help us to know what You desire and give us the strength to do what love requires. Yes Lord, we do want to follow You more nearly. In the name of Jesus, amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Mr. DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, for the information of all of my colleagues, we have morning business until 2 p.m. today with Senators to speak for up to 5 minutes each, except for the following: Senator DASCHLE, or his designee, 60 minutes; and Senator THOMAS for 60 minutes.

It is possible that the VA–HUD conference report will arrive from the House today. If that should happen, we will take that up today. Therefore, rollcall votes are possible during today's session.

As my colleagues know, the budget negotiations are underway. They start at 11 o'clock in the morning, and they meet again in the afternoon. So that will be an ongoing process, and I assume for the next 8 to 10 days.

If we can complete action on VA–HUD and send that to the White House, that would still leave five appropriations bills that have not been acted upon.

I am hoping the President will sign the Defense appropriations bill today. If not, it will become law, which will occur at 12 midnight today. It is a very important bill, and particularly important in view of the President's plan to deploy 20,000 American troops in Bosnia because it contains money for that purpose. It is my hope that the President will sign the bill.

(Mr. FRIST assumed the chair)

RECESS

Mr. DOLE. Mr. President, I move that the Senate stand in recess until 11 a.m.

The motion was agreed to, and, the Senate, at 10:04 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CAMPBELL].

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak for up to 5 minutes each.

The Chair, in his capacity as a Senator from the State of Colorado, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator has 1 hour.

FRESHMAN FOCUS

Mr. THOMAS. Thank you, Mr. President. I do not intend to take the hour.

We did set aside some time, however, and I hope to be joined later by some of my colleagues from the freshman class who have sought to come to the floor from time to time to talk a bit about what, in our view at least, our collective view, we are seeking to do during this session of Congress. What we have sought to do, of course, along with the other Senators in this body, throughout this year, is to make some substantial changes.

I think those of us who have just come this year perhaps feel more strongly about making changes, more strongly because we are not as wedded to the operations that have gone on here for 30 years as some may be. I think we are probably more sensitive to voters, having just come fairly recently off an election, an election in

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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which most agree that people said we have too much Government, it costs too much, we need to be as fiscally and financially responsible as a country as you and I expect to be as individuals in our families and our homes and our businesses.

So we feel very strongly about that. Balancing the budget has been and continues to be the prime issue, I think, for a number of reasons, not only because of the arithmetic, not only because for 30 years this Congress has not balanced the budget. We have spent more than we have taken in for a very long time. In order to do that, we have maxed out our credit card. We have charged it to our children and to our grandchildren and continue on at that rate, continue on to add to the debt to where we now have a $5 trillion debt, which is more money than most of us can imagine. Maybe even more directly, we have an interest payment every year we must make of $260 billion, probably next year the largest single line item in the budget, one that, of course, cannot be adjusted or changed. If it continues to grow at the rate it has, it will absorb more and more of the available funds.

So, balancing the budget is something that we have not paid a lot of attention to, collectively, over the years. The deficit sort of happened. Nobody felt much pain, and we continued to do that. It is financially irresponsible. As we look to moving into a new century we must ask ourselves, I think, what kind of a Government, what kind of a country do we pass on? One that is continuing to grow a $5 trillion debt, adding on every day? Or do we, in fact, want to make some changes that will bring about different results?

In addition to that, however, balancing the budget has some other fundamental changes. It has to do with spending. I suppose you can balance the budget by raising income, raising taxes, raising revenue, which of course was what the President did in 1993. It was the largest tax increase the world has ever known. It did, to some extent, reduce the deficit. I guess you can do that. The real issue, however, is what do you want to do about spending? If, in fact, the message was that Government is too big and spends too much, then in addition to balancing the budget, you also have to balance it on the basis of holding spending, or at least reducing the increase in spending, which has an impact on Government. If you have too much Government, if you have too much regulation, if Government is too intrusive in your life—as many people believe it is, as I believe it is—then balancing the budget and the level of spending have something to do with that.

I have a hunch that one of the rules of nature or science or whatever is that government grows to the extent possible by available funds and available debt. Until you do something about that, it continues to grow. So this has been the pivotal issue and continues to be. We have done a number of things this year with respect to it. One of the early ones was to seek to have a balanced budget amendment to the Constitution. I support that idea. Some do not. Some say you do not need to do it. You do not need to tamper with the Constitution. You just do it.

The evidence is that does not work very well. We have been saying that for a long time. It has not happened. It has not happened. Others say we just have to get at it. I am for a balanced budget amendment, but that proposal died by one vote here in the Senate. I believe it is necessary, frankly, to have a constitutional amendment to provide some discipline. Public bodies are awfully hard to discipline. Everyone comes from a constituency. Everyone has a constituency that needs a new bridge or new road or whatever. So it is very difficult to have the discipline to say no to some things, to live within a budget. The constitutional restraints help do that. I come from a State that requires a balanced budget in the State constitution. And no one thinks a lot about it. We know that you cannot spend more than is available, more than you take in. So you have to make adjustments. I think it is a great idea.

One of the problems with spending in this country is that we are over here talking about the benefits of spending but we do not then relate it to the cost of paying for it. One of the simplest and most direct cost-benefit ratios comes from the local school district. You say to the constituents that we need a new junior high, and it is going to cost you $220 a year on your property tax. So you say to yourself, OK, is it worth $220 a year? Then you go vote, and you decide based on what the benefits are of the school based on what it is going to cost. We are too far removed from that on the Federal level. So spending is over here. You pay for it over here, and the two never come together in terms of a cost-benefit ratio. That is not good for government.

So we did not get a balanced budget amendment. So then we set about to balance the budget over a period of 7 years by doing it through appropriations, and beginning to decrease the growth of spending in appropriations. And we have worked on that all year and have not yet finished, as a matter of fact.

I introduced yesterday a bill that would provide for a biennial budget, thinking we would be much better off if we had a 2-year budget so that at some time, when we would get through doing appropriations, we would have time to do other things like health care, and environmental issues, and have oversight of the spending that we have approved. At any rate, that is another matter. We are still working on it. It is not finished.

We still have out of the 13 appropriations bills I think 7 that are not completed. That is what brought us, of course, to the shutdown of the Government several weeks ago and to the controversy over that which allows for the potential of another one on the 14th or 15th of December when this continuing resolution runs out.

Some folks in the media have said, ''Oh, my gosh. That is just an adolescent food fight going on in Washington. These guys ought to grow up.'' It is not that, Mr. President. It is a very fundamental controversy over the direction of this Government—whether you are going to continue to spend more and more, or whether you are going to reduce the level of spending and come to a balanced budget. That is what it is about.

You will recall in the last one the confrontation between the Republicans and the Democrats and the administration, which turned out to be a continuing agreement that said, yes, we will have a balanced budget. We will participate in putting together a balanced budget. We will commit to a balanced budget. We will commit to a balanced budget in 7 years, and we will commit to a balanced budget that is based on real numbers, in this case the Congressional Budget Office numbers. However, there were some other words added—some words that are a little less easy to define, such as we are going to protect Medicare, we are going to protect Medicaid, we are going to protect farmers, and we are going to protect the environment. I do not know what that means. I suppose protection of those things can be interpreted to mean many things. So that is where we are.

In addition, of course, to the appropriations comes a balanced budget bill which makes the changes in programs necessary to over 7 years balance the budget. The toughest ones are entitlements. Congress really has very little to do with the amount of money spent on entitlements. You set up an entitlement. If you qualify, you get paid. Welfare is one. So if you really want to do something about the rate of growth, you finally have to do something about entitlements.

That is what this is about—and welfare, to make block grants to the States so that they can, indeed, find growth that fits. My State of Wyoming has different needs than Pennsylvania or New York. So the block grants would allow for States to have the flexibility to put together programs that do work.

Medicare—to change Medicare so that it does not go broke in the year 2002, and, if we do not change it, it will. The question is not whether you do something. The question is what do you do if you want to continue to have health care for the elderly.

So what has happened is that I think some have taken the position that we need to make the changes needed, that you are going to have different results, and you have to do some things differently. Others have said, ''Well, I really do not want to do that. We can talk about balancing the budget, but I am not sure I am for that today.'' Everyone who stands up starts by saying,

''I am for a balanced budget'' and then goes on for another 30 minutes announcing why he cannot, and becoming a defender of those programs which are kind of scare tactics. Some have called it mediscare, and somehow you are going to do away with the benefits. It is not true, of course. We reduce the growth rate from 10.5, to 6.5. We reduce the amounts available per beneficiary that will grow $4,700 to $6,700 over this 7-year period.

So they say, ''Gosh. This is radical stuff. And you are tearing it all apart.'' Let me see how radical you think some of this is.

Mandatory Medicare spending will increase each and every year from $178 billion in 1995 to $289 billion in the year 2002. That is a 62-percent increase. That is radical reduction? Overall mandatory spending—overall mandatory spending would increase in each and every year from $739 billion in 1995 to $1.93 trillion in 2002, a 48-percent increase. Overall, Federal outlay—listen to this—will increase every year from $1.518 trillion in 1995, what we spend now, to $1.856 trillion in 2002, a 22-percent increase in total spending. But if you listen to some of the Members of this body, if you listen to the media, draconian cuts are taking place. And we are going to do something about it.

Here is what the minority leader said:

> So, if we cannot get the Republicans to come off those extreme positions, then I think we are advantaged in not reaching an agreement.

Mr. President, reaching an agreement is I believe our responsibility. I believe it is the thing that we have to do.

I forgot to mention, of course, that what is going on here is the President has submitted two budgets, and neither of them balance. Neither of them were accepted. Neither of them have gotten any votes in this Senate.

So we have to say, Is there a real effort made to do this? I hope so. I hope so. Collectively, for this country we need to make a move to balance the budget. We have the best chance we have ever had. We are on the way to doing that. We can do it in 7 years. We can do it with real numbers. We can do it, and provide the benefits that need to be provided. We simply need to have the will. Frankly, we need to have the will to come to the snubbing post, and say, ''Here is what we need to do.''

Now the notion is that it is all pain. Let me tell you it is not. A balanced budget will bring a good deal of stability to this country that will help the markets, that will reduce interest rates so that on your home, as some have suggested, it could be up to $2,000 a year in savings in interest on a long-term date.

Mr. INHOFE. Will the Senator yield?

Mr. THOMAS. Certainly.

Mr. INHOFE. I have been listening to the Senator from Wyoming. He hit upon something here I do not think people are fully aware of or sensitive to, and that is the effect what we are doing here is having on the markets. We keep hearing if something happens, that there is an impasse, it is going to have a deteriorating effect. The markets have been very good. Interest rates are low. Things are going very well right now mostly because of the anticipation of the fact we are going to have a balanced budget.

I can remember so well, as the Senator can remember, when we had the discussion on the balanced budget amendment to the Constitution, and we lost it by one or two votes and what happened to the markets after that and the devaluation of the dollar against the yen and the mark. The deterioration was unprecedented. And so I would suggest that what the Senator from Wyoming says is true. There is nothing we could do that would enhance the optimistic future of the economy than to go ahead and take this Balanced Budget Act of 1995 and pass it.

I do not think most people are aware, Mr. President, that we have passed a Balanced Budget Act of 1995 which essentially does what the President committed to do during the last continuing resolution. It does provide for a balanced budget, and it uses real numbers, CBO numbers, those numbers that come from the Congressional Budget Office, which the President stood before a joint session of the legislature and said is the most reliable source that we can use, so we can end smoke and mirrors and we can handle what is out there.

The thing that concerns me more than anything else, and I ask the Senator from Wyoming if he agrees, is that we have passed a budget. It does what the American people asked us to do in November of 1994. And the President does not have a budget. So while I am not in on the negotiations, how do you negotiate when you have a budget and the other side does not have one? I wondered if the Senator had figured that out yet.

Mr. THOMAS. Mr. President, the Senator from Oklahoma asks a difficult question. I do not know, nor am I in on the negotiations. If there is bona fide negotiations, both sides need to put their proposals on the table and find some common ground and there can be some adjustment.

I think the key feature to the Republican proposal to balancing the budget is to have a spending limit. Within that spending limit, there are choices, priorities of how you do that. The key is to be able to have projections out into the future using CBO numbers with the contribution of the OMB and whoever else has knowledge, to have that projection and use the same numbers so that you are not using smoke and mirrors. Most anybody can balance the budget if they find some numbers that show revenues increasing out all the time and then it does not materialize. We have done some of that before. On the contrary, we ought to use the more conservative number so if we are wrong, we will err to have more surplus rather than less and add that to the reduction of the deficit and keep spending down.

So the Senator from Oklahoma is exactly right. If there is going to be bona fide negotiation, you need to come to the table with some ideas. And we are dedicated to doing that. So I hope that we do.

Let me yield the floor so that my friend from Oklahoma may proceed.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator for yielding.

CRITICAL TIMES IN AMERICA

THE BUDGET NEGOTIATIONS

Mr. INHOFE. Mr. President, I wholeheartedly agree with the Senator from Wyoming. I have to say also that the people of Oklahoma, a lot of times—say you are reading these polls, and people are saying, well, we really do not want to balance the budget yet; let us wait until the President gets back; we do not want to be too harsh. There is a myth that is floating around that we are going to be cutting Medicare when in fact we are saving Medicare, and without our doing that, according to his own board of trustees, Medicare would go under.

I believe that when I go back, as I do every weekend, to Oklahoma and I talk to what I refer to—and it has offended several people in this Chamber—as real people, they tell me that they do not want us to back down. They say that this is our opportunity to have a balanced budget.

I can stand on the floor of this Senate and say in my honest opinion this is the last opportunity probably in my lifetime that we will have to have a balanced budget. And if we cave in now, we are not going to be able to have it. I do not think we will have another chance. And I think the President has every intention of having us cave in because he has a lot of discretionary programs he wants to keep funding. He is holding on to the past with white knuckles, to the last 30 years of reckless spending that has brought us where we are today, and he is trying to use the very sensitive argument that we cannot do this to all these people, that there are all these programs that are going to be cut, which are not going to be cut.

I would say that if you want to make a moral issue out of this, the moral issue is to go ahead with this, with the Balanced Budget Act of 1995, which passed in this Chamber and they passed in the House of Representatives, and get this passed because if we do not do it, we know what we are subjecting our future generations to. Many Members in this body are much younger than I am, and they have young families. I have grandchildren coming up now. One is due any minute now. If we do not change the trend that we established in the 1960's and that has continued until today, a person born today is

going to have to pay 82 percent of his or her lifetime income just to service the Government.

I do not think that is what we want. I know that is not what the American people want. But some people just do not want to change. Some people refuse to look at the elections and the post-election analyses and polls that said very distinctly that the American people in November 1994 voted for a change, a change from the Great Society programs of the 1960's that have been perpetuating themselves and growing ever since then. So I think this is the last chance we have.

This is our last stand. I encourage the negotiators to keep that in mind. I am talking about Republicans and Democrats. It is too important to future generations.

U.S. TROOPS IN BOSNIA

It is ironic now that we have two things that are going on that are very, very critical to all of America, not just this budget matter that we have been talking about—and the distinguished Senator from Wyoming is right when he draws the attention to the significance of what is going on—but something else is happening, too. My frustration, which I have expressed in the Chamber every day for the last several days, is that while the President is out rejoicing in his new posture of being the international peacemaker in Belfast and other places, time is going by and American troops as we speak are being sent to Bosnia. It goes all the way back to 2½ years ago when this President made a decision to do airdrops into Bosnia. I can remember serving in the other body at that time and asking the question: You are doing airdrops. How do you know that the stuff you are dropping is going to the good guys instead of the bad guys? And the response in that committee meeting was: ''Well, we do not know.'' There was a hesitation. This was the military talking: ''I am not sure that we know who the good guys and the bad guys are.''

I think if you take any snapshot in the history of Bosnia over the last 500 years, you could come to the conclusion legitimately that the Serbs are the bad guys or the Croats are the bad guys or even the Moslems are the bad guys. If you look at what has happened in the last week over there, people have been killed, tortured; there have been uprisings. I read from several articles yesterday of the hostile area and what is happening over there.

The mayor of a town not far from where the Senator was when he was over there said, speaking in behalf of the people—we hear a lot of the military, of the three known factions and of the rogue groups that are over there but these are civilians—he says, ''We will still fight, and if the multinational force tries to drive us from our homes or take away our right to defend ourselves, there will be no authority on Earth, including the Serbian authorities, that can stop us. We will not leave, we will not withdraw, and we will not live under Moslem rule.''

This is coming from an area that is going to be under Moslem rule if this initial peace accord would take place. And you have another big group, too, not just those who have found happy homes and feel that they ought to be able to stay in those homes. You also have what I have been stating as 3 million, but I know the conservative figure is 2 million, refugees that we can identify in those areas, and they are scattered throughout Bosnia. We have heard from all of the sources—our Embassy people, the military people, U.N. people, Gen. Rupert Smith, the British general who is in charge of the U.N. forces in Bosnia, as we speak—that more than 50 percent of these 2 million refugees, under the plan that we have here, will not be able to return to their homes.

What does a refugee want to do? If you have peace, it means you get to go home. More than half of these will not get to go home. So you are going to have new rogue elements rising up.

Just this morning in the newspapers—I will just read one part of an article here that said, ''The worst problem though is likely''—keep in mind this is an article that showed this morning 10 more American soldiers showed up. There are only 10. I understand that is not a very large number. But tomorrow it will be 10 more, the next day 10 more; then larger and larger numbers will be coming because that is the President's plan, as he hides over in Europe and allows more and more of our soldiers to go over to put us in a position where we have to support him to send ground troops in.

> The worst problem though is likely to be minefields. There are believed to be millions of mines of all shapes and sizes in the Tuzla region. There are mines everywhere. And neither side has maps. We have to move one centimeter at a time.

This is a quote from the lieutenant colonel who works directly under General Haukland, the Norwegian general that I talked to in Tuzla. He also said that in the past 3 weeks his men have demined nearly 300 yards of road. Heavy snowfall will only complicate the problem. This is the very ground that I stood on 3 weeks ago in the Tuzla area. There are only two Members of Congress who went up into that area, Senator HANK BROWN from Colorado and myself. We stood there. And I can tell you that there are mines there. These reports are accurate. That is where we are going to be having some 25,000 Americans up in that region.

Yesterday we showed a map—and I said, I do not know who did the negotiating for the United States of America—where we ended up with the northeast sector, the most hostile area. But that is where we are. And we are there very clearly today.

So, that is what we are faced with. And I think it is time to draw some other lines, too. I know that the President is over in Europe right now, believing that we are going to end up being able to vote to support his program.

Let me just serve notice to the U.S. Senate at this time, there are not going to be any free rides on this deal. A lot of people are saying, well, let us have a weak resolution or wait until we have so many troops over there and say we are going to support our troops. Sure we are going to support our troops. But now is when we can make a decision and say, ''Mr. President, you are wrong. We do not want you to send ground troops into Bosnia.''

There is going to be a recorded vote. We might as well know it. By the way, I went back and did some research just this morning. If you remember back in 1991, when George Bush was President of the United States, George Bush wanted to send troops into the Persian Gulf. We all recognized that we did have strategic interests in the Persian Gulf. Our ability to fight a war was dependent upon our protecting those interests in the Persian Gulf.

There are no strategic interests in Bosnia. But I would like to read some things. I am reading this for one reason; that is, that there was a lunch that took place just a couple days ago where the President talked to the Democrats of this Senate. And the word I got is they are all going to line up, that they all agreed that they would support the President in sending ground troops in.

Mr. THOMAS. Will the Senator yield for a minute?

Mr. INHOFE. Yes.

Mr. THOMAS. This has been an interesting process. Certainly everyone subscribes to the notion that the President has some authorities—in the case of emergencies and in the case of war. But it seems to me that the Congress also has some responsibilities as representatives of the people. It seems to me what has happened is when we get into these situations, like in Bosnia—it has been going on now for 3 years—and then there comes, ''Well, we're going to have a peace agreement, so we can't talk to you about it until we get a peace agreement. We don't want you to get involved here until there's a peace agreement.'' Then when there is a peace agreement, the answer is, ''Well, we've already got a peace agreement, so there's nothing for you to do.''

Does it strike the Senator that we are essentially being left out of any decisions, those of us who represent our States?

Mr. INHOFE. That is exactly what is happening, I would respond to the Senator from Wyoming. I am particularly sensitive to this because I serve on the Senate Armed Services Committee. Let us take this out of a partisan realm, because I opposed—it was George Bush, not Bill Clinton, who originally sent troops into Somalia. I was opposed to it at that time. It was supposed to be, as I recall, a 45-day humanitarian mission to open up the routes so we could send humanitarian goods in.

Then, of course, he went out of office. President Clinton came in. And each month—and the Senator from Wyoming will remember this because he and I were both serving in the other body when this happened—each month we sent a resolution to the President saying, bring back our troops from Somalia. We did not have any strategic interest there that related to our Nation's security. And he did not do it. And he did not do it. And he did not do it. It was not until 18 of our Rangers were brutally murdered in Somalia and their corpses dragged through the streets of Mogadishu that the people finally stood up and said, ''We have had enough,'' and we brought them home.

I do not want that to happen in Bosnia. But the Senator is exactly right, the President sends these troops all over the world. Then he comes back for an emergency supplemental. That puts us in the position that, if we do not vote for the emergency supplemental which might violate everything we are trying to do with our budget balancing effort, he will take the amount of money out of the existing military budget, which is already down to the bare bones anyway. We went through this in this Chamber just a few weeks a ago, a $1.4 billion emergency supplemental to take care of all these Haiti and Somalia episodes.

Now there is some talk about the cost of this war in Bosnia. They are trying to say it is between $1.5 and $2 billion. The cost figures that I get are far greater than that. There have been many people who have evaluated that and come up with figures from $4.5 to $6 billion. So there is a dollar consideration here as well as a human life consideration.

The Senator is exactly right, we are being put in a situation where the people of this Nation cannot be heard in decisions as critical as risking American lives in a war-infested place like Bosnia. We are irrelevant. It does not matter what we say or do. This is what the President apparently is telling us.

But I was going to go back in history to 1991 just for a moment to read some of the arguments that I heard from the other side of the aisle. I repeat again, there are not going to be any free rides on this thing because we are going to have recorded votes. I will not mention the names of all of them because I do not think doing so would serve any useful purpose, but these are mostly in the leadership of the Democrat side, those who I understand are going to be supporting the President in his effort to send 25,000 or more troops into that war-infested area.

''Some argue that we must go''—this is 1991. This is when we had security interests in the Persian Gulf. ''Some argue that we must go to prevent a coalition from falling apart. I disagree. The use of American military should not be a substitute for the weakness of any coalition. America is not 911 for every problem.'' I would say there is no more accurate statement that could describe what has been happening up in Dayton, OH, for the last several weeks.

Here is one here. It says, ''The worst-case scenario''—again 1991, Democrats arguing against sending troops into the Persian Gulf. ''The worst-case scenario could have us losing thousands and thousands of young Americans. The worst-case scenario could have us bogged down for months and months and maybe years. This is not an easy war to be fought. And this is not a war that ought to be fought.''

If there is any war that should not be fought, it is the war in the Balkans. We do not even know who the good guys and the bad guys are. If this were a snapshot in history, 50 years ago it would be the Croats, not the Serbs, that would be the bad guys. And you could go to any other time in history and find that to be true.

This is another prominent Democrat who made this statement on the floor of this body. ''I cannot back a policy I believe is ill-advised, when Americans' lives hang in the balance, just for the sake of displaying a united front.''

Is that not the argument we have been hearing? We have to have this united front, we have to protect the integrity of NATO at any cost, particularly American lives, at any financial cost. We heard yesterday the distinguished Senator from Alaska talking about that so far we have funded 70 percent of the cost of the efforts over there in the Balkans, and yet we are farther away than anybody else in the alliance.

Here is one that I think is one of the best. It says, ''But do these goals''—1991—''qualify as a sufficient reason to suffer the tragic loss of American life, especially before we have exhausted every available alternative? My deep conviction is no, no they do not. I cannot look my 17-year-old son and my 19-year-old daughter in the eye and say, 'Moving Saddam Hussein out of Kuwait, obtaining the necessary oil from the Persian Gulf, protecting our allies or saving jobs is worth your life.' I cannot say that. If at this time I cannot say that to them, how in good conscience can I say it to a mother or a father? How can I say it to a sister or brother?''

I came back from that northeast sector of Bosnia, around the Tuzla area, and I stopped on the way back at the 1st Armored Division training area in Germany, where I think the Senator from Wyoming has been. And he probably talked to some of the troops, as I did.

I went by and had breakfast in the mess hall with these guys and gals who were being trained in that 12-by-6 mile box that they said is supposed to emulate the terrain of Bosnia. It did not look anymore like the terrain of Bosnia than the hill around Washington, DC does. But they are out there training. They are getting good training. They are preparing themselves mentally to be deployed, but they are saying: ''We haven't been told yet why we're going.''

I think in all fairness to the officials and those officers who are in charge over there—and I have the utmost respect for General Yates and General Nash—that they themselves do not have a clear understanding of what their mission is.

The President, in his very eloquent, persuasive speech 3 days ago, said we have a clear and concise mission, but he never told us what that mission was. He never told us what the rules of engagement were. I do not think—I suspect—our own troops, the ones over there today, do not really have a well-defined understanding of what our rules of engagement are.

We hear about the conditions under which we can withdraw, like 12 months, a time condition, systemic violations. What is a systemic violation to a corporal out in the field who gets fired upon? Does that firepower come from a Serb element or from a Croatian element, or maybe from one of these rogue elements or a Moslem element? He will not have any way of knowing, and yet that could, in fact, be a systemic violation, because a systemic violation—which they have not yet defined—I have to assume it is something systemic, meaning the entire element is acting as a group—whether it be the Croats, Serbs, or Moslems—and are breaking the peace accord.

Well, I do not think there is any way of determining how that could be enforced.

Mr. THOMAS. Will the Senator yield?

Mr. INHOFE. I will yield.

Mr. THOMAS. I was struck by your quotation on the necessity to maintain the alliance. I was, as you pointed out, in Bosnia about a month ago. Seven of us went to Sarajevo. We also met in Brussels with the NATO group, and all 16 of the Ambassadors were there, as a matter of fact. Each of them stood up in order and almost as if by pushing a button said, ''Why, we just can't do this without the leadership of the United States.''

The President is now in Europe. I guess I would say, what would you expect Europeans to do with him there? Of course, they will applaud the United States taking the burden, paying the major part of the bill and the major part of having troops on the ground. I think it is a very thoughtful way of promoting this idea.

We were also struck about this very same question. Here are our U.S. soldiers. They are going in there, according to the plan, to be peacekeepers. So then what happens if you are attacked by an armed group and you respond? The notion is, and I think properly, that you can respond to defend yourself. We asked the general of the European group what happens if there is an organized effort. ''Well, then we leave, because we are not there to fight the war.''

It is very indecisive in terms of what they do. And I agree with the Senator

that certainly you can say that the goal is well defined but, in fact, it has not been well defined.

Mr. INHOFE. The Senator from Wyoming, since he was in the Sarajevo area, I am sure observed the same thing I did. Keep in mind, this is the area where there has been fighting only in the last week, since this accord, if that is what it is, has been initialed.

The problem that I see over there is that there is no way to define who the other side is in Sarajevo. In Sarajevo, we have a convolution of parties that have come in and taken up the vacuum that has been left by the pounding of the various dwellings—the single-family dwellings and apartment buildings—in Sarajevo. The true inhabitants of those dwellings, those wonderful people who were there during the winter Olympics, are not there anymore, and the ones who are in there now are refugees. We do not know where they came from. We do not know if they are Serbs, Croatians, or any other, perhaps rogue, element. So it makes it that much more difficult.

Before yielding to the Senator from Georgia, let me just make one other comment about something that the Senator from Wyoming said. He used the term ''peacekeeping.'' I suggest to you now that they are not using peacekeeping. If there is ever a classic area for mission creep, this is it, because we have already crept from peacekeeping to peace implementation.

There is a big difference between peacekeeping and peace implementation. Peacekeeping is an assumption that there is peace to keep. We know there is not peace to keep. The President stood and he said the war is over, we are in a cease-fire. I stood in Tuzla and heard areas where the war is not over. There is firing up there. The President has not been there so perhaps he does not know and perhaps his advisers are not adequately advising.

Before we go back to a budget discussion, I want to state again what I stated yesterday. I may be one last Senator standing alone, but I am going to fight with every fiber of my being to stop the President from this obsession he has been living with for a year and a half, and that is to send American troops on the ground in Bosnia.

CONCLUSION

I am very concerned with the discussion we were having earlier about what is happening in our budget battle. I guess I will sign off by stating at least my position.

We passed a good bill, the Balanced Budget Act of 1995, through this body and through the other body. It is one that is consistent with the mandates of the election of 1994, and I do believe that we have done a good job.

I certainly encourage the President to use the guidelines he committed to during the last CR—that is, a balanced budget in 7 years using real numbers—and come up with something that is acceptable.

At this point, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia [Mr. COVERDELL] is recognized.

Mr. COVERDELL. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business up to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator should be aware, under morning business, the Senator has 5 minutes.

Mr. COVERDELL. Unanimous consent is approved for 10 minutes?

The PRESIDING OFFICER. The Senator is correct.

PUT THE FISCAL HOUSE OF GOVERNMENT IN ORDER

Mr. COVERDELL. Mr. President, I want to respond to the remarks of the good Senator and my colleague from Oklahoma who has closed his remarks by talking about the importance of a balanced budget. Let me take just a minute to frame where we are.

It has been a rigorous year, and both the House and the Senate have now passed a Balanced Budget Act, just before Thanksgiving. This is the first time that this has happened in nearly three decades—a Balanced Budget Act in response to the American people. The American people have said over and over to put the fiscal house of their Government in order, like they have to do at home.

We have done it. We came here with a promise, and we have passed a balanced budget. We are sending it to the President. This balanced budget balances it in 7 years, reforms welfare, saves Medicare and lowers taxes. That is our plan.

There are currently meetings underway with representatives of the Senate and the House and the administration. They have not been productive as yet, because there is no balanced budget proposal from the President.

The President says he is going to veto this first balanced budget that the Congress has sent him. He said, ''I will not accept it.'' That is his prerogative, but my question to the President is this: Where is your plan?

We have done our job. We have made our best faith effort. We have sent a rational and reasonable plan to the President. With all the debate and discussions in Washington, you almost have to step back from it to measure the reasonableness of it because all the financial markets in America are responding positively. The stock market is up. Interest rates are dropping. The people in the real world, the people running businesses and running families all across the land, are responding positively to what we have done.

It is time for the President to tell the country and to tell these conferees what his plan is.

Back when I was in high school, they would say, ''The jig is up.'' We have done our work; we have laid the plan before him. He says it is not acceptable. Give us your plan, Mr. President. Then we can work the two plans together. But this business of criticizing our plan while you have none of your own cannot go on, and America will not accept it.

Mr. President, I would like to talk just a moment about what our plan does and why it is so reasonable. Take Medicare. The trustees told us that Medicare will go out of business in 6 years—broke, bankrupt. It said that the Congress and the President need to step forward and do something about it. Our balanced budget plan does just that. It expands Medicare because it expands the investment in it over the next 7 years by 65 percent. It grows 65 percent larger under our plan. It takes the solvency of it and expands it from the 6 years that are left and pushes the solvency of the plan out almost a quarter of a century. And it expands the choices people can make about the kind of coverage they want.

We increase Social Security spending 44 percent. We increase the size of Medicaid 65 percent. We increase overall Federal outlays 22 percent. The U.S. economy, we are told, will grow $32 billion in new disposable income. We will create 6.1 million new jobs. We will have $66 billion in new purchases and 100,000 new housing starts. Ten million more Americans will be able to purchase their first home. We will lower interest payments on the average family's mortgage by $1,500 to $2,000 per year. We will lower the interest payments on their car $200 per year. We will lower the interest payments on their student loan or the back porch another $200 a year. Because of the tax credits of $500 per child, in the average family we are going to add another thousand dollars of disposable income.

The bottom line here is, we are creating new jobs, new businesses, new homes, and we are putting between $2,000 and $3,000 of new disposable income on the kitchen table of every average American family. We depend on the family to nurture and grow America, to house America, to educate America. That is where we need to put our resources—on the kitchen tables in Hahira, GA, Denver, CO, or Keokuk, IA. That is where the resources need to be, not sent to Washington and redistributed by a bunch of policy mongers. We will help local government.

In my State alone, the balanced budget amendment will create $333 million over 7 years—$333 million; that is a third of a billion dollars—in lower interest payments for the State government of Georgia. In my capital city, Atlanta, we will save $100 million over 7 years in lower interest payments. That is a boon to a city putting on the Olympics next year, which is pressed from every corner to meet its needs. And $100 million would be saved. In all, $29 billion will be saved by local governments over the next 7 years—$29 billion—because we have balanced our budget.

A lot of people, including the President, who talk about the balanced budget, talk about it as if it is a painful exercise, a dreadful experience that we have to drag America through. It is the exact reverse. By taking charge of our budget, by managing our affairs, we strengthen every quadrant of America, and we keep the country strong and healthy so that it can keep on taking care of those who fall through the safety net.

Mr. President, this is history in the making. We have done our job. We have put forward a really solid plan to take charge of America's finances, to help every family in the country and to make America strong as it comes to the new century. Now it is on the President's desk. He promised America he would balance the budget in 5 years. He promised America the other day that he would join us in balancing it in 7 years. It is time for him to fulfill that promise to the country.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

THE BUDGET

Mr. ABRAHAM. Mr. President, I will be brief. Mr. President, I rise to speak along the same lines as the Senator from Georgia and talk a little bit about our apparent budget impasse. We are told—and I read in the media—that political advisers to the President have urged him to resist negotiations, to allow an impasse to continue, to theoretically take the impasse to the American electorate a year from now. That has resulted, as far as I can tell, in very limited discussions so far, limited efforts on the part of the administration to negotiate, and no plan by the administration with respect to balancing the budget, protecting Medicare, or any of the other vital priorities in this country.

I do not know what the President's decision will be. I do know what I read to be the advice he is receiving from his political counselors. I do not know, he may well decide to take the politically expedient course here, Mr. President. Before he does, I hope the President will consider the implications of taking the advice of the political experts as to what is good for next year's election and understand the consequences of doing that, because if an impasse continues for a year, if the President is responsible for there not being a balanced budget passed, it means a lot of very critical, I think, things for the American people. It means, number one, that we will not deal with the problem of Medicare insolvency that is staring this country in the face.

As the Senator from Georgia has already indicated, we stand on the brink of having part A in the Medicare trust fund bankrupt in just 6 years. If the President does not negotiate in good faith, if he plays the political card his advisers are recommending, then he will not sign, next week, the bill that would protect Medicare and keep the trust fund solvent.

If the President continues the impasse, if the advisers, the political folks at the White House, are successful, it will also mean, I believe, very detrimental things for our economy. We have been very fortunate in recent weeks, as we have seen the stock market go up and interest rates go down. There is a very clear reason for that, and the analysts on Wall Street and elsewhere in this country all say the same thing. They say that the economy and the markets are reacting to the belief that we will have significant deficit reduction when this budget process is over.

Mr. President, if they conclude that the President prefers an impasse for political reasons, then I think the robust stock market and the lower interest rates will be short-lived. Then the President will have to explain why interest rates are going back up again and why the market is going down.

But most important, if the President heeds the advice of the political counselors, instead of doing what is right for this country, the impact will be felt greatest by the families of America, because if we fail to take advantage of this unique opportunity we have right now, Mr. President, to bring the budget under control and to put us on a path toward balance, what it means for the families, as the Senator from Georgia just indicated, is very, very considerable.

It means continuing interest rates at levels beyond what they need to be. It means people paying more for their mortgage, more for their car payment, more for their student loans than they need to make. It means Washington continuing to make more money and keeping it here and making decisions for the families of America that they ought to make themselves.

Mr. President, I hope when the President returns from his trip to Europe that he will reject the opinion of the political advisers, reject the notion of allowing a long impasse to continue, reject the notion of refusing to negotiate upfront in good faith and with his own plan, and instead come to the table, begin the discussions that I think are necessary for us to bring about the kind of balanced budget that we have passed here in the Senate and the Congress and for the American people, the first balanced budget in a quarter of a century.

I hope that the President decides that the political advisers are not what matters and that next year's election is not what matters, but it is the future of this country, the future of our children that matter.

If he does, he will join the Republicans in seeking to balance the budget, seeking to end the impasse, and most importantly, seeking to protect future generations.

I yield the floor. 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. Without objection, it is so ordered.

THE BALANCED BUDGET

Mrs. HUTCHISON. Mr. President, I want to rise to speak, as many of my colleagues have, on two very important issues that the Senate is facing right now.

I think there are great differences between the administration's position and the position of Congress. The first, of course, is the balanced budget. We are trying to keep the promise we made to the people that we will have a balanced budget in 7 years. The President has altered his position, starting in his campaign with a 5-year balanced budget, but then after he was elected saying, ''Well, 10 years is good enough, 9 years, 8 years.''

Now he has committed to a 7-year balanced budget. The only problem is the President is doing what he has been doing for the last 2½ years, and that is giving lip service now to a 7-year balanced budget, but his offer on the table is, ''I need $7 billion or $8 billion more in spending.'' Fine, Mr. President. Where are we going to take that spending from? Silence from the White House.

That is not the kind of leadership that we need if we are going to truly sit down with a commitment to a 7-year balanced budget and say, ''All right, here are the parameters, here are the spending limits. Now let's negotiate within these parameters.'' You cannot say, I need $7 billion out of the sky, but yes, I am committed to a 7-year balanced budget, but I am not going to suggest where we would take it from. That is because the tough decisions are always the decisions on where you have to cut or slow spending or eliminate programs that do not work.

When it comes to the rubber meeting the road, we have to cut spending. That is how we are going to meet the test. Mr. President, $7 billion more to spend, without saying where it is going to come from, is always the easy position.

I would love to spend the money on these programs. There is probably not one of them that is not a good program. But does it meet the test of our taxpayers feeling that it is worth their hard-earned dollars to put money in these programs rather than live within our means, like every household and every small business in this country must do. That is the question, and that is the test we are facing right now.

When I am home, people say to me, ''Don't blink.'' I am here to say, we are not going to blink. We are going to do what is right for this country. I hope the President will come to the table and say not only where he would like

to spend more money but from where he believes we should take it.

BOSNIA

Mrs. HUTCHISON. The second point I want to make, Mr. President, and it is very much in the forefront right now, and that is the situation where the President has asked for our support to send troops to Bosnia.

Mr. President, I do not think we should send troops to Bosnia, and I do not feel that the President has made the case, made the difference, shown the difference, between a national interest and a national security interest that would warrant the loss of our precious American lives.

Our young American men and women that signed up to be in the military did sign up knowing that they might be put in harm's way. They did that willingly because they believed that they should be able and willing and ready to fight for our freedom, and to protect the freedom and strength of the United States of America.

There is one thing implicit, Mr. President, in that decision. That is that we would have the judgment to send them where our national security interest was at stake. I do not think our national security interest is at stake, Mr. President.

That is why I am so strongly urging that the President reconsider, that the President look at what is happening right now. People talking about changing the agreement in Paris that has been already initialed in Dayton; Serbs talking about not thinking Americans are neutral in this; talking about throwing rocks at Americans when they come in.

Mr. President, can we be thinking of the security of those troops as we are wondering if this is a national security issue that should warrant the loss of their lives? Mr. President, I do not think the case has been made.

I am going to fight it in every way that I can. I think we have other options to support the people of Bosnia. I do want to support those people. They have suffered greatly. I want to help them. There are many ways that we can.

I do not think American troops on the ground should be the only test to show that we are committed to the people of Bosnia. We are committed. We can show it in many other ways.

I want to keep our troops home. I want to save our troops for when there is a security threat to the United States.

We can go out and help the people of the world who are not as fortunate as we are, and we are a generous people and we will do that. But giving our lives in those causes is not what I think is necessary, nor is it the responsible role of Congress to let it happen. I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 10 minutes in morning business.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

THE BALANCED BUDGET

Mr. GREGG. Mr. President, obviously the issue of Bosnia has the attention of America, as it well should because American soldiers are being put in harm's way. We as a nation should equally focus on the issue of these negotiations that are going on between Congress and the President over how we reach a balanced budget, because as our soldiers are in harm's way in the immediate sense, as they move into Bosnia, our Nation is clearly in harm's way as a result of the continued deficits which we run and the fact that we are putting our children's future at risk by presenting them with a nation that is bankrupt if we do not get under control our national debt.

So I think it is important to review where we stand and try to reflect on what the two sides present. Where we stand is that about a week and a half ago, this Nation's Government essentially came to a standstill, stopped, because we could not agree on whether or not we should reach a balanced budget.

The Republicans had put forward a balanced budget bill and we passed it. It says that we should reach a balanced budget in 7 years. That is not an excessively short amount of time. In fact, it is probably too much time. We should probably be reaching a balanced budget sooner. But we agreed to 7 years because we felt that was something that could be attained and which was reasonable.

The administration, the President specifically, had said, over a period of time, they were for a balanced budget also. He said specifically he was for a balanced budget, at one time in 5 years. He had said he was for a balanced budget in 6 years. He had said he was for a balanced budget in 7 years. He had said he was for a balanced budget in 8 years. He had said he was for a balanced budget in 9 years. And he had said he was for a balanced budget in 10 years. We chose 7 years. We thought that was right about in the middle of the different proposals he had put forward and we hoped he would be comfortable with it.

As a result of the closure of the Government, there was an agreement finally reached and the administration has now stated they are committed to balancing the budget in 7 years and that they are committed to doing that using, as an independent scoring agency to determine the fairness and accuracy of the numbers, the Congressional Budget Office. That is a major step forward, obviously, in the process.

It is unfortunate that it took a shutdown of the Government to accomplish that. We, as Republicans, remember, were willing to go forward to reach a balanced budget. We had actually passed the resolution to accomplish that with specifics, without requiring that the Government be shut down. It was the administration which would not come to the table until there was a Government shutdown, which would not agree to a balanced budget until there was a Government shutdown.

So, as we move into the process of revising the history books, which always seems to occur after events take place, let us remember that Republicans had already committed to a 7-year balanced budget prior to the shutdown and that the shutdown—the outcome of the shutdown was that the administration also agreed to a 7-year balanced budget. So, something was accomplished by the shutdown. It was unfortunate it was necessary. But what was accomplished was that this administration finally settled on a number, 7 years, for a balanced budget. Now we proceed with the negotiations as to how we get there.

I have to say, I have been watching these negotiations, as I suspect many of us have—although we have been distracted, clearly, by the Bosnia situation—and I have become concerned because, while we have put forward a plan, the Republicans have put forward a plan which is very specific and which in real terms accomplishes what is necessary to get this country's fiscal house in order so we will be passing on to our children a nation which is financially solvent rather than a Nation that is bankrupt, we have, as yet, seen nothing from the administration in terms of specifics.

Where is their budget plan that gets us to balance? We have ours on the table—3,000 pages. In fact, the other side of the aisle had great entertainment, making fun of the length of our proposal. It is a lengthy proposal because it is a specific proposal and a real proposal. What we need to see from the administration are specifics as to how they wish to get to a balanced budget. It is very difficult, I suspect, for those negotiating in this process to be negotiating without one side being willing to come forward and say what they are willing to do.

So I think it is incumbent on the folks who follow this process, recognizing we are all a bit distracted, and rightly so, by what is happening in Bosnia and the immediate threat to our American soldiers—but, even in the context of that I think it is incumbent upon all of us in this country to be asking the question, ''How does this President intend to get to a balanced budget in 7 years? What are his proposals?''

We saw his budget that he sent up here in June. That was a 10-year budget. It did not get to balance. In fact it had deficits of $200 billion for the entire 10-year period, each year for the 10-year period. For this administration to get to balance, they must come forward with proposals which slow the rate of Federal spending by approximately $750 billion over the next 7 years. We have come forward with proposals that do that. Where are the administration proposals?

My sense is that they do not want to come forward with proposals because they are not sincere, to be quite honest. I do not believe they are sincere. If they were sincere they would come forward with these proposals. But the fact that they have not raises serious doubts as to their sincerity in their efforts. I hope I am wrong but, as of right now, I think the facts show I am right. I think the American people should start asking themselves what type of administration, what philosophy of Government allows the executive branch to agree to a 7-year timeframe for reaching a balanced budget but refuses to come forward and define how they are going to get to that balanced budget? What is the philosophy of an administration that does that?

I do not believe it is a philosophy that is sincerely committed to a balanced budget. I believe it is a philosophy that is more involved in the politics of the issue than the substance of the issue. That is the problem. We cannot afford, as a nation, any longer to be involved in the politics. We need to be involved with the substance of the balanced budget. In order to get involved in the substance, we need to have this administration come forward and state specifically how it intends to get to a balanced budget in 7 years. We have done it. The reason we have done it is because we understand that, if this is not accomplished, and not accomplished at this time, at this moment in history where the opportunity is so ripe, that we may not have a chance at any later date to do it again. And, if we do not do it now, if we do not put in place now the decisions that are necessary to change the spending patterns of this Government in the outyears so we reduce its rate of growth—we are not talking about cutting the Federal Government, we are talking about reducing its rate of growth. In fact, in the Medicare area we are talking about adding $349 billion of new spending to Medicare and allowing it to grow at a rate that actually exceeds what the President projected in one of his budgets that he sent up.

But, if we do not make the changes necessary to reduce the rate of growth in the Federal Government and make those changes now by changing the programs which drive spending, specifically the entitlement programs, then we are going to end up, as a nation, passing on to our children a country that is bankrupt. That is an extremely cynical act to have occur at the time when all the parties have formally stated that they are opposed to having that occur. That is the irony of this. All the parties have now formally stated they are willing to reach a balanced budget. Yet one of the parties has been unwilling to state how it is going to get there. Thus, you have to question their sincerity.

The fact is, if we do not do this now, if we do not make these changes now which accomplish a balanced budget—and we do not have to follow the plan laid out by the Republicans. We would be happy to see a plan from the other side of the aisle, specifically from the administration, or a joint plan worked out. But we need to have the facts from the administration first and the proposals from the administration first. If we do not follow such a plan and put such a plan in place now, we are not going to be able to accomplish it.

Mr. President, I ask for an additional minute.

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

Mr. GREGG. We are not going to be able to accomplish what is that overriding, absolutely essential goal which is that we get this budget in balance so our children have a nation which is solvent.

So, as we move down this road, recognizing there is a tremendously large amount going on in this world today which distracts the attention of Americans, recognizing our first concern and interest must be for our soldiers who are going into Bosnia, I do hope we will not lose focus on the fact that the future of our children is being decided today on the issue of whether we get to a balanced budget. We are not going to be able to get from here to there unless this administration starts putting forward some honest proposals.

The PRESIDING OFFICER. The Senator from North Dakota.

COOPERATION

Mr. DORGAN. Mr. President, we have been treated in the Senate with a discussion by Senator THOMAS, Senator INHOFE, Senator COVERDELL, Senator ABRAHAM, Senator HUTCHISON, Senator GREGG, and I assume there will be more, who come to the Senate, among other things to question the sincerity of those on the Democratic side, and especially the President, about whether or not we are interested in a balanced budget. In fact, one of the speakers this morning said that he felt that the President was hiding in Europe, I believe that was the term he used, ''hiding out'' in Europe.

It is not the kind of thoughtful discussion that would advance a spirit of cooperation, to do the right thing for this country, to see a parade of people coming to the floor of the Senate, questioning the sincerity of people on the other side. It is certainly not thoughtful. But, rather, it is thoughtless for anyone to come here and suggest that what the President is doing at this point in Europe—dealing with the issue of peacekeepers in Ireland, and so on—is that the President is hiding out. I did not intend to come to the floor to speak on this issue today.

THE BUDGET NEGOTIATIONS

Mr. DORGAN. Mr. President, I have been asked to be one of the negotiators in the budget negotiations. So I and Senator EXON, representing the Democratic side in the budget negotiations, are spending a lot of time and will spend a great deal of time on this issue. I do not need, nor do I think the President nor anyone else needs, to have their sincerity questioned about whether or not they want a balanced budget. I believe it is in this country's interest to have a balanced budget. I believe that is a goal that represents a legitimate and important goal for this country. It is one goal. There are others.

Do we care and should we do something about making sure we have the best schools in the world? Yes. That is another goal. Do we care that we have clean air and clean water and a decent environment in the country? Yes. That is a third goal. Do we care whether low-income senior citizens have access to health care? Do we care whether children have access to good nutrition? Do we care whether poor children have access to health care? Those are other goals. It is not a case where there is only one goal in this country. We have a number of goals we must meet.

It is true the Republicans put together a plan. It is also true that plan is dead, gone. The President will veto it. There are 34 people who will sustain the veto. And that plan does not exist at that point. Then what is true is Democrats and Republicans sit down at the table and decide together, how do we balance the budget in 7 years? That is going to take a substantial amount of effort and good will. And it is not just how do you balance the budget in 7 years, but it is how do you do that in a responsible way for the long-term interests of this country?

Those who paraded in here this morning had a plan that would balance the budget in 7 years by, among other things, providing—let me give you a couple of little examples—that we repeal most of the alternative minimum tax for corporations so 2,000 corporations will get $7 million each in tax breaks because of the reduction in the alternative minimum tax. I do not know whether everyone who voted for that knew that was in there. But those who voted for it and believe that should happen do no service to this country. That is not good public policy.

I wonder whether those who voted for this plan they are so proud of understand that what they did was increase the tax incentive for people to close down their plants in America and move their jobs overseas. That is in the plan. It says, by the way, if you do that, we will give you a bigger tax benefit. Just move the American jobs you have overseas and we will give you a benefit. I do not know whether anybody is proud of that or whether they want to come here and boast that was in their plan.

There are a series of very large policy areas that we must address—Medicare, Medicaid, education, environment, and others. On the issue of Medicare, the majority party plan, which is now going to be dead when the President vetoes it, calls for $270 billion in budget

savings for Medicare. Many of us believe that is too much. There needs to be a compromise in that area. The same plan provided for $245 billion in tax cuts.

I offered an amendment on the floor of the Senate that I believe every single Republican voted against. It was very simple. I said, if there is going to be tax cuts—I do not think there should be at this point. I think we ought to balance the budget first. Then we ought to decide after the budget is balanced how to change the tax system, and where to cut taxes. But if there will be tax cuts, I said, let us at least decide this. Let us decide that those tax cuts shall be limited to people whose incomes are below a quarter of a million dollars. Can we not at least agree that we will provide the tax cuts only to those whose incomes are below a quarter of a million dollars a year and use the savings from that, somewhere around $50 billion in 7 years, to reduce the reductions in Medicare, reduce the hit on Medicare especially for low-income elderly?

I ask unanimous consent for 2 additional minutes.

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

Mr. DORGAN. I posed the question in an amendment. Should we not, if we are going to do that, at least limit the tax cuts to those whose incomes are a quarter of a million dollars a year or less and use the savings from that limitation to reduce the hurt that is going to be caused to low-income senior citizens on Medicare? The answer was no. They said no. We insist that people above $250,000 get a tax cut. Some will get an enormous tax cut from this legislation.

So those who come here and bust their suit buttons boasting about what they have done, what they have done was unacceptable to a lot of folks. Not that they have balanced the budget. That is not unacceptable. It is the way they have done it that is unacceptable. I want to balance the budget. I want to spend a lot of hours in the room with negotiators and try to balance the budget. I am not going to come out here and question their sincerity. I do not think they ought to come out here and suggest the President is hiding in Europe. It does no service to try to advance an opportunity to reach agreement on these issues.

We are talking, after all, about a 7-year spending plan for this country, a 7-year spending plan created in such a way that put this country's books in balance. That is a worthy goal—put the books in balance in a way that also recognizes the need for investment in certain areas, education; the need for protection in certain areas, health care for low-income elderly, and others. We can do that. I am convinced we can do that. But we cannot do it if we keep shouting across the aisle that we are the only ones that had a plan, that we are the only ones on the right track, and that all the rest of you folks do not believe in it. We question your sincerity. You are hiding.

What kind of nonsense is that? That is not thoughtful. That is thoughtless political pandering. And I think that we will all be better off if we decide—yes, the goal is worthy. The plan that was advanced was not acceptable.

So let us have a rectangular table where we sit down and in good faith decide how we balance the budget and to do it in the right way. I want to do that. It is good for this country. The motives of the other side are, in my judgment, good motives. But some of the language makes no sense. Let us decide to work together in a spirit of cooperation, and fix what is wrong in this country and do it the right way.

Mr. President, I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to thank the Senator from North Dakota for his comments. I believe they are right on. They are helpful, and I think they are positive.

It is my belief that the budget debate could be settled in 20 minutes, if both sides really sat down and did it. I think the Senator from North Dakota clearly gave the main kernel of a solution. The tax cuts that are in the bill—no one benefits from those tax cuts more than my own family does. My husband is an investment banker. The capital gains clearly benefits him. He would love to have those benefits. It would be a nice thing to have, and many Americans feel that way. However, to have those benefits by making deeper cuts in Medicare and Medicaid—in my own State the Medicaid Program pays half a million of the poorest Californians' premiums and copayments whose Medicare would be done away with. We do not need to do that in this bill. You do not need to have the depth of the cuts to balance the budget in 7 years.

The issue is not balancing the budget in 7 years. We have all agreed that is now going to be the case. The issue is do we need to have a major tax reduction benefiting largely upper-income people by taking those dollars, by making the cuts deeper in Medicare and Medicaid and social programs that are important to the well-being of this Nation? I think the answer to that, for anyone that looks at this from a moral perspective, clearly has to be no. So my own view is that this thing can be settled very quickly, and that the Senator from North Dakota clearly put forward a kernel of that solution.

BOSNIA

Mrs. FEINSTEIN. Mr. President, I have come to the floor to talk about Bosnia.

Three nights ago the President of the United States went before the American people to make the case for sending 20,000 American soldiers to help implement the peace agreement that was recently drawn up and initialed in Dayton.

I listened, as did millions of other Americans, and I heard the President lay out his reasons for doing something no one really wants to do, not even he. The decision that he made was not an easy one. As we have come to know all too well over the past few years, there are no easy answers to end the bloody conflict in Bosnia that has consumed so many lives.

Over the past 72 hours all of us have weighed this question, and discussed the options before us with the administration, with our constituents, and deep within our own conscience. I submit to you that when push comes to shove this is going to be a vote of conscience, a vote of conscience here in the Senate, and a vote of conscience in the House of Representatives.

While the details of the implementation plan have not yet been finalized, and as the President noted, there are critical questions that still need to be answered about how this mission can be accomplished effectively and with the greatest attention to troop safety, it is now clear to me that the American people and the Congress must and should support the President.

To do otherwise, I believe, is to show a divided nation and send a signal throughout a world where 30 wars are now in progress that the American people forfeit our leadership role as the moral force for freedom and responsibility in the world.

Over the past 4 years, while America and our European allies have quibbled about responsibility, the war has continued unabated. Amid the often self-inflicted charges of hand-wringing and finger-pointing as to whose war is it, who should lead, whose backyard is affected, two inescapable facts come home to me. One is something that the British statesman Edmund Burke said two centuries ago. We should all listen to what he said.

I quote: ''The only thing necessary for the triumph of evil is for good men to do nothing.''

And, second, in the words of George Santayana, ''Those who forget history are doomed to repeat it.''

Mr. President, it is time for good men and women to stand up, and America must lead.

To those who know history, this area of the world is no stranger to conflict. In 1878, 117 years ago, Benjamin Disraeli said in the House of Lords in Great Britain:

> No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia, Herzegovina, and other provinces—political intrigues, constant rivalries, a total absence of all public spirit . . . hatred of all races, animosity of rival religions and absence of any controlling power . . . nothing short of an army of 50,000 of the best troops would produce anything like order in these parts.

Disraeli's observation is as astute today as it was in 1878, but over the past 4 years the war in Bosnia has taken an enormous toll: a quarter of a

million people dead; the systematic rape and torture of thousands; ethnic cleansing; concentration camps; over 300 graves with more than 1 body in them; war crimes; thousands still unaccounted for; 2 million homeless; and the fear of a spreading conflict.

Not since Adolf Hitler has the world seen such atrocities.

When our children and grandchildren look back on this day, they should not have to ask, Why did we not act when we had a chance to make a difference? Why did we not learn from the lessons of the Holocaust?

America is the strongest nation in the world. As new nations fight for survival, as ethnic groups fight for their rights, as the leaders of fledgling nations fight for democracy and as people suffer atrocities, we must be careful as to how and when and where we make a difference. But if we can make a difference, and if it is important to our interests, I believe we should.

We have an interest in this peace. Some might say we did not have such an interest before Dayton, but post-Dayton we most certainly have an interest in this peace. We have brokered this peace. We have a chance for peace to succeed. We cannot turn our backs because if we turn our backs on a chance for peace, what we are going to go back to is the systematic torture and rape and ethnic cleansing and atrocities.

When the assault took place on Srebrenica, the moral argument truly hit home. And after all, there are still thousands of men and boys unaccounted for since the Serbs took over Srebrenica.

I have used this picture standing next to me in this Chamber before. Today I use it again. This young Bosnian woman from Srebrenica looks very normal—her skirt, her sweater—with one exception: She has hung herself. She is hanging from a tree. Rather than further endure the atrocities, the rape, the torture, the mayhem, she hung herself.

What we stand for as a nation is not letting things like this happen. What we stand for is doing something about it. And we have done that before. Our men and women have fought two wars in Europe—World War I and World War II. America was not threatened then, but we fought for some of the same reasons that we brokered a peace in Dayton that now has an opportunity to succeed, if we have the will, the unity, and the disposition to see that peace succeeds.

So my argument today is really the moral one. We can have a peace succeed at this time if we have the resolve as a free, strong country to see it through.

Once again, I would recall what Edmund Burke said many years ago and paraphrase it: Bad men flourish when good men refuse to stand up.

It is true, as many have said, and there is no question that there is a price to pay. The question is, Should we pay that price? And what happens if we do not?

Let me begin with what happens if we do not. If we do not, we know that our allies will not go in. Since the arms embargo has just been lifted by the U.N. Security Council, we know that all sides will have greater access to arms. The Bosnian Government most probably will get arms from Moslem nations, and possibly from the United States as well. And the Bosnian Serbs will gain arms from Serbia and quite possibly from Russia.

There is a significant danger that what has been a largely self-contained conflict could spread, drawing in Croatia and Serbia as full participants—and we have seen the might of the Croatian Army—and then to nearby nations, such as Macedonia and Albania. From there our NATO allies, Greece and Turkey, could find themselves drawn in. And the threat of a major European conflict will be drastically increased.

The mission that has been proposed is not without risk and it is not without cost. No military mission ever is. But it is a risk, I think, the leader of the free world must take.

My continued support for the President's plan will be contingent upon the details of the mission. And I want to go into that for a moment.

Our task over the next few weeks is to ensure that this mission is achievable, and that our troops are given everything they need to allow these highly trained forces—and they are very highly trained—to do what we know they are capable of as the strongest, best-equipped, best-trained military force in the world.

There are certain aspects of this plan that are fundamentally necessary to ensure success. First, as I have said, the United States will take the lead, but we will not be alone. We will provide one-third of the troops; our allies will provide two-thirds.

Second, the command will be unified and straightforward. U.S. and all other troops will operate under the command of an American general, General Joulwan, the Supreme Allied Commander in Europe. This mission—Operation Joint Endeavor—will be an exclusively NATO-led mission. The United Nations will not play a role.

Third, our forces will be operating under robust rules of engagement. They will respond with immediate and overwhelming force to any threat. Anyone who threatens our forces will not receive a proportional response. They will, quite simply, be taken out.

Here I want to commend the President for his clarity and strength. I echo his words that if anyone threatens U.S. troops, ''We will fight fire with fire—and then some.''

Tomorrow, the Foreign Relations Committee, of which I am a member, will hold hearings on the plan to implement the peace agreement. The Armed Services Committee will also have an opportunity. Today, the House International Relations Committee is having that opportunity.

We will have an opportunity to examine the terms of the peace agreement in depth, and to discuss the commitment of the parties to the agreement. President Clinton has made it clear that there will be no peace implementation force unless all parties sign the peace agreement.

There are other concerns that also must be thoroughly addressed: the precise definition and limits of the mission; the avoidance of mission creep; a well-thought-out exit strategy, and the President has indicated four areas which will be used as the determining factors of when the mission has been successfully completed; the relocation of an estimated 2 million refugees; how to deal with anonymous sniper fire.

We now know that there will be an international police task force set up, separate from the peace implementation force, to handle policing duties. There will be a body set up to handle the relocation of refugees. And we now know that the parties themselves will participate in efforts to remove the large number of landmines.

All of these questions, though, must have more answers, and I believe they are in the course of being presented.

As many of my colleagues have noted in recent days, the President has the constitutional authority to deploy these troops without congressional approval. The President, however, is seeking the support of the American people and of Congress for this mission. We must work with him to ensure that this mission is successful, but we can do no less than to support him.

Three weeks ago, as Bosnian, Serb, and Croatian leaders hammered out this peace agreement, in another part of the world a great peacemaker and world leader was felled by an assassin's bullet. I was very sobered by the fact that Prime Minister Yitzhak Rabin gave his life for peace. More than anything else, I think this shows the risk that making peace in a historically troubled area carries with it. And so his death serves as a reminder that leadership in the search for peace has a price.

I remember something that President Kennedy once said, that ''America would pay any price, bear any burden, and suffer any hardship in the cause of liberty and peace.'' I think that really says it all. We have an historic opportunity to help achieve peace where there has been far too much war. We cannot pass up this chance for peace.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

SENDING UNITED STATES TROOPS TO BOSNIA

Mr. CRAIG. Mr. President, I am not quite sure I can speak with the passion of the Senator from California, but I, too, feel a great concern for the situation in which this President has now in a foursquare way placed this country.

The President's speech this week was probably the most important speech of his Presidency. It was an address that outlined a decision, a very critical decision that only a President can make, and that is to deploy United States troops, in this instance United States troops, to be peacekeepers in the former Yugoslavian Republic. I was looking for a number of answers in his message, such as a very full articulation of a defined goal or mission, strategy for achieving that goal, an exit strategy, and that of our national and security interests for our country.

I do not, in any way, bow from the moral imperative argument. That has been clear from day one. It is certainly an argument that this Nation has not walked away from. We have invested millions of dollars and lots of our manpower in air support, in sea support, in logistics. We have been involved.

So it is not a question of now versus then. I am sorry, Mr. President, if you only caught the sails of the current moral imperative, the slaughter in the former Yugoslavia has been going on for 4 years. We have all witnessed it, and the Senator from California has spoken to it on the floor. So that is something that has not missed America. What has missed America is how do we become engaged, engaged in a way that we can control a situation and environment and an emotion that is well 300 years old in the making, where other nations, great and small, have chosen to at least stand aside for the very risk of the people, their own people, that they might chose to engage in a solution.

So that becomes the issue. It is the issue that we, in this Senate, will have to face, because ultimately what is the President's decision can become our responsibility. I will not judge it on a moral imperative. I cannot judge it on that basis. I have to judge it on whether we can do it in a way in which we can go in, solve a problem, stabilize the situation, minimize the risk to our people, our sons and daughters who have gone in service to this country and its security, and then is there a way out. That is what I think we ought to be judging here.

There is no question about the loss of human life that has gone on over there. And we have all spoken to it with a great sense of urgency. But it is not now only to be discovered. We have known it for a long, long while.

What is at hand now is an issue that this President for justifiable reasons has attempted to bring to this country, and by his decision, and by the initialing of the agreement in Dayton, has clearly brought it foursquare. But, Mr. President, my frustration is very simple. The President of the United States cautioned us not to debate the issue until there was a decision, not to debate the issue until there was a plan. And we chose not to. I think we chose improperly, but we chose to give him the time.

And now that he has a plan, or at least now that he soon will have a plan that we can look at with some detail, he has put us in a very unique situation. He almost has the opportunity, if we chose not to support him, to turn to us and say, you are breaking the peace agreement, you are putting at risk the men and women of the former Yugoslavia, and the children. Mr. President, not so, simply not so. They have been at risk for a long time. And this Senate and the U.S. House of Representatives has for many years contemplated alternatives. We have asked for a variety of approaches, only to be denied those, to create equity and balance with the warring factions over there, only to be denied that, to clearly create a one-sided war that by the very nature of its history would spell out human slaughter, and it has.

And now finally, after all of those long denials, this President has said, ''Here is a solution. And here is what I propose to do. And here is what I am going to do.'' And that can result, not only in the placing at risk of 20,000 of our armed services people on the ground, clearly in foursquare risk, but it also places a good many more—because of the 4-to-1 ratio, we are not just talking about 20,000 Americans on the ground over there, we may well be talking 50,000, or 60,000, or 70,000.

Is it going to go on for a year? Well, Mr. President, I do not think you know that, and we certainly do not know that. So it is with these concerns that I come to the floor today, Mr. President, because of the constitutional role that our President has, the right that he has under the Constitution to do what he is doing today, and at the same time to recognize that we have a responsibility. And, as I have said very early on, my responsibility rests with Americans first and the ability to understand how they can best be involved and safeguarded. Our responsibilities also rest in whether we appropriately fund these actions and if the mission is effectively carried out.

So there are a lot of questions yet unanswered. I have asked the people of Idaho to speak to me and our delegation on this issue because the Senator from California is right, this is a tough one. There is no question about it that we will all consider this with great, great concern, great passion, a great aching of the heart, not only for what has gone on over there but for what we might be putting our men and women at risk in doing.

And so in asking that, my phone, like I think most of the phones of my colleagues, has been filled with phone calls from our citizens expressing with more passion than I have heard expressed in some time, a concern about what we are about to do as a country. My phone calls are running 100 to 1 in opposition to what my citizens now know at least of what our President plans to do. And they are hoping that I can block him from doing that. And I must tell them that I cannot, that under the Constitution, as Commander in Chief, he has that kind of authority.

But I do hope that this Senate will speak out very clearly as to where we stand and what we stand for. I do not think that our message in any way can be garbled nor can we avoid just passing it by, just letting the President free rein this. Not at all. And I hope that we can develop a resolution that speaks clearly to our concerns that those who openly and aggressively support the President in this issue can have a right to express that, those of us who have very real questions at this moment who more than likely will strongly oppose the President can also have that opportunity to speak clearly to it.

That is the responsibility of the Senate and the Congress, not just to this President, but to the citizens of this country, because we, in Government here, have this unique responsibility among all, and that is whether to engage this Nation in war or police actions and ask our citizens not only to support us in this but to take up arms for the purpose of these actions.

The President has raised three concerns to justify U.S. participation in implementing the peace accord: The potential spread of the conflict, our leadership in NATO and the international community, and the need to end the carnage in the Balkans. I do not question the concerns raised by our Commander in Chief. However, I do reserve my support for his actions at this time.

Mr. President, we would like to respond to what I will refer to as the ''moral imperative,'' that President Clinton outlined in his speech.

The devastation and human suffering in the Balkans has left us all with a feeling of frustration. These feelings are not new, however. Four years ago, I was contacted by a Croatian-American constituent of mine, when the conflict first raged between the Serbs and Croatians. This gentleman was in regular contact with my office, and his fears and frustrations were very real to me. The moral imperative existed back then. However, then, like now, our options for involvement are very limited, and we still face the fundamental difficulty of trying to make the peace a greater victory than winning the war.

Mr. President, while we all understand and agree with the moral imperative, we have yet to hear why this action would serve our national interest or security needs.

In the coming days, when details of the mission are made clear, I will look and I will listen, but I have very grave concerns and reservations about this proposed action.

I must admit, President Clinton has put the Congress in a bad position by bringing us into the picture after the Bosnian peace agreement has been initialed.

He has put the Congress at the disadvantage of being the breakers of peace, if we withhold support. Even so, Congress has no choice but to speak. Regardless of the outcome, I want to

make one point very clear: If Americans are deployed to defend the peace, I will support our troops.

Mr. President, I have great concern about sending Americans into the Balkans to implement and enforce a peace agreement that was hammered out in Dayton, OH.

My concerns stem from the fact that despite their sincerity and good intentions, the negotiators may not be able to deliver on their promises.

One of the great problems with the situation in the Balkans—and one of the reasons we have had approximately 30 failed cease-fires—is that there is an inordinate number of people who are often referred to as ''irregulars.'' In Idaho, we would probably call them vigilantes.

The bottom line is that this kind of disorder, combined with extraordinary tensions and emotions, is a recipe for disaster.

Mr. President, as outsiders, we cannot impose peace under these circumstances. We may not even be able to serve as the conduit of peace.

There has been some discussion about the need for detail in this peace agreement. The Dayton agreement has detail, but there are people who wield power, such as Bosnian-Serb leader Radovan Karadzic, who were not at the negotiating table.

With the ink barely dry on the agreement, Karadzic announced that peace in the capital would be difficult to ensure and that the transfer of Serb-held neighborhoods was not final. Karadzic, who was not at the negotiation table, but represented by Serb President Slobodan Milosevic, is committed to making changes to the peace agreement. However, it is my understanding that negotiators in the agreement have rebuffed the idea that Bosnian Serbs could restructure the agreement.

In an interview with NBC, U.S. negotiator Richard C. Holbrooke said, ''Dayton was an initialing. Paris will be a signing. There will be no change between Dayton and Paris.''

Defense Secretary William J. Perry on ''Face the Nation,'' reconfirmed that position by saying,

> . . . I want to make clear: We're not going to renegotiate this agreement. This agreement is the agreement, and that's what we're proceeding on.

Karadzic does not appear stonewalled. It is my understanding from reports I have read, that he is mobilizing community leaders from the suburbs around Sarajevo, to force changes in the agreement, prior to the signing date on December 10. While we may dismiss Karadzic's power with the Serbian people, there is one thing that cannot be overlooked: His message strikes a chord with many Serbians who have fought for gains that are now being signed away, in the name of peace.

The issue at hand may be peacekeeping, but we cannot ignore the fact that peace will only come with a high price:

> What is wrong with the Dayton agreement [is that it] has created a new Beirut in Europe. It is going to bleed for decades.

Radovan Karadzic, from a Washington Post article November 27, 1995.

While Karadzic's rhetoric may be just rhetoric, it is aimed at destabilizing this agreement. It is also a message that many Serbians want to hear. From what I have seen happen in this conflict over the last few years, he will likely be a formidable opponent to peace.

Reports on comments from both Bosnians and Serbs in Sarajevo don't bode well for peace. The bitter depth of anger in this conflict and the lack of trust on both sides has not created the kind of atmosphere this peace agreement needs to be successful.

In short, Mr. President, citizens marching in protest of the peace accord are not likely to swallow the hatred they have harbored in order to bring about peace.

So, what exactly does this agreement say that is so hotly contested by some Serbian factions? Mr. President, under the agreement initialed last week, the enforcement of peace will be the responsibility of a NATO-led peacekeeping force of 60,000 troops, with as many as 20,000 of them being Americans. Bosnia would be split between a joint Moslem-Croat Government, which would have jurisdiction over 51 percent of the territory, and a Serb republic, which would control 49 percent.

Sarajevo will fall under control of the Moslem-Croat Federation, along with its Serb-held suburbs.

Needless to say, the apportionment does not sit well with many of the Serbian people.

Before closing, Mr. President, I would like to take a moment to comment on the war powers resolution. Many of my fellow Idahoans have raised concerns about who has the power to deploy troops in the kind of situation we are facing in Bosnia.

The Constitution provides authority to both the President and the Congress with respect to the use of our military. Our Constitution is one of the greatest documents ever written. The role of Congress and the Presidency in the use of our military is a case in point. Our Constitution reflects the desire to have the collective judgment of both the Congress and the President when making decisions on the use of force.

Under article II, section 2, of the Constitution, the President has the authority as Commander in Chief of the Armed Forces to deploy and command our Armed Forces.

On the other hand, article I, section 8 of the Constitution gives the Congress the power to declare war. We can all look at these powers, and see the clear differences. However, lines can become fuzzy when those principles are applied to a specific situation, such as the one before us in the Balkans.

The War Powers Resolution, which passed over President Nixon's veto on November 7, 1973, was designed to provide a functional framework through which to clarify the two roles and to maintain the intended balance of power.

Compliance with the resolution becomes an issue when troops are deployed to a location where they face hostilities or imminent involvement in hostilities.

The criteria required for compliance with the War Powers Resolution are very clear. The President must consult the Congress, fulfill reporting requirements, and then seek congressional approval for continued deployment beyond a specific number of days—60 or 90 depending on the situation.

If these steps are not fulfilled. Then the Congress is left with using it's power of the purse. Terminating the funds necessary for the deployment provides the Congress the ability to curb the President's powers as Commander-in-Chief. This step is not an easy one, given that the Congress would have to override a presidential veto with a two-thirds vote.

Mr. President, I would like to explore one final point in this whole situation that has consumed my concerns. The war in the former Yugoslavian republics is not new; it is a continuation of an age-old conflict. These people have fought and suffered atrocities, especially over the last 4 years, that we cannot comprehend, for a goal that we do not understand. Yet, when cease-fires were achieved they were short-lived, because winning the war or conflict was valued more highly than coexisting in peace. All sides in this conflict have had one goal: to win. To win, is to survive.

However, through our efforts to contain the conflict by placing the international embargo on Yugoslavia and maintain it on Bosnia, the conflict became very uneven. The Serbians took hold of that advantage, and have taken hold of every subsequent advantage in their efforts to win.

I do not see the average person, whether Serb, Moslem, or Croatian, being prepared to accept peace without a fight. A Washington Post article on November 27, quoted what I would call an average man who has lived through this conflict:

> ''It's pathetic,'' said Milorad Dugovic, a car mechanic who keeps an automatic pistol tucked in his waistband. ''What were we fighting for in the past four years? * * * we will continue to fight. We'll fight even NATO. What's ours will remain ours.''

I do not see the Serbian people being willing to snatch defeat from the jaws of victory. Peace under this agreement is not a done deal. Let us not deceive ourselves into thinking that our troops will only be peacekeepers. If actions fit rhetoric, and fighting begins again, our troops will be in the middle of this bloody civil war. then peace will come only if we become the peacemakers by using force to settle this conflict.

Mr. President, I remain opposed to the proposed deployment of United States troops into Bosnia as part of this peace agreement at this time. I emphasize ''at this time,'' because it is imperative that we all fully understand what is at stake.

In my view, our national and security interests have not yet been defined. Before I can even entertain the thought of sending American men and women into this situation, these interests must be real, and they must be defined.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

SHOULD WE HAVE THE RIGHT TO BE INDIGNANT?

Mr. STEVENS. Mr. President, during an appearance on ''Nightline'' last week, I got quite disturbed with the Secretary of the Interior. He said that the Alaska delegation had been sneaky about, as he said, sticking in provisions to allow exploration and development of the Alaska oil reserve in the budget bills without honest debate. And he further said that we had done this in the dark of the night.

I came a little unglued at that, the idea that a Cabinet officer who is under oath—and I believe we are always under oath as Members of the Congress—will make statements that are just not true. I did not have time really to explain—in the context of that type of experience—the situation. So I have decided to come to the Senate and take 5 minutes to do it today.

This is a map of my State. It depicts what happened in 1980 at the time the Congress withdrew all of those areas that are outlined in blue and set them aside as preservation areas, national parks, national wildlife refuges, wild and scenic rivers, wilderness.

This area up here, the Arctic National Wildlife Range, was expanded into what is known now as Arctic National Wildlife Refuge. But one area, 1.5 million acres on the Arctic Slope, is the only area touched by that 1980 Alaska National Interest Lands Conservation Act that the 1980 act allowed for continued utilization for development. This is called the 1002 area, because that is the section, 1002 in the 1980 act. It abuts the Arctic Ocean of the Arctic National Wildlife Refuge. It is in the coastal plain. That area we have sought to proceed with leasing as was contemplated by the 1980 act now for 15 years.

What has happened this year that did not exist before this year was that the President requested and Congress has granted a change in the law with regard to scoring of Federal actions under the Budget Act. Prior to this year, the leasing of land, which brings about sizable bonus bids, would not score as a Federal revenue raiser even though it would bring money into the Federal Treasury. There was a bid for one area right offshore of the Arctic oil reserve, this part of ANWR, as we call it, $2 billion just for the right to look to see if there was oil and gas in the area. It was dry. We expect bids in this area of over $5 billion when the land is leased. More conservative estimates suggest that bids will be about $2.6 billion, with $1.3 billion coming to the Federal Treasury. That is what the Congressional Budget Office has said.

The President has asked for, and we granted, the right to score sales, and leasing is a sale of a right to use land for a period of time. Those are now scoreable so they can get in the Budget Act.

Going back to 1980, we have tried since then to get this leasing to proceed, but we have not been able to have it done.

This year in the budget reconciliation, what we're now calling the Balanced Budget Act of 1995, there was a vote in the Senate Energy Committee of 13 to 7 to include this area in the budget reconciliation. It came to the floor.

There have been three rollcall votes on the Senate floor this year dealing with the issue: May 24, to prohibit the asset sales in the budget resolution; again on May 24, to strike this amendment that had been inserted in the budget resolution by my colleague, Senator MURKOWSKI; and in October, during the budget reconciliation process, we voted on Senator BAUCUS' amendment dealing with the Arctic oil reserve. We tabled each of these motions. We were sustained in our position that this belongs in the budget bill.

In response to another of Secretary Babbitt's assertions, we have not done this in the dark of the night. There was not anything sneaky about it. As a matter of fact, we have had, since 1987, 26 days of hearings on this issue in the House of Representatives, 14 days of hearings in the Senate, and there is no question that this has all been done in the light of day.

We have not done anything sneaky in the dark of the night. To have a Cabinet officer accuse Members of the Congress of taking such action is really, I think, an extreme position. The interesting thing is the news media have picked this up and now they are bashing me over the head again, because I got disturbed at him for making such statements. It is appalling to me that we cannot require honesty and truthfulness out of people dealing with issues such as this.

We seek only to proceed with leasing, as was contemplated in 1980. As I said, this is the only area of Alaska in which that act allowed development. Look at the rest of it. Over 100 million acres of Alaska set aside. We cannot use them. This one area we can use, and we have been blocked by filibuster since 1980 to proceed as contemplated.

Now, the President asked for the change in the law, and asset sales can be included in the budget resolution. We can put this in the Budget Act, and we have put it in the Balanced Budget Act of 1995. It is a concept that we should, I think, consider.

Mr. President, it means over 735,000 jobs for Americans. It means we will be able to produce oil from that area as was contemplated. It is probably the last greatest oil reserve on the North American Continent that has not been produced.

We have had provisions to allow the leasing of the coastal plain in a whole series of bills. At one time, we had a six-vote margin on a filibuster vote to break the filibuster. We did not have 60 votes, and we were not able to bring this up in past Congresses. President Bush's 1993 budget proposed this area be leased. Leasing of the coastal plain was part of his proposal to balance the budget by leasing land such as this and getting the bonus bids and getting the royalties that would come to the United States if leasing and development came about. He specifically provided, as a matter of fact, that the revenues would be shared equally between the Federal Government and the State of Alaska, which would mean a change in the law to accomplish that.

I come to the floor and I am going to come back again and again. I am going to ask the Senate to analyze the statements made by this Cabinet officer and let the public decide: Should we have the right to be indignant when a Cabinet officer makes statements on national television that are not true, that we try to mislead the public in terms of what is going on here in Congress? Is it sneaky to put a provision in the Balanced Budget Act of 1995 that does the same thing the President of the United States wants to do with the helium reserve, with the Teapot Dome area, and with the naval petroleum reserves? He wants to sell them. If they are sold, they are scored. We put it in the Balanced Budget Act. These actions have never been able to proceed passed because they were not in those bills either. They did not have the capability of getting a vote to avoid a filibuster in the Senate.

Now, Mr. President, it is very difficult to represent a State that is offshore, that is one-fifth the size of the United States, and that has so many varied issues that involve Federal lands and Federal actions, and to deal with the person who is Secretary of the Interior, who is unwilling to properly present the issue to the American public. I believe—and there has been a recent poll that will be announced today—the American public, when fully informed about this issue, will agree with us, that leasing should go ahead, as contemplated in 1980, and the revenues that will come from that area should come to the Federal Treasury, and some to the State. But the jobs that would come from developing our oil reserve should be available to Americans. We should stop importing so much foreign oil.

There are a great many more things that were said by the Secretary of the Interior in that statement when we appeared together on ''Nightline.'' I will come back again and again, because all I am asking for, Mr. President, is an honest debate, to tell the truth and give the facts and let the judgment be made. But when people are trying to

twist the information so that it casts us in a light of being people that sneak around in the night—can you imagine that, saying we did this in the ''dark of the night,'' that we were sneaky, when we have had so many days of hearings, so many public statements on the floor, so many votes both here and in the House?

I think there is just no question that a Cabinet officer who does that should be called to attention, and we should ask: Is this the conduct that this administration believes should be the conduct of a Cabinet officer? When he raised his hand and said he would support the Constitution, as you and I did, Mr. President, does that not mean we will be truthful in the conduct of our business, the public business?

We do it out in front of everybody, right here on the floor. We did our action of putting this amendment in the bill, by a vote of the committee. We have had three votes on the floor this year. We have been here for 15 years now trying to get this Congress to proceed as was contemplated in 1980. I do not think it is proper to call us ''sneaky,'' or to say we are doing it in the dark of the night.

I hope more and more people in America understand that those who make allegations like that have something to hide themselves. I am going to find some way to bring to the American public the truth in these statements that are being made by the Cabinet members of this administration.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I want to talk just a few minutes now. I understand that the unanimous-consent agreement that has been propounded and accepted limits Senators to 5 minutes. I ask unanimous consent to extend that to 10 minutes.

Mr. STEVENS. I would have to object, Mr. President. We, of course, have no objection if the Senator wishes to be recognized for the second time. But in the interest of fairness, we have set 5 minutes per Senator. If there is another Senator to speak at the end of that 5 minutes, he should be recognized.

Mr. LAUTENBERG. That is not an unfair response. Perhaps at the end of that time, I will call on using leader time, which I understand has been made available to me.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

THE BUDGET

Mr. LAUTENBERG. Mr. President, as the Democrat and Republican negotiators sit down and try to work out a final budget, I want to urge the negotiators to begin their discussions by agreeing on a fundamental principle. The principle is critical to Democrats like me and to the overwhelming majority of Americans. The principle is this: Congress should not cut Medicare to pay for tax breaks for the wealthy.

Mr. President, the current Republican budget, which has yet to be sent to President Clinton, violates this basic principle because the heart of the Republican plan cuts Medicare by $270 billion, and it is going to be used to pay for $245 billion in tax breaks. The President has made it quite clear that these Medicare cuts for tax breaks are a quid pro quo and totally unacceptable. It is a basic matter of principle.

I also want to remind my colleagues about some of the other objectionable provisions in the Republican reconciliation bill. The budget proposed by the Republicans also cuts Medicaid by $163 billion. This will mean huge cuts in nursing home care for seniors and care for the disabled.

The bill includes a $23 billion cut in the earned income tax credit, and this means that 17 million working families, who make less than $30,000 a year, will have to pay more in taxes. They will get a tax increase because the earned income tax credit, which helped them sustain themselves, will no longer be available. At the same time, the top 1 percent, who make over $350,000 a year, will get an $8,400 tax break. It is unnecessary and, frankly, it is unconscionable.

The bill also tears apart the safety net for poor children. Under the Republican so-called welfare reform provisions, between 1.2 and 2.1 million children will be thrust into poverty, potentially going hungry.

Mr. President, the basic thrust of this legislation is to balance the budget on the backs of working families and senior citizens, while handing out billions in tax breaks for the rich and powerful. It is an extreme approach. I know that Speaker GINGRICH and his followers believe in it strongly, but, in my view, it is fundamentally wrong.

Mr. President, when you get right down to it, the Republican budget forces all of us to answer a simple question, one that I have discussed many times here. It is very directly saying: ''Whose side are you on?'' That is the question being asked. Are you on the side of the rich and the powerful and the special interests? Or are you on the side of those who go to work every day worrying about how they will pay their bills, get their kids to college, sustain a lifestyle they have worked so hard to get, and worry about what happens in their later years? Or are you on the side of those who do not need help, but who have influence down here, who get to talk to a lot of people in Government, those who make the decisions?

That is the fundamental question that we are discussing as we consider the budget. The Republican reconciliation bill is pay dirt for the rich and the special interests, while senior citizens and working class families get stuck footing higher bills. This is an outrage.

We Democrats are going to continue to resist it as a basic matter of principle. We saw what happened with the continuing resolution when the public caught on to this scheme.

Under the spotlight, our friends on the Republican side blinked. They retreated. They ran away. They wanted to escape the public wrath and quickly abandoned their deep principles for political cover. They quickly backed off their large increases in Medicare part B premiums.

Mr. President, the Republican budget makes the biggest cuts in the history of Medicare. I have heard the case made, ''No, we are not making cuts. What we are doing is increasing the pot.'' Yes, but there are a lot more people who are aging and who will be part of the Medicare population, and on a per capita basis they get hit very, very hard.

Republicans build their case around a false premise. They argue that in order to save Medicare they want to destroy its fundamental mission. That is not true. They ought to be frank with the American people about two major Republican misstatements.

The PRESIDING OFFICER. Does the Senator from New Jersey wish to request additional time?

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for an additional 5 minutes.

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

Mr. LAUTENBERG. The first misstatement that our Republican friends make is we need $270 billion to save Medicare. That is simply untrue.

The Republicans are using this $270 billion, as I said before, to finance their $245 billion in tax breaks for the rich folk. It is no coincidence that Medicare cuts are $270 billion and the tax breaks for the wealthy total $245 billion.

These figures are remarkably similar because one is being used to finance the other. They are taking from our senior citizens who paid the bills, signed the contract, worked hard and weathered the storm, and they are giving it back to the wealthy and the special interests.

The second Republican falsehood is that we need to cut $270 billion to make Medicare solvent. Not true. The chief Health and Human Services Medicare actuary has said that we only need $89 billion in savings to make Medicare solvent until the end of the year 2006.

Let me give some examples of what kind of tax breaks these Medicare cuts are paying for: Under this bill, approximately 2,000 large corporations will get a tax break of $2 million apiece because of changes in the alternative minimum tax calculations; the bill also gives an $800,000 tax break to people with estates over $2.5 million to be able to pass on to their heirs an additional $800,000 tax break. It is not fair. It is not right.

Additionally, this bill contains hundreds of millions of dollars in giveaways to the oil companies.

Finally, the capital gains tax cut included in this bill is a tax break for the superrich. Anyone can claim this tax break. We saw that in a vote here. Even those who make more than $1 million a year can get this tax break.

Mr. President, I tried to draw a line in the tax sand, to use the expression, and put the money back into Medicare and Medicaid. I offered an amendment when we discussed our reconciliation bill that would have precluded the tax breaks from going to those who make over $1 million in a single year. That is one-tenth of 1 percent of all our taxpayers. This small group, I felt, did not need a tax break—making $1 million a year, that is a lot of money.

I thought this amendment could pass substantially. Maybe even unanimously. I thought that people here would finally say, ''No, we think that is fair, that people who make over $1 million a year ought not to get an additional tax break.'' I thought we could all agree that millionaires, billionaires, do not need a break when we are cutting Medicare, especially when 75 percent of all the Medicare recipients earn under $25,000 each year.

However, 52 of 53 of the Republican Senators voted against my amendment. In essence, they said their preference is cut Medicare, cut Medicaid, and we will keep on giving tax breaks to those millionaires and the billionaires—show them what good guys we are.

Mr. President, Medicare is not just a health insurance program. Medicare is a contract. It is a commitment we made to our citizens. It is a promise for those who worked hard for their entire lives that your health care needs will be taken care of when you retire. They paid for it.

This Republican budget uses the Medicare Program as a slush fund for the tax breaks for the wealthy.

Mr. President, I hope that the Republican leadership will give up their plan to cut Medicare to pay for tax breaks for the rich, give up deep cuts in Medicaid, give up tax increases on working families, give up the destruction of the safety net that will put millions of children into poverty, give up the huge cuts in education and the environment. It is time to start over.

If the Republicans are serious about moving towards the balanced budget, they will give up on these draconian cuts, those cuts that hurt so much. They will honor a basic principle that declares whose side Government is on, that no Medicare cuts will be used to pay for tax breaks for the rich, that they will confirm that the Government is here to help give assistance to those who need help the most. Those who are wealthy do not need special assistance from the Government.

It is time to start over, Mr. President, and put together a budget that protects Medicare and Medicaid and working families, poor children, provide education to help get the population to lead our country into the next century, to provide the kind of leadership that can make us more competitive, to continue the kind of position that the United States of America has had for so many years, and to provide our future generations with a decent and clean environment.

I hope that will get consideration, Mr. President. I yield the floor.

SAFE DRINKING WATER ACT

Mr. KERREY. Mr. President, yesterday the Senate passed S. 1316, the Safe Drinking Water Act. I did not have the opportunity to speak on it while it was under consideration and I want to point out some things in that bill that I believe are very constructive.

I will call to the attention of my colleagues that I think we passed a piece of legislation that will enhance voters' confidence, citizens' confidence, that we can, in fact, take a law that has accomplished a great deal.

The Safe Drinking Water Act has improved the quality of life in America considerably, and has been a great success story, but it needed to be changed. There was an urgent need to change the legislation. We passed it last year in this body. The House was unable to pass a piece of legislation, and as a consequence it died.

I want to thank Chairman JOHN CHAFEE. He was very instrumental. Without his leadership this bill would not have passed. Chairman KEMPTHORNE, as well, was very diligent and determined to pass the legislation. Senator BAUCUS, Senator REID, both from rural States, understand the importance of changing this legislation. They, like me, have heard from local communities talking about if we are going to maintain the consent to regulate safe drinking water that we have to change the current law.

I will talk about a few issues, Mr. President. I will go through them real quickly. First is the issue of radon in the drinking water. Under the current law, the EPA was required to promulgate a standard for radon by a court-ordered deadline.

Unfortunately, that standard was a much higher standard than any scientist said was necessary to protect the people. There is no dispute here. This is not a situation where we have anybody coming forward and saying that the standard that was required under this rule was too low.

This standard was set so high that it was going to cost rural communities, in some cases, $5,000 per user to implement. We had withheld the appropriations for several years to promulgate this rule, and this piece of legislation now will take the appropriators off the hook. It changes the law. It gives EPA the authority to promulgate a rule of 3,000 picocuries per liter, which is what all science is saying is needed. It will save rural providers of water in Nebraska nearly $1 billion over a 7- to 10-year period. It is a substantial amount of money that is at stake.

The second issue is the current law, that is the issue of sound science and using sound science in evaluating both the risk and what we do. In the 1986 amendments, we decided we were going to regulate 25 contaminants every 3 years whether those contaminants needed to be regulated or not. This strict method of establishing standards caused some contaminants to be regulated without a sound scientific basis. It is an issue that is very irritating when you are, again, at a local level and are required to spend money looking for a contaminant that has never been there. It has never been in the water. Nobody expects it to be in the water. Nobody has any reasonable basis to believe it is going to be in the water. But because of this strict standard, we were required to regulate it anyway.

The new law authorizes EPA to use $10 million from the State revolving fund on health effects research. EPA is to establish a priority risk of unregulated contaminants and gather health effects and occurrence information on the listed contaminants. The Administrator of EPA must consult with the Centers for Disease Control as it does this analysis. In other words, it cannot just come to a regulatory conclusion without some reference to what our scientists, particularly our health scientists, are telling us about what is going on with drinking water. The States are to monitor for up to 20 unregulated contaminants to collect information for future standards.

The next issue is the standard setting itself. Under current law, EPA has established standards for more than 80 drinking water contaminants. The 1986 amendments required EPA to promulgate 25 new standards every 3 years. The cost to small communities, again, are not considered at all when these standards are set. This legislation, this change in the law, repeals the ''25 every 3 years'' rule and establishes a new mechanism to identify contaminants for future regulation by consulting with the Centers for Disease Control.

Again, if we are trying to have safe drinking water, it seems to be reasonable to reference those individuals who have the responsibility for telling us what is causing Americans to get sick from drinking our water. EPA is to conduct a benefit-cost analysis for each new standard before it is promulgated, and if EPA determines the benefits of a standard issued under current law would not justify the cost of the systems that must comply with the standard, EPA must issue a less stringent standard that maximizes health risk reduction at a cost that is justified.

I have heard people come and say we are weakening standards. We unquestionably are not. This is a change that will allow us, again with reference to what is causing Americans to get sick, if there is a health problem that the Centers for Disease Control—Mr. President, is there a limitation on time?

The PRESIDING OFFICER. There is a 5-minute limitation and the Senator has consumed slightly over 5 minutes.

Mr. KERREY. Mr. President, I ask unanimous consent for another 5 minutes.

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

Mr. KERREY. Mr. President, this was a particularly difficult and important issue. The Nebraska League of Cities sent me a petition with 60 signatures, which specifically asked the Senate to ''include provisions that changed the current process for setting standards to include public health benefits and costs as factors in determining new requirements.'' I will guarantee these local community leaders are not going to send me a letter asking me to do that if they did not have the support of their community to get it done. Many people have said I am selling out, weakening standards. You are not weakening the standards if the people at the local level say, ''This is what we want done.'' As I said at the beginning, I think there is safe drinking water legislation that has been a great success. But we keep getting example after example after example of citizens saying, ''Change the law to give us the flexibility so we can make more of our own decisions. We want to reference science. We want to reference the health people. We do not want to make our people sick. We want them to be able to drink the water and know that water is safe. But we have to have some flexibility to be able to do that because we are paying for this with property taxes.'' Most of these smaller communities are up against imposed lids and they have a tough time getting that job done.

The next issue was the issue of monitoring. One of the largest costs of compliance with the Safe Drinking Water Act is monitoring. Again, it comes out of the local property tax base, typically, to get this done. All Nebraska communities have asked that the current system be revised to let them test for contaminants that exist in Nebraska. Again, all. This is not one where there is any dissent. Every single community is asking that they be allowed to test for contaminants that exist in Nebraska.

We may have some contaminants that Missouri does not have, and you may have some we do not have. You do not want to test for ours, and we do not want to test for yours, because it costs money. If we require them to test for contaminants that do not exist, again, it just undercuts the citizens' confidence you could ever get into an environment where Government can regulate, where we can collectively regulate for the purpose of improving the capacity of our lives.

Let me go through this a bit. Under current law, States go through a waiver process to get some monitoring requirements changed. But this process is very expensive, it is very time consuming and it has been very frustrating for people at the local level. The benefits accrue to the local system while the costs are incurred by the States. The States that do have waivers have seen huge decreases in monitoring costs. These potential savings should be spread to all States, according to the example that has been set by those who have been granted the waivers.

The bill says we revise the current monitoring rules for at least 12 contaminants within 2 years. It allows the States to establish their own alternative monitoring requirements that may be less stringent than Federal monitoring requirements, provided they ensure compliance and enforcement of Federal health standards.

There are other changes in this legislation having to do with ground water disinfection. The current law requires the promulgation of a mandatory ground water disinfection rule, requiring all systems to treat their water. This bill delays the enactment date of this rule to occur at the same time the States do a rulemaking as established for disinfectants and disinfection products.

This legislation also helps us by authorizing some additional new programs: $1 billion for State revolving funds for safe drinking water; States provide 20 percent match. It authorizes $53 million for health effects research. It has been brought to my attention at the State level that in Nebraska there is $717 million worth of infrastructure needs that will have to be put in place over the next 20 years.

The chairman of the committee, quite appropriately—I am on the VA-HUD Committee—the chairman of the committee quite appropriately pointed out one of the weaknesses of this bill is that you are sort of promising money that is going to be there and it may not be there. We are authorizing more than we have. I take this opportunity to point out that the problem here is that we still have a growing cost of entitlements that erode our ability to make these kinds of investments.

I heard yesterday the chairman of the Appropriations Committee, Senator HATFIELD, indicates that he thinks it is likely that we are going to come up with a way to satisfy the requirements of the continuing resolution by the 14th of December—not by cutting defense, now that we are going to Bosnia. Nobody seems to be inclined to do that. But we are going to get $4 billion of savings out of entitlements to get the job done. And we are going to get it—and the biggest entitlements are going to be in health care, they are going to be in retirement—we are not likely to touch retirement. We should, to get the job done.

I know the Senator from North Dakota wants to speak, and I will wrap up with this one statement having to do with a pet issue of mine. The cost of entitlements under the Republican budget and under the Democratic alternative—a group of 20 of us or so that have an alternative that balances the budget in 7 years as well—in either case, the cost of entitlements, health care and retirement, continue to grow and displace all other expenditures. If you think it is not a problem, imagine what it would be like to pass 13 appropriations bills if all we had was $445 billion. You say, oh, $445 billion is a lot of money. But $445 billion is what we would have in the year 2002 if you adjust for inflation.

Gosh, the most liberal Member of this body, in the House or the Senate, probably would not spend less than $250 billion on defense, $260 billion, leaving you with $170 or $180 billion for all nondefense spending. I urge colleagues to look at that number because it is going to get tougher and tougher and tougher for us to get the job done. I, for one, hope, as we look for a compromise on reconciliation, not only will we consider adjusting the CPI down—I would go a full point—but I hope we look at some other adjustments that produce savings.

I think it is reasonable to put an affluence test on all entitlements, including farm payments, to say, basically, we are going to adjust it as income goes up. I think it is reasonable for us to say now we have to adjust the eligibility age, both for Medicare and Social Security. We can hold harmless everybody over the age of 50, if that is what we choose to do. I think it is reasonable to phase it in. It is reasonable to phase those changes in. Nobody listening to this who is over 65, or 60, or 55, ought to think we are talking about them. But, unless we make that kind of a change, this baby boom generation is going to rank out about 2008. When we start retiring, our kids are not going to be willing to have their payroll taxes increased by the amount that is going to be necessary to pay for our Medicare and Social Security. We are not going to be able, I say to my colleagues—we are not going to be able to adjust rapidly enough to come up with the $717 billion that Nebraska is going to need for its infrastructure investments or for any other thing in the appropriated accounts.

So, Mr. President, I appreciate the additional time.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I ask unanimous consent that I be able to speak for 10 minutes as if in morning business.

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

TELECOMMUNICATIONS

Mr. DORGAN. Mr. President, I know the Senator from Nebraska will probably want to stay for a couple of minutes. The Senator from Nebraska and I

wanted to visit for a couple of minutes about the conference that is now taking place between the Senate and the House on the telecommunications bill. The Senate has passed a telecommunications bill, and so has the House, and it is now in conference.

The impact of the telecommunications legislation will be very substantial all across this country. What is happening in the conference, and the reason that I came to the floor today, is very disturbing to me. The issue of reforming the telecommunications laws and regulations in this country is very real, and very necessary. It is also very important. The Communications Act has not been changed significantly since it was written in the 1930's.

Clearly, we ought to pass a telecommunications bill. But it ought to be in the right way. If it is done in the wrong way rural areas in America will be left out.

I voted against the legislation that we passed in the Senate. I also believe that the Senator from Nebraska voted against, because we saw some very serious problems. We hope some of those problems will be fixed in conference, but it appears that some of them will be made worse in conference.

Before I talk about the larger issues, I want to talk about one that is most important to me: universal service. From the standpoint of someone who comes from a rural State, the market system is not going to decide that the income stream in a rural State is going to persuade people to come and engage in robust competition to provide new services in rural areas. That is why the notion of universal service is critical to rural areas.

What kind of a telephone system do you have in rural areas? Do you have a telephone in the smallest town in North Dakota? Sure, we do. Why do we have a telephone there? Because the existing universal system has made that possible. It is much more expensive, per person, to have a small number of telephones in a small community in terms of fixed cost than it is to have millions of telephones in New York City. But we have decided that it is a matter of universal importance for everyone to have modern communications equipment so that everyone can communicate with one another.

The fact that there is a telephone in Regent, ND, makes a telephone in New York City more valuable because that New York telephone can communicate with someone on the receiving end in Regent, ND. It is a very small community, and I am guessing it does cost more to have telephones in Regent, ND, than in New York City. However, we have a universal service fund that is designed to equalize those costs and make sure that we have universal opportunity and universal service in a critical area called communication.

What will be the result of this new telecommunications bill? What about new kinds of communications? What about new technology? Will they be available in rural areas, or will they only be available in some of wealthiest neighborhoods? Will they only been available in some of the largest cities?

There were 24 Senators, 13 Republicans and 11 Democrats, including myself, who joined together in a bipartisan group to write to the Senate conferees in support of the rural provisions that are in the Senate bill. These provisions are very important to rural States. The problem we have at this point is that the conferees from the House side are trying to strip those provisions out. This is not a partisan fight. It is a bipartisan determination on the part of the Senate to want to retain those provisions. I want to speak a little more about those provisions later.

Let me go on to a couple of the larger issues in the bill that deal with macroeconomic things that Senator KERREY and I have also been involved in. I am concerned about the two areas in this bill dealing with competition. One, the legislation lifts entirely the limits on how many TV stations one person can own in America. We now have a limit of 12. I think it is in the public interest to say one can only own 12 TV stations and no more than 12. Currently, it is no more than 12 TV stations reaching no more than 25 percent of the population.

The bill says, on the other hand, that one can own as many TV stations as one likes. Let us just take the cap off, the sky is the limit. One can go right ahead and by as many TV stations as one can muster up the money to buy. One can also own as many radio stations as one wants to buy. That makes no sense to me. That kind of concentration moves in exactly the wrong direction. Concentration is the opposite of competition. One cannot support a bill like this and call it competition—when, in fact, it provides for more concentration. Yet, that is exactly what is happening.

It also true with respect to the question of when the Bell systems are allowed to go compete in long distance. They should not be allowed to compete in long distance service until there is competition in the local service exchange. The question is, when is there meaningful competition in the local service exchange so that competition in the long distance industry will not be harmed? We had a big fight about that on the floor of the Senate. It was a close vote.

The Senator from Nebraska and I offered an amendment that said let us let the Justice Department, using the Clayton standard, evaluate whether or not a baby Bell's entrance into long distance will lessen competition or tend to create a monopoly before they should be permitted to compete in the long distance area. The fact is, we lost. We lost because a lot of folks wanted to vote for a position that is, in my judgment, anticompetition and proconcentration.

I want to read what a few of the editorials say about the telecommunications bill that is now in conference, and why I and many others think it desperately needs reform.

USA Today says: ''Monopolies win, you lose.'' That is their simple description of the bill.

Business Week says: ''If Congress really wants a free phone market, with the competition and lower prices that will come with it, it shouldn't be quite so generous to those local monopolists, the Baby Bells.''

The Oregonian says: ''. . . a single owner could control all the media outlets and communications links in a given market—a scary monopoly.''

The Tennessean says: ''. . . the problem with the bill is that it removes most telephone and cable rate restrictions without first assuring that competition is in place.''

The Denver Post says: ''If the current bill becomes law, phone prices may rise and consumers will have fewer—and not more—choices.''

The Charleston Gazette says: ''. . . the bill trashes long-time rules that have restricted concentration of media ownership . . . Deregulation and 'reform' have increasingly become code words for freeing huge corporations from the Government oversight that prevents them from gouging the public and developing stifling monopolies.''

Some of us feel very strongly that we ought to pass a bill that promotes competition, that opens the marketplace to more competition, and, yes, eliminates some regulations where competition can replace regulations. But there are two premises that are troublesome with that point. One is, you do not have competition in many rural areas. Often you have a circumstance where you only have one interest willing to serve, and that service sometimes has to be required. The economics simply do not dictate service. So you cannot deal with that quite the same way; ergo, we have the question about universal service and the need to make sure that exists in the legislation.

Second, we are very concerned about a circumstance where legislation in the telecommunications area allows such concentration that one entity really in a community can own the newspaper, can own the major television station, can own the cable company, can own it all, control ideas, control thought, and determine what is published, what is not. That is pretty scary. It is not moving in the direction of competition. It is moving in the direction of concentration, and it is exactly in the wrong direction.

So my hope is that those in the conference will understand that if they bring to the floor of the Senate a conference report that backs away on the protections in this bill for rural States, they are going to have a lot of trouble. If they bring to the floor the piece of legislation that they left the floor with and do nothing in the area of concentration or fixing those problems, they will have very big trouble because

some of us will not want to let a conference report like that continue to move.

So I would be happy to yield some time to the Senator from Nebraska on this subject as well.

Let me yield the floor and ask if the Senator from Nebraska seeks time.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Nebraska.

Mr. KERREY. I really quite agree with the Senator from North Dakota. I think the legislation passed here was well intended. People who voted for it understand there is a lot of change going on out there, and we need to embrace that future and try to change our regulatory structure. But it is possible for us to change it in a fashion that reduces competition. In fact, without some kind of meaningful role for the Department of Justice as we move from a monopoly to a market situation, as we move from a situation where the Government is making all the decisions to a situation where it is the marketplace making the decisions, if we do not have the agency that in fact has demonstrated the ability in this area as it did with AT&T to manage that kind of situation, I think we will end up with less, not more, competition.

I bring a story told at church Sunday by Father Jim Schultz from Omaha, NE. He told the story that kind of describes what happens out there right now in the marketplace when you are dealing with a monopoly.

The story is about a man who dies and goes to the pearly gates, and St. Peter says, ''Well, you are right on the edge. We can't decide whether you are going to go to Heaven or Hell, so you get to decide.'' There are two doors. One goes to Heaven and one goes to Hell. St. Peter opens up one door and there is a big party going on with a band and everything, everybody is happy and great looking people inside there. St. Peter says, ''Well, this is Hell.'' The man says, ''That's odd.''

So St. Peter looks at the next door. He opens up the door and goes inside, and there are a bunch of people sitting around in chairs, real sad and angry. He says, ''That's Heaven.'' He says, ''Take an hour and decide and let me know.''

An hour later the man comes back and says to St. Peter, ''I think I'll do Hell.'' He opens up the door. The people are dead. The smell is stale, trash all over. He goes to St. Peter and he says, ''What happened? An hour ago there was a great party, looked like a lot of fun, looked like the place to go.'' St. Peter says, ''An hour ago, you were a prospect. Now you are a customer.''

In a monopoly, that is the situation. I had a recent example of that in Nebraska where a school trying to get enhanced services was told by the telephone company: ''You do not need it. You really do not need that enhanced service. We are not going to provide it to you because we do not think you really need it. We do not think you really should have this kind of service.''

When you have a situation where the company can say to you, ''We are not going to satisfy your needs,'' you do not have competition. When you have that kind of a situation going on, you really do have two choices—take it or leave it. That is the only thing you can do.

We have built a tremendous telecommunications system in this country by using a combination of Government regulation and market forces, and as a consequence we not only have a tremendous telecommunications system but in any community in the country you get high quality service. You can go to Alliance, NE, or Ainsworth, NE, or a rural community in Nebraska and find your telephone service is going to be as good as it is in Omaha because you have the same kind of service and same high quality of service as a consequence of the law of the land saying that is what universal service is to mean, that is what our customers as citizens ought to be able to have.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. KERREY. Be pleased to.

Mr. DORGAN. The people who are living in Nebraska or North Dakota in a small community know when they make a long distance call, they have the opportunity to choose from literally hundreds of long-distance carriers. What they have experienced is that, because of hundreds involved in competition, long-distance service prices have been driven down substantially for long-distance service. Competition, good competition generally provides the consumers with a better price.

The debate we had in the Senate was when should the Baby Bells, which are local monopolies at this point, engage in long-distance service and to try to capture the long-distance market. The answer should be when there is competition in the local phone service in the communities. It is only when the Bells have competition, then, and only then, they should be released to go compete in long distance.

On the question: How do you know when there is competition? I say: let those who know about competition make that decision—the Justice Department. Of course, a lot of folks did not want that to happen. I think we had 43 votes that supported the notion that the Justice Department should have a meaningful role. But we need to make sure that competition really exists. That is what is in the interest of the consumers. Otherwise, we move right back towards recreating phone monopolies that control not only local service but long distance as well.

Mr. KERREY. The Senator is quite right. As a matter of fact, in the language last year, we had a Justice Department role, and we replaced it this year. The committee decided to replace it this year with a 10-part competitive checklist. The real test of competition is a very simple test. One of the reasons I am of the belief that you have to have a Department of Justice role of some kind—I am willing to drop down to Clayton; I am willing to look at alternative standards—is that the 10-part checklist does not really satisfy the consumer. I know when I have choice. If I have choice, the person who is trying to sell me something knows that if they do not get the price and the quality in the range I think I am willing to pay for, I will shop someplace else. I will go someplace else.

If I have that kind of choice and that kind of alternative, then I have competition. If I do not have it, I do not have competition. If I have one company supplying all my news and one company supplying all my newspaper and one company that says here is your phone service and one company says here is your cable service, there is no choice. All I have basically is a question: Do I want it? Yes or no. I do not have any impact upon the quality and I do not have any impact upon the price.

Mr. President, I hope that colleagues do not suffer under the illusion that the Senator from North Dakota and I—I certainly do not want to create the impression that I am not willing to embrace the future and indeed make a bet. I think we have to risk here. I think we are talking about moving in a rather dramatically different direction.

I noted with considerable interest on the front page of the New York Times this morning—I think that is an old picture—Steve Jobs, cofounder of Apple, started a new company called Pixar—what is it? Hold on a minute here. Pixar Animation Studios is the name of the company, and he invested $68 million in it. They did a public offering yesterday, I believe, and thought it would go for about $22 a share. It turned out the market bid it up to close to $40, and all of a sudden he has $1.2 billion. His company created $1 billion worth of wealth yesterday. The United States of America is $1 billion wealthier as a consequence of this individual's decision to start a company that provides animation, in this case to Disney that put out a movie—what is it called? The Toys or something like that. I have not seen it, but it had $38 million worth of revenue over the weekend, which is pretty darned good.

In the article as well there is mention of a company I am familiar with. James Clarke started a company called Netscape. He also created $1 billion worth of wealth.

This is important for us. This country is a wealthy country as a consequence of somebody getting an idea and putting it out in the marketplace, and all of a sudden you have value, you have something that is worth something.

It is important that these men generate wealth. It is important that we continue to create ways that create wealth so we know the market is doing some extraordinary things.

What I see, both with Netscape and Pixar Animation, is that this old computer that we saw sitting around our kids' bedrooms, and so forth, over the years is being converted into a communications tool. It used to just calculate, and increasingly we are using it to communicate.

Indeed, I am working with the University of Nebraska trying to figure out a way to leverage intellectual property because they are pricing themselves out of the market. As the demand for college goes up and the demand for an educated person goes up, we are getting a doubling and tripling and quadrupling of what that university has to do. Our taxpayers do not have enough money to continue building and hiring more and more people. We have to leverage more intellectual property, and we are looking for a way to do it through computers. We know to get that done we essentially have to pass a three-part test.

Test No. 1 is, Are you willing to embrace the future? Because if you are not, it is not going to work. If you want to hold on to the old way of teaching, say so. Because if you hold on to the old way of teaching, you are not going to be able to get your costs down. And, secondly, you have to be willing to place a bet, which means not only more money in these areas, which unquestionably is the case, but you are going to risk your reputation a little bit. You are going to take a chance on a roll.

So I understand that at some point we cannot really be sure what this legislation is going to do. And I am an advocate of changing the law; I wish to break down the regulatory barriers so that consumers in their homes can make a single choice. What we have done is we have set up a system of regulation that says over here we have television, over here we have radio, over here we have dial tone, and over here we have print. That is what we have done. What has happened is the technology has obliterated those distinctions, and our regulatory structure still maintains them.

So instead of being able to go to a single provider and buy it all packaged together—which, in my judgment, is the only way 100 million people in residences are going to see a decline in price and an increase in quality—you still have to buy them separately. As a result, costs are higher.

So I hope that colleagues do not suffer under the illusion that I somehow want to hold down the status quo. I am willing to embrace the future and willing to place a bet, but I want to see real vigorous competition and choice at the local level. I want to see that. I want to vote for this bill. I want it to come back out of conference and to probably vote for it. I do not want to just stand over here and say ''no,'' and hold my breath and try to hold it up.

But unless we get vigorous competition at the local level—and I do not want to hold up the RBOC's. I want to be able for them to go out and compete. I am uncomfortable watching their top-end customers whittle away while they do not compete in long distance itself. I would like to be able to liberate them, but I want them to be liberated at the moment when I am sure that we have very vigorous competition at that local level.

So I hope that conferees understand that the Senator from North Dakota and I are not sitting here saying that we do not realize the law needs to be changed. We know the law needs to be changed. We know there is an exciting and important opportunity for wealth generation, for job generation, for education, for improving the way that our own Government operates, trying to make it more efficient, trying to improve the quality of life for our citizens.

This piece of legislation, this law is extremely important, but it is important that we have in our own mind some kind of vision for what the world is going to look like. Otherwise, all we are doing is trying to fashion some sort of compromise between the various corporate entities, and I think at the end of the day it will not create the kinds of change that in fact are already occurring out there in the market.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me add just a couple comments to what the Senator from Nebraska said. The status quo has been monopoly and concentration. I do not believe in the status quo. I think competition, especially in market areas where competition is supportable, competition is a much better arbiter of what happens in the marketplace than the effects of concentration or monopoly. That is what we said with respect to whether the Bells should go compete in long distance.

We thought we ought to do it with competition with local exchanges, that true competition with local exchanges would help customers. And we think that makes a lot of sense. When there is true competition, they ought to be free to compete in long distance. If there is not true competition in local exchanges, to free them up to compete in a long distance market that has been competitive and has had the effect of driving down prices, that will, in fact, ruin a market system that has worked. That is what we are saying.

The second area is this issue of increased concentration that serves no one's interests, in my judgment. I was on a television program a while back because I asked for some hearings on bank mergers. The interviewer said, ''Well, gee, these two big banks are merging and are able to get rid of 8,000 people who are duplicates.'' Getting rid of duplicate people, does that not make sense? Is that not efficiency? And is that not what is called efficiency? You can make that case for going to one bank.

Why not have one bank in America? That would be the most efficient, probably. It would not make the most sense. I mean, efficiency—my hometown had two grocery stores. I suppose you could make the case we should have only had one because it would be more efficient. I think people were probably advantaged by having a little competition on Main Street. It was a small town, but nonetheless competition in that little area probably served the people of my hometown pretty well.

So this area of concentration bothers me a great deal, and I hope through this conference they can address that once again.

I want to finally make this point. The Senator from Nebraska and I both represent rural States. The question of what kind of telecommunications service you have in a town of 2,000 people versus a town of 2 million is very important, and the proposals to drop in this conference what we put in on the Senate side, on a bipartisan basis, are these sorts of things. We put in on the Senate side requirements that rural areas have access to service that are reasonably comparable to those offered in urban areas, services that reasonably are comparable in rates as urban areas, the benefits of advanced telecommunications services for health care, education, economic development, as urban areas do.

Why is that important? Well, the universal service system in this country has guaranteed that up to this point, but if these guarantees are dropped—and one side wants to drop them at this point—and if this bill comes back without these kinds of provisions, this telecommunications bill, in my judgment, this telecommunications bill will be a full-scale retreat for a quarter century for many rural areas, and we will just be left in the dust here.

That is why we wanted at this point to at least serve notice to the conferees that this is not unimportant to some of us. If they think they are going to bring a bill back here that is not procompetition, but instead is proconcentration and promonopoly, and if they think they are going to bring a bill back here that says, rural people, you do not count much, well, we count in the Senate. That is for sure.

It is true that the population decisions are made with respect to the representation in the House. I mean, the House is, of course, apportioned by population. But at least rural States count in the U.S. Senate. Someone who lives in Hutchinson County, ND, finds it just as important to have an advanced telecommunications system and good telephone service and good health care service and other things as someone who lives in St. Louis.

So these are very important issues for all of us. And we hope—I notice that the conference committee did not meet today because there is a flareup that does not relate, I think, to what we are talking about. But we hope when these conferees meet they understand the importance of getting this right when they bring this bill back to the House and the Senate, because otherwise I do not think you will have a conference report pass the Senate.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, so people wonder what the impact of this is going to be, and 94 percent of American homes have telephones, 60 percent have cable—I believe those are the numbers—and nearly 100 percent have television sets, and more people have telephones and television sets than have running water. It is a substantial success story we have that kind of penetration into American households.

Every single household in America is going to be affected by this, and we are talking about trying to describe a significant change in the way they are going to be coming into contact with their providers. I think, as a consequence, it is very important for us to decide in our own minds what kind of an environment are we trying to create.

One of the pieces that is in here that seems a little contrary to my own desire for competition—in fact, a little more than just a little contrary, it is contrary, but it is necessary to build a bridge in that competitive environment—is the Snowe-Rockefeller-Exon-Kerrey provisions having to do with education.

I am very pleased, and I ask unanimous consent that a letter written by the chairman of the conference committee, Senator PRESSLER, indicating that he intends to hold and support the Senate's view on that provision, be printed in the RECORD at this time.

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

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, November 28, 1995.

Hon. J. ROBERT KERREY,
U.S. Senate, Washington, DC.

DEAR BOB: Thank you for your cosigned letter regarding the amendment contained in S. 652 which will ensure affordable access to telecommunications services for schools, libraries, and rural health care providers.

As Chairman of the conference, I have the responsibility to advance the interests of the Senate. As your letter indicates, there is strong support for this amendment to S. 652 in the Senate, and I am aware that many in the House support the provision, too. I think this provision left the Senate with strong bipartisan consensus, and the view of the Senate that it should be adopted is strong. Since two of the sponsors of the amendment also are Senate conferees on the bill, I know they, too, will argue forcefully for its inclusion in the final bill.

Thank you for taking the time to contact me, Bob. I will try to keep you apprised of our progress in conference.

Sincerely,

LARRY PRESSLER,
Chairman.

Mr. KERREY. Mr. President, this idea of technology being a constructive force in our lives is sometimes a difficult sell to make to people, particularly with software, because they have experienced the joy of downsizing as we get more efficient. They sometimes wonder what good this is all going to be, or particularly in an educational environment, people, like myself, remember the old ''talking head'' environment that was there with the television sets coming into the classroom.

I really want to emphasize that I think the only way that we are going to be able to increase the amount of learning that goes on, whether it is in the home, which I think is the first line of defense in education—if we can increase the amount of learning that goes on in the home, it is going to be an awful lot easier to make an educational form work inside the school, since the homes were there before the schools were—it will make it an awful lot easier for any of our institutional efforts to succeed.

This technology gives us the opportunity to provide continuous learning inside of the home environment. It is going to be very difficult for us to do the sorts of things we want unless we embrace a future that changes the way we teach and changes the way we use technology unless we are willing to bet not only to change the law but also change the allocation of resources.

It is going to be very difficult to make this work unless we, as adults, with the responsibility to make these decisions, say that this is going to become part of our core competency, whether that is a school or that is in a university or whether that is a government agency that is trying to operate in some kind of an efficient fashion.

So I am here this afternoon to say that I want to embrace change. I do embrace change. I am working on it all the time, particularly in the environment of our schools. But we can put change in place that makes things worse.

I say to the men and women who are on the conference committee, my colleagues and Members of the House that are on this conference committee, I urge you to put a meaningful role in there for Justice, some kind of role in there for Justice or, in my judgment, you are going to regret that you did not. You will regret that you did not because we are not going to have the kind of competitive environment that we need to have at that local level to enjoy the benefits that we all promise at least when we talk about supporting change in the law.

THE BUDGET

Mr. KERREY. Mr. President, before I yield the floor and suggest the absence of a quorum, I noted earlier there were a number of Republican colleagues that came down and talked about the budget. There were some statements made that I feel compelled to respond to. Some came down and said the Democrats are not really serious. They do not have a plan. There is no attempt here, no willingness here to, in fact, address these budgetary difficulties.

(Mr. GORTON assumed the chair.)

Mr. KERREY. Mr. President, I respectfully say, just the opposite is the case. There is unanimous desire on the part of the Democrats to come up with a change in our law so as to get to a point where our budget is balanced, but we have a different vision. We have competing visions and competing ideas on how to do that.

I appreciate, for example, the willingness of Republicans to say that they want to preserve and protect Medicare. It is a very important change. At least I hear it as a change. One of the things that must be understood with Medicare as a fundamental principle is that we said in 1965, when people hit the age of 65, they are going to have difficulty purchasing health insurance, so we are going to create a change in the Federal law under the Social Security Act to provide a mechanism for Americans over the age of 65 to get insured.

The question is, has it worked? Ask your Representative or Senator, ''Has this worked?'' Is that an example of something that has accomplished the job? In 1965, 43 percent of people over 65 were uninsured. Today, it is less than 1 percent. The answer is unquestionably yes. Mr. President, 100 percent of the people over the age of 65 are today insured. It has worked surprisingly well.

However, there is a problem, and the problem is, first, we allowed customary and usual reimbursement, so we had no cost controls to begin with and the costs have blown completely off the chart. We came back in the eighties and implemented a system called perspective payment system and started to reimburse according to diagnostic groups and, unfortunately, that tended to shift costs over into the physician services and costs continued to escalate.

Today, they are growing, I guess, 10, 11, or 12 percent, somewhere in that area. We are facing a tremendous increase in costs. I completely agree with the Republicans who say that we have to control those costs. We do not need to cut Medicare, but we have to slow the growth of the program. There is no question that that needs to be done.

However, the point of departure that I have, and I have made it a number of times—I feel like I am running a broken record here in saying it—there is a short-term problem and a long-term problem with Medicare, and it is the long-term problem that is enormous.

The long-term problem with Medicare begins about the year 2008 when, as I indicated earlier, the largest population group, the largest generation in the history of this country, the baby -

boomers, begin to retire. We cannot meet the promises with the current rate of taxes. We do not even come close. We are either going to have a tremendous tax increase out there or a very quick cut, not in the growth of the program, we are going to have real cuts in the program itself. So we have to slow the growth, not just in the short term, we have to slow the growth in the long term for Medicare.

I hope as we move through these deliberations, the Democrats, in addition to coming to the floor and saying we want to protect Medicare and preserve Medicare and we want to make sure the cuts there and in Medicaid do not fall in a disproportionate or unnecessarily harsh fashion, I hope we also come to the floor and say, as I have done now two or three times, I think we should drop the tax cut.

I am for reforming our Tax Code so as to promote economic growth, but one of the odd anomalies in this whole debate is that a $245 billion tax cut, according to CBO, actually decreases growth. It does not increase growth, it decreases. I am for having a debate about how do you relieve, in a fair fashion, particularly not just on working Americans, but families from some of the penalties that they currently face.

But if we drop the tax cut—I ask unanimous consent for 2 minutes.

Mr. ASHCROFT. Mr. President, I want to propound a unanimous-consent request.

Mr. KERREY. I will be pleased to yield.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the period of morning business be extended, with Senators permitted to speak for up to 10 minutes each.

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

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, again, I will not go on this little diatribe about entitlements, but I will summarize what I was saying earlier.

I hope we do not get a continuation of visitations to the floor asserting that Democrats do not want to balance the budget or we do not have a plan or, conversely, that Republicans are all heartless and do not care about the poor and have no desire—it may score relatively well, but it will not enable us to solve this problem.

The problem, to be clear, is, not only is the budget out of balance, but the growth of entitlements are continuing at an unsustainable pace, not only eroding our ability to pay for appropriations but also, Mr. President, eroding our long-term ability to be able to do anything.

We will, by the year 2012, convert the entire Federal Government into an ATM machine if we continue. That is all we are going to be doing, is transferring money: collect it and transfer it. Everything else is going to be shut down.

To solve that problem, if you really want to create a revolutionary change, indeed, if you want to vote for something that is tough as heck this year, but every year afterward is going to get easy, as opposed to this budget—this budget is relatively easy to vote for because the cuts occur later—next year's vote is going to be tougher and the year after that is going to be tougher. It gets tougher every single year, because we are squeezing these appropriations accounts, and we have not tackled the entitlements as we ought to.

I will give you some things you have to do. Can we get it out of the farm program, cut defense? The answer is no, there is not much room in those things. Here is something you have to be willing to vote for: You have to be willing to vote to reduce the CPI, I would say at least by half a point. I would vote for a full point. The full point pushes the insolvency rate of Social Security back 30 years. That is the kind of revolutionary change which produces change not only in the short term, that enables us to put more money back into Medicare, Medicaid, and education, if that is what you want to do, which I think would be a reasonable thing, but in the long term the impact is tremendous.

Second, we ought to think about an affluence test not just on part B, not just on COLA's, but on the whole shebang. If you have a contract with a retiree where they paid in, that is fine; do not break a contract we have in place. But if it is merely a transfer of payment being made because we presume somebody needs it, when their income goes up, they do not need it; when their income goes back down, let them have it again. Do not take it away from them, but adjust it according to income. It produces tremendous savings, both in the short term and in the long term.

Lastly, if you want to produce some real change out there in the future that will enable us to look at beneficiaries under the age of 40 and say there is going to be a Medicare Program for you and a Social Security Program for you, let us adjust the eligibility age both for Medicare and Social Security to 70. That is what the entitlement commission recommended. The Kerrey-Simpson proposal on Social Security does that.

I say to all those who are listening, what will typically happen is I make a statement like that and somebody will interview a 70 year old: What do you think of that proposal to have the eligibility age changed?

That is a terrible idea. It would hurt me.

It does not affect anybody over the age of 50. We can phase it in. But the longer we wait, the quicker the change has to occur. The longer you wait, the more painful the decision is. Those are the kinds of things the Democrats need to come down and say to Republicans, as we look for a way not only to balance the budget but balance the growth of entitlements and enable us to have a Federal Government that can, when we agree what it ought to do—this whole thing started with me in a discussion of the Safe Drinking Water Act. Senator BOND, chairman of the committee, pointed out accurately that we are authorizing more than we have. We have a certain amount of infrastructure just for safe drinking water over the next several years, and we are going to struggle to come up with the money, as a consequence of being unwilling or unable, whatever, to vote a change in the law that will produce the changes in the outlays on those mandatory programs.

That is a tough vote. But if you had a bipartisan vote on something like that, I think we can take a lot of political rhetoric out of it and it would still be tough. But every year after that it gets easier. Whereas, whether it is the Republican proposal, by the way, or the Democratic alternative, either one, the easiest vote is this year. Next year is tougher, and it gets tougher and tougher and tougher. And these mandatory programs continue to grow.

So I hope that as we come to the floor and talk about our own ideas for solving this problem, we do not say that one party is insincere, or the other party is heartless; I hope we will actually come to the floor and suggest things that might not only balance the budget in 7 years, but put us on a track where we are able to say to every single beneficiary that there is going to be something there for you, and we are able to say to our people that once Republicans and Democrats have decided what we ought to be doing in research, education, space, defense, or law enforcement—once we have decided what it is we ought to do—and the disagreements are typically a lot more at the margin than meets the eye—once we have made a decision, I hope we have the money to do it.

I would like to see that happen. I do not have a lot of optimism given the current lay of the land. But I would like to see sooner, rather than later, us making those kinds of changes because it is inevitable to me.

I challenge any staff that happens to be listening—I assume Members would not listen to all this stuff—to try to figure out what I am talking about. Take the number $445 billion and then go to the 13 appropriations accounts and add up what we are currently spending, because $445 billion is what we are allocating in 2002 under the Democratic budget and under the Republican budget. You cannot do it. Take $260 billion out for defense—and very often people say, ''I know how to save the money, we will cut defense.'' Well, you cannot cut it enough. You cannot cut waste, fraud, and abuse enough to be able to get it done. You can take our salaries to zero and it would not impact the sort of choices we are going to have to make. Constructive budget, defense and

nondefense, was $445 billion. Then you begin to see the dilemma if we do not vote for the changes in our mandatory programs that will enable us to have the Federal Government do those things that I believe the American people want us to do.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Washington is recognized.

ENTITLEMENT SPENDING

Mr. GORTON. Mr. President, 4 years ago at this time, the distinguished Senator from Nebraska was a candidate for the Democratic nomination for President of the United States. That was an unsuccessful quest. But I will reflect on the fact that had that been a successful quest, we would not be faced with the challenge or the deadlock with which the Congress is faced today.

The Senator from Nebraska, very clearly, goes much further in his recommendations for dealing with entitlements than does the Republican budget, which will be vetoed by the President because it does much too much for this President with respect to entitlement spending. Each of the suggestions that he has made, each of the suggestions that his bipartisan organization has made have a great deal of merit. Each of them ought to be seriously debated here in the Congress of the United States and, for that matter, in the White House. Very bluntly, however, they are not because the person who is President of the United States essentially sets the agenda, or at least the parameters of the debate over matters of this nature.

So, at this point, we are faced with the proposition that, at best, we can do some of the things, take some of the steps toward a reform of our entitlement programs and the preservation of Medicare, advocated by the Senator from Nebraska and those who worked with him. But that is not the nature of the debate today.

In spite of the fact that the Senator from Nebraska speaks as a Democrat, speaks from the other side of the aisle, we are faced today with the proposition that this body, this Congress, without a single Democratic vote here in the Senate, and with only the tiniest handful in the House of Representatives, has, in fact, passed a balanced budget in the year 2002, and has in fact, for the first time that this Congress really has ever done so, proposed profound reforms in entitlement programs, both for their own preservation and in order to preserve some ability on the part of the Congress to fund these discretionary programs.

We are faced with the position of at least the vast majority of the other party, and certainly the President, that they will not propose any alternative which will reach the same goal. We struggled through bitter debates on this floor and much difficulty to pass a modest 3-week continuing resolution just a short time ago, just before Thanksgiving, the heart of which, as far as we were concerned, was the proposition —which the President signed— that we would come up with a balanced budget in the year 2002, using statistics provided by the Congressional Budget Office. Now, halfway from the date of that passage until December 15, we have no such proposal from the President, or, I may say, from the leaders of the party of which the Senator from Nebraska is a Member—none whatsoever. We have critiques of various elements of our proposal, including the critique of our tax reductions from the Senator from Nebraska. Well and good. Such criticisms are certainly appropriate within the frame of reference for reaching a balanced budget by 2002.

It would be wonderful to debate whether or not we ought to go further and to pass a set of reforms that would last longer and be more decisive. But the Senator from Nebraska knows that no such debate of any seriousness will go on during this administration.

So the real parameters are, is there a different way of reaching the goal set out in a law passed by this Congress just 10 days ago and signed by this President just 10 days ago? Do they want to make some kind of adjustments with various spending programs or with tax reductions? So far, the answer is, ''no,'' they do not want to play the game at all. They are content with the status quo.

Last night, we were informed by the President of the United States that if we would simply pass appropriations bills with the items in it that he regarded as priorities, then he would sign the appropriations bills. Wonderful. Not a word about reforms in the entitlements, which are absolutely necessary in order to have any money left over in future years for any of these discretionary programs. Well, of course, that is an unacceptable offer. The only way we can determine whether or not there is money for any of the programs that we feel important, or that the President feels are important, is to operate within the same set of parameters, and to have the President submit to us something which his party will support and he will sign, which meets that goal of a balanced budget in the year 2002.

It can be as radically different as that which the Senator from Nebraska advocates here. That would clearly be a starting point. I suspect that if it were a program such as he proposed, he would find a great deal of support for many of its elements on this side of the aisle. But he knows we are not going to get any such proposal from his political party. I hope that he regrets that we have gotten no proposal at all that meets those requirements—none at all. We have simply a statement that ''we have these priorities and those priorities,'' none of which includes balancing the budget. Now, this is not a zero-sum game, Mr. President, because built into the proposal which passed as part of the Balanced Budget Act of 1995 is a huge dividend of $170 billion to the Government of the United States—perhaps half a trillion more in income in the pockets of the American people in the form of higher wages and lower interest rates, a dividend which disappears if we do not reach the goal.

Almost precisely identical with the date of last year's elections, interest rates began to drop in the United States. Almost precisely with that time, productivity began to increase in the United States. Inflation is lower in the United States, as I read the statements of the Chairman of the Federal Reserve Board, due to anticipation of a balanced budget.

If this deadlock continues—if the President makes no proposal to reach that goal, no proposal, not that his own advisers think is a good one, but one that will stand the test of time and the financial markets of the United States—these improvements in our economy will be ephemeral. Interest rates will go up, the number of jobs will go down. We will be in a serious situation.

So I know that those Senators on this side who have heard the remarks of the Senator from Nebraska will admire them and in most respects agree with them, but the time has come that either he needs to persuade his party to adopt his position, or at least he needs to persuade his party to respond within the frame of reference that is now the law of the United States for the last 10 years, and come up with some alternative that reaches those goals using the same set of figures that will provide the dividend we have been told will be the dividend resulting from a balanced budget.

Somehow or another we have to get such an answer. We cannot negotiate a precise position on one side against no position at all on the other side. That is what we have from the President of the United States.

I return to the beginning of my remarks: 4 years ago the statement of the Senator from Nebraska would have been more widely heard in the United States, when he was a candidate for President. I do not think I would have voted for him against the candidate of my own party, but I certainly think the country would have been better off had he succeeded in being the Democratic nominee.

Mr. KERREY. In response to my friend from Washington, let me say that I do believe the President started off this year with a budget as everybody knows that he submitted, and I do not think there was a single vote for it when it came out. He understood he had to change and came on with a 10-year plan and, 10 or 14 days ago, agreed now to support a plan to balance the budget in 7 years.

What I was trying to do and am trying to do is not just persuade Democrats, but Republicans as well that we have, as we go into these negotiations,

which is what we are doing now—I am part of a group that the Democratic Leader DASCHLE has put together to discuss and come up with a proposal so that we have something that we can try to reach agreement with Republicans over.

I am trying to say to Democrats as we do that, that yes, we should defend those things we think are important, make sure that Medicare has a sufficient amount of resources, for example, so that we do not have to unnecessarily punish particularly rural hospitals, and look for ways—I think block granting Medicaid is not a good thing, and rejected that.

We should object to things we do not like in the proposal, but in addition to looking for a way to bridge the gap, which if I was going to predict I think likely will knock the CPI back by half a point and shave the tax thing back by *x* amount of dollars and put more money in Medicare and Medicaid and go home and say we have a deal.

That is lying there to be done. I do not know if we will have the capacity to get it done, but we will now have a move toward balancing the budget in the year 2002.

The only impact we have with our vote is on this year's budget. The difficult thing I have is that according to the Congressional Budget Office, the proposal that was passed with all Republican votes actually increases the deficit next year and increases the deficit the year after.

Why? Because the tax cuts are front-end loaded. Again, if you examine the Congressional Budget Office's analysis of the tax cut, it produces less economic growth. The CBO is saying that the status quo produces more growth than what we have with the $245 billion tax cut.

Even if you could find a way to bridge the gap and say, ''Use the CPI to eliminate the cuts in Medicare and figure out some way to bridge the gap,'' we are left with a tax cut proposal that does not promote economic growth, which I think ought to be mission No. 1 as we analyze our tax system.

I am merely saying that I am prepared and am in the negotiations as we meet on the Democratic side, and I find myself with an unusual opportunity with so much morning business—we have had very little of that lately. As I find myself with an opportunity to come to the floor and talk about this, I just want to waste no moment to stand up and say that not only do we need to balance the budget, but we need to change these mandatory programs, the laws that govern.

Democrats who say, ''Gee, I want to spend more money on education; I want to put more money in child care; I want to put more money in rural health clinics; I think we ought to do more in research and science.'' Republicans who say, ''I think we need more law enforcement,'' or Democrats the same way—once we decide, and there is a lot of agreement.

This whole diatribe started with praise from the Senator from Rhode Island and the Senator from Idaho for their work on the Safe Drinking Water Act and I pause to note that the distinguished senior Senator from Missouri said quite accurately that we have authorized more than we will be able to appropriate for the infrastructure to keep our drinking water safe; that a dominant reason we are not likely to have the money for those kinds of investments is that we are seeing an increase year after year after year of money going to mandated programs.

Mr. President, 34 percent of the budget this year goes to appropriated accounts; 64 percent of the budget this year is mandatory programs and interest; 36 percent is left over for appropriated accounts. At the end of this 10-year cycle we have lost another nine points; another nine-point increase in mandatory and interest.

For all the rhetoric on both sides of the aisle about taxes, the one thing I say to taxpayers that has remained constant as a result of general success in keeping the economy growing, keeping the environment such that investors create the jobs like I mentioned with Steve Jones and Jim Clark earlier with Netscape and so forth, the companies that are creating wealth and creating more economic activity, that growth has enabled us even though we spend more money, the percent of the Federal budget of our economy has remained about 19 percent.

Unless somebody is proposing to increase that beyond 19 percent—that is your given—and what is happening is more and more money is going, a larger and larger share of that 19 percent, is going for mandated programs, leaving less for everything else.

I hope I persuade Republicans that there is an alternative course here for us, to vote to do something that will revolutionize our future. And I hope to persuade Democrats, as well, who want to collectively invest in education and so forth, that the only way we will be able to do that is to get our arms around these mandated programs in some more aggressive fashion than is even in the Republican budget proposal.

I appreciate the very kind remarks of the distinguished Senator from Washington, and I hope that the kindness begets kindness. I hope we end up into the day voting in a bipartisan fashion for something that does revolutionize our future, that does move us in a radically different direction than the one we are heading right now because, folks, we are heading in a direction we do not want to go.

We will end up in the future saying, why did we not do that when it was easy? It is easier today than next year. And it will be easier next year than the year after. This is not one where time is on our side.

As tough as adjusting the CPI by a point looks, as tough as it might seem to phase in over a 15- or 20-year period adjustment in the eligibility age from 65 to 70, as tough as those things look today, every year you wait it gets tougher to do it. Every year you wait we will have to impose changes that are more difficult for those Americans who have planned on those programs being there for them.

I yield the floor.

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

A BALANCED BUDGET

Mr. THOMPSON. Mr. President, first of all I, too, want to commend the Senator from Nebraska. I am sure he will not get used to it, but, for today, I do. Because I think the work he and Senator DANFORTH and Senator SIMPSON and others have done regarding the Entitlement Commission is probably the single most important effort that has gone on in this town for a long, long time. They probably feel like voices crying in the wilderness right now. But it will not always be that way. It is something that will grow. People pay more and more attention, because it is the fundamental truth and the most important truth that is in existence with regard to this entire effort.

I think the Senator from Washington, a few minutes ago, was absolutely correct in terms of his assessment of the current situation. We are talking about a short-term consideration and we are talking about a long-term one. The current situation is we have struggled mightily this year, with great difficulty, and we have produced a balanced budget. The President, while giving lip service to that proposition, is apparently going to do everything he can to avoid a balanced budget because it means giving up power, it means giving up spending authority, it means giving up prestige with regard to certain interest groups that elect people in this country.

But, hopefully, we will resolve those differences and we will wind up with a balanced budget. I know we are committed to it. The Senator from Washington is committed to it. That is what we promised we would do. That is what the American people said they wanted. We are going to take them at their word. It is just that simple. We can negotiate around the edges, but, as far as a commitment to a balanced budget, a real balanced budget, we are there.

The Senator from Nebraska makes a very fundamental point. In the middle of all this, it is very important that we keep in mind what we are doing now is just child's play with regard to the important issues facing this country. He is absolutely right that we are doing the more easy part of it now and putting off the more difficult parts for later on.

The thing that has been disturbing, I think, to many of us throughout this entire debate who are somewhat new to this process and just having come to the Senate is, as we take a broad view of it, it becomes so difficult even to get

to the first step. We are just really nibbling around the edges. The Government is still going to be growing at a tremendous rate. All these programs are going to be going at very substantial rates. Yet it is so difficult.

We are going to have to do more next year, as the Senator from Nebraska says. We are going to have to do more the year after that. We are going to have to behave and perform so well for so many years that, when you look at the current state of events, it is very depressing.

Frankly, that is one of the arguments I use for term limits. I am not at all sure we have what it takes as an institution to bite the bullet and do what we know has to be done, because we are bankrupting the next generation. These figures are not sustainable. The figures the Entitlement Commission has put out are not refuted. A handful of programs are going to take our entire gross national product in about 17 years in this country.

The question becomes, fundamentally, in a democracy can a democracy, once people have discovered that they can pay money to themselves, can they ever stop or can they ever restrain themselves or can they ever restrain the rate at which they are paying themselves from their own treasury?

Europe is going through the same kinds of problems that we are right now, and we do not have an answer to that question yet. So, either by getting people to come to this body and getting people in the White House with a different view, with a longer term view, or by having us have a change of heart in this body—these are the only ways that we going to solve these longer term problems that are lying out there, that are down the road.

I have always thought, and am more convinced every day, that in order to solve this problem, ultimately it is going to have to be both parties pulling in the same direction. It is going to have to be the White House and the Congress pulling in the same direction. As long as you have somebody in the White House who is going to demagog and scare old people and take millions of dollars worth of television time misrepresenting what the other side is trying to do, and as long as you have people in both parties who are timid about facing up to these problems that the Senator from Nebraska has been talking about and really just want to push them over and make the real tough cuts and heavy lifting 7 years down the road when they may or may not even be here, we are never going to get the job done.

I think it just points up, when we look down the road, the fundamental truths that the Entitlement Commission laid out before us, the disastrous consequences of even moving along the road we are on if we do not do even better. It sheds, really, I think, new light on what we are doing here. If we cannot do this, if we cannot make these incremental adjustments now without really hurting anybody—when we are talking about the difference of $4 a month in part B, the difference between what we are saying and what the President is saying—if we cannot get past that, if we cannot reduce the rate of spending by 3 or 3.5 percent a year in these programs that are eating us alive, if we cannot do that now, we do not have any hope as a nation.

Again, hopefully, the President will see fit to look past next year's election, on into the future and the kind of world our kids and grandkids will be growing up in, and try to do what is necessary to preserve these programs we say we all want, and we will get together and we will have a balanced budget for ourselves and for the benefit of our kids and the future and strength of this country.

I yield the floor.

SMALL FAMILY FARMS AND BUSINESSES

Mr. ABRAHAM. Mr. President, I rise today to talk about an important issue for small family farms and businesses in my State of Michigan and across our country.

Family businesses need estate tax relief. Federal estate or death taxes kill family-owned businesses. These taxes impose an unbearable burden on our Nation's most productive citizens—family business entrepreneurs. The estate tax eliminates jobs and permanently damages communities that depend upon these businesses.

Family businesses have the opportunity to continue growing and creating jobs for generations, instead of handing the business over to the IRS.

Current estate tax rates range from 37 to 55 percent. Faced with the tremendous burden imposed by this tax upon their death, business owners in my home State of Michigan and across the United States, will react in several of the following ways:

First, the business owner will not expand the business because large capital expenditures for long term growth make little sense when the family will soon be forced to sell or liquidate the business.

Second, the children will not participate in the business because the business owner, knowing that taxes will prevent children from continuing operation of a family business, will often discourage their children from working in the business and encourage them to gain experience elsewhere.

Third, the business owner will pay dearly in estate planning costs. Even if business owners have the foresight to plan early for their death, the expense of this planning, in insurance, legal and accounting costs, can be enough to eliminate the business' small profit margin. These extra insurance, legal, and accounting costs are especially burdensome because small businesses survive on cash flow, not profit.

Fourth, heirs may not be able to afford tax payments. Despite some planning, heirs are often still faced with a significant tax burden. Even paid out over time, taxes may be too much of a burden to survive in an internationally competitive market. Plus, what bank is going to loan money to a business that the IRS holds a first lien against?

Mr. President, I ask unanimous consent to have printed in the RECORD an article from today's Wall Street Journal, entitled ''Will Uncle Sam Inherit the Family Business'' by David Pankonin. This describes the terrible effects of estate taxes on his fourth-generation family business. Mr. Pankonin's story is typical of thousands of similar family businesses across the country.

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

[From the Wall Street Journal, Nov. 28, 1995]

WILL UNCLE SAM INHERIT THE FAMILY BUSINESS?

(By David Pankonin)

Cleaning out a box in the back office a few Sundays ago, I came across the hand-written contract that passed the family business from my great-grandfather to my grandfather. it was dated Dec. 8, 1910. That was the day my grandfather became proud owner of Pankonin's retail farm equipment company for the princely sum of $518.09. Farther down in the same stack of papers, I discovered a second document, a partnership agreement between my grandfather and my father, dated 1946. Times having gotten considerably more complicated by 1946, the document ran to two pages. The value of Pankonin's had risen to $8,912.66.

I plan to put those pieces of paper in a glass case out in our showroom. When our customers come in to see next year's new tractors and combines, they can see the little bit of the history my family has put into the place.

Statistically, my company shouldn't have made it this far. The survival rate for family firms for a first- to second-generation transfer runs about 30%. For firms that stay in the family from the second to third generation, that number drops to 4%. For the fourth-generation transfer that put the company in my hands, it's a fraction of 1%. At 16, my son isn't spending every moment thinking about his chances of running the family business, but as his father, I'd like to know what I'm working toward. Will I be able to pass the company inherited from my father along to my son—or in spite of what my will might say—am I just working hard to pay an heir called Uncle Sam?

My worry is a real one. According to a recent Gallup Poll, one-third of all small-business owners will have to sell outright or liquidate a part of their firm to pay estate taxes. Of those who have to liquidate to pay the Internal Revenue Service, half expect they'll have to eliminate 30 or more jobs. Another 20% of those firms put the number of employees they'll have to let go as high as 100 or more.

My father died when I was 23 years old, one quarter away from completing my MBA at Northwestern. When I came home for the funeral and decided to stay to run the business, my mother became my banker, generously extending me 100% of my financing. We made it work. Making it work the next time won't be so easy. The reason is that for tax purposes. Pankonin's and our dealership building is worth substantially more than in those early years.

Today at my company we've got 16 employees. They're not family, but they're the

next closest thing. If, after I'm gone, my wife has to shut us down, what will they do? Maybe it's not something you can measure in dollars and cents, but they've got a stake in this company, too.

At our store, we see plenty of people in the same situation. Farming is a high-investment, low-margin business. It's not uncommon to meet farmers who are paper millionaires—asset rich, cash poor. That may be hard for the rest of America to imagine; then again, maybe not. Think of all the retirees who own homes on either coast, bought 30 years ago for $30,000 but worth $350,000 today. I'll bet they don't feel ''rich'' either—at least until they sell their home and see that capital gains tax bill.

When my time comes, I'd like my son to be thinking about whether it's right for him to run the family business, not whether he's ready to saddle himself with a lien against the paper value of the business to pay the inflated estate tax—or whether he's calculated how many employees he'd have to let go to clear the bill with the IRS.

The best solution would be to exempt the hundreds of thousands of small family businesses across this country from the estate tax altogether. Congress and the president could haggle over how small is small, but the principle would be carried into policy. If the political climate isn't right for a complete exemption, then President Clinton ought to adopt the proposals Congress has built into its budget plan: Raise the federal tax exemption for family-owned business assets to $1.5 million, institute a $750,000 personal exemption and cut the tax rate for qualified small businesses in half for assets between $1.5 and $5 million.

President Clinton calls the tax reforms Congress is backing ''tax cuts for the rich,'' and says he's holding out for cuts that help American families. Nice rhetoric. If he's serious, he'll take a second look and support the tax reforms in Congress' plan. If the small family businesses of America don't get some relief, federal taxes may just be the death of us yet.

A FURTHER STEP TOWARD LASTING PEACE IN NORTHERN IRELAND

Mr. PELL. Mr. President, yesterday, British Prime Minister Major and Irish Prime Minister Bruton took a significant step toward breaking the deadlock that had beset the Northern Ireland peace talks for the last several months. The two governments agreed to establish an international commission headed by former Senator George Mitchell which will make recommendations regarding decommissioning and to work to hold all party talks by the end of February 1996. Their announcement, on the eve of President Clinton's visit, revives the twin-track approach to achieving a lasting peace in Northern Ireland. This is good news indeed.

Both Prime Minister Major and Prime Minister Bruton deserve a great deal of credit for moving the process along. The challenge now is to bring the various parties on board. All parties must recognize that it is in their interest to move forward. The situation in Northern Ireland today is completely different than it was just 16 months ago—prior to the cease-fire. There are, for example, fewer British soldiers occupying the streets of Belfast; no longer do Protestant and Catholic mothers have to worry that their sons and daughters will be struck down by terrorist violence; and both communities in Northern Ireland are beginning to focus their efforts on economic development rather than continued conflict.

I am certain that President Clinton will reinforce this message—that the momentum needs to continue—during his visits to London, Belfast, Derry, and Dublin. The Clinton administration's unfailing support for the peace process has been a significant factor in getting us to this point. I am hopeful that his visit will contribute to the momentum.

Finally, from a personal standpoint, I am particularly pleased that George Mitchell will head the international commission on the decommissioning question. I have a great deal of regard and respect for Senator Mitchell, and believe that he will bring a great deal of wisdom and creativity to this position. I can think of no better person for this important post.

THE IMPACT OF DESIGN ON COMMUNITY AND PRODUCT DEVELOPMENT

Mr. PELL. Mr. President, I rise today to note the extraordinary impact of design on community and product development. Many years ago I helped establish an Institute of Research and Design in Rhode Island. But to my regret, I was not able to get it properly launched. The organization was intended to help my State take advantage of the enormous economic benefits of new designs created by our citizens. Design impacts our economy, environment, education and social sphere. It is a strategic national resource with potential to improve the global competitiveness of U.S. products. Design is a tool to analyze problems, develop critical thinking and communicate solutions. It offers numerous opportunities for creative partnerships with government, manufacturing and technology industries, social and community planners, scientists and educators. As the following speech documents, all of us make design decisions in nearly every life activity.

Because of the presence of the internationally-acclaimed Rhode Island School of Design [RISD], Rhode Island attracts a large number of people to the State to discuss design issues. Last March, RISD hosted a National Design Conference, sponsored by the National Endowment for the Arts, that explored the main challenges for design in the coming century and ways in which design strategy can be better employed to increase American economic competitiveness. In mid-November, the National Assembly of State Arts Agencies held its annual meeting in Providence where the professional and volunteer leadership of the Nation's State and jurisdictional arts agencies discussed the challenges of leadership in the changing environment of public support for the arts. NASAA devoted the better part of a day to discussions of design programming, and featured Roger Mandle, president of the Rhode Island School of Design since 1993, as a keynote speaker.

An art historian, educator and current member of the National Council on the Arts who served as deputy director at the National Gallery of Art for 5 years following 11 years as director of the Toledo Museum of Art, President Mandle possesses a comprehensive perspective of the societal importance of arts and design. Rhode Island and the Nation as a whole have benefitted enormously from his work. Mr. President, I would ask unanimous consent that this important address delivered by Roger Mandle be printed in the RECORD following my statement.

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

DESIGNING TO MEET THE NEEDS OF THE FUTURE

(By Roger Mandle)

Thank you for being here today. It is more important than ever that we come together through gatherings such as this to plan the future of design in America, to in fact design the progress of our culture and our society. I am convinced that issues of design hold the key to the future, which isn't surprising, perhaps, considering my current role.

What I am going to talk about today is the importance of design in terms of community development and economic impact, and the potential of design for meeting the needs of the future. By ''design,'' I am referring here to both the noun and the verb. When I refer to the noun—the art of design and the discipline of design—I am thinking of good design, design that is appropriate, well thought-out and aesthetically pleasing. When we think of the verb ''design,'' we think of the creative process, the act of conception and invention. Today, I want to talk about how both aspects of design—the practice and its outcome—play a pivotal role in the world in which we live.

Practically everything we do in life—as individuals and as communities—involves a design decision. Whether consciously or not, we solve problems and make choices by following the design process, using creativity, experimentation, intuition and thought to come up with the ideal solution to the challenges we're confronted with on a daily basis.

As individuals we design everything from our careers to our homes, our dream vacations, even our own look. The process involves: examining the circumstances, defining the problem, considering the resources, trying certain arrangements, establishing probabilities and testing outcomes. In many ways, it is similar to the process a research scientist follows in testing a theory.

In making these day-to-day design decisions, however, we don't just want our homes or clothes to look good, we also need them to be comfortable and functional. Good design is the effective use of available resources in patterns, combinations and arrangements that provide pleasing solutions to needs. Good design makes the things you use everyday work better for you. It also makes good business sense, because products that are well-designed sell better.

To most of us in this room it's clear that art and design are essential to the health of

our communities not only from aesthetic, philosophical, psychological and emotional vantage points, but due to sheer economics. As communities, corporations and countries have become ever more multinational in scope, they have come to recognize that to remain competitive in the world marketplace, they must rely on strong design.

Here at RISD we've noticed in the past five years that increasingly more business leaders and heads of state and local governments are awakening to the fact that design matters, that it, in fact, is among the most important components of community and product development.

On a national level, the importance of innovation in design is now recognized through the annual Presidential Design Awards. It is also recognized through such critical conferences as this and the one the NEA is planning for this winter, with RISD as a major sponsor and organizer.

Internationally, there are lessons to be learned from countries such as Finland, Sweden, Denmark, Germany and Switzerland—to name but a few—where good design is a way of life. I recently returned from a trip to Korea, where art and design have long been valued not only for contributing to culture but for strengthening the economy as well.

At RISD and the country's other leading art and design colleges, the correlation between good design and a strong economy is underscored through a wide range of industry- and community-related projects. U.S. News & World Report's annual guide to the best colleges in the country, which was released earlier this fall, points out that contrary to popular perception, an education in the arts and design to no longer destined to lead to a life as a starving artist precisely because of this correlation. ''Reality and art education may sound like contradictory notions,'' the article suggests, ''but they are quietly merging at the nation's leading colleges of art and design.'' (I am happy to add that in this same issue of U.S. News & World Report RISD was evaluated as the top visual arts college in the country.)

Projects that connect students with the real world and have a tangible economic impact not only provide them with practical skills for future employment, but serve industry by providing research and development services at a minimal cost. Corporations currently working with art and design colleges throughout the country have tapped into the creative energy and talent on these campuses to research and develop a wide range of products.

In addition, municipalities turn to institutions such as RISD for a range of design services, including help in planning basic infrastructure needs. For instance, RISD runs a Road and Land Institute that brings engineers, landscape architects, city planners and others together to discuss the aesthetic as well as practical needs of new and expanding roads.

Art and design schools also offer the commercial sector access to creative think tanks where students and faculty can actually develop such innovations as the ideal ''Universal Kitchen'' for the 21st century, an example of a current collaboration between RISD and Frigidaire. RISD students have been working with MBA candidates from Harvard and MIT to design, develop and market innovative products of the future, many of which have formed the seeds of successful new businesses.

While RISD has been collaborating with Nissan, the Art Center College of Design in California is renowned as a training ground for the world's leading auto designers and in return, enjoys support from General Motors and other industry leaders. By the same token, nearly every animated film since the 1980s has been produced by alumni of California Institute of the Arts, founded in the '60s by Walt Disney and his brother Roy. Thanks to industry support for CalArts, the college has in essence returned the investment by educating the creative talents behind every recent Disney blockbuster, from The Little Mermaid and Aladdin, to The Lion King and Pocahontas.

Art and design colleges also offer ideal settings for partnerships with the business world such as one RISD is undertaking with a local business school, Bryant College. Together, we are creating a Center for Design and Business as a joint venture with regional companies. The Center will offer a wide range of educational programs and services to help artists and designers develop competitive business skills. It will also promote design excellence in all areas of business and foster innovative product development. Through the Center, we will help local companies to translate ideas, technologies and resources into viable commercial products and will also stimulate the region's economy and create new jobs.

All of these examples emphasize the importance of design education to the future of our economy and the well-being of our communities. Unless we offer design students a solid foundation in the economic, political, social and historic forces that shape our society, however, they have little understanding of the contexts in which they're expected to find innovative solutions. Before we can acknowledge them as some of society's best thinkers—the people we turn to for answers and breakthroughs—designers need to be educated to be socially responsible citizens of the world who are equipped to grapple with and solve problems of our own making.

We have been polluting the world with noxious fumes, poisonous words and violent acts for too long. Technology may bring us closer to these problems, promising to help us figure out solutions to them, yet it creates a more complicated network of issues to confront than before. The principles of good design can offer us a way out of this maze of self-destruction. But how?

Recently, entrepreneur and visionary Paul Hawken spoke to the RISD community about the importance of design to the future of our economy and the environment. Hawken's message, which some of you may be familiar with through his books The Ecology of Commerce, Growing a Business and The Next Economy, is essentially this:

''If every company on the planet were to adopt the best environmental practices of the 'leading' companies—say, the Body Shop, Patagonia, or 3M—the world would still be moving toward sure degradation and collapse. So if a tiny fraction of the world's most intelligent managers cannot model a sustainable world, then environmentalism, as currently practiced by business today, laudable as it may be, is only a part of an overall solution. Rather than a management problem, we have a design problem, a flaw that runs through all business.''

Hawken goes on to point out that: ''Just as every act in an industrial society leads to environmental degradation, regardless of intention, we must design a system where the opposite is true, where doing good is like falling off a log, where the natural, everyday acts of work and life accumulate into a better world as a matter of course, not a matter of conscious altruism.''

As a society, it's essential that we rectify this most fundamental of all design problems if we're to ensure our existence into the next century and beyond. Together, we need to use our heads—our collective creativity—to puzzle our way out of societal dilemmas and to design a sustainable future. Hawken proposes redesigning the manufacturing process along with the product so that the durability and recyclability of the end product and its by-products are accounted for at the beginning of the process. Here, more than ever, design matters.

By definition the arts and design are problem-solving pursuits capable of proposing answers to some of our most gnawing human dilemmas. In our communities, issues of design aid in rethinking public housing, strip malls and the layout of neighborhoods, and in creating optimal functionality in our classrooms, hospitals, libraries and parks. In education, the arts help build understanding across disciplines, create passion for learning, heighten the sensibilities of students, and give them tangible evidence of their progress.

Design, which by its nature requires exploration and experimentation, helps foster an open mind. It also fosters a mode of thinking that sounds very simple but eludes many of us: it enables people to think visually—to think creatively—and solve problems with speed and clarity.

At colleges of art and design around the world, we teach our students to see things others don't, enabling them to find solutions, alternatives and opportunities other people might overlook. If a manufacturer turns to RISD, for instance—as they frequently do—and asks for help in designing a better toaster, we might in fact design an economical, ecologically sound toaster that looks better than any you've ever seen. But we're also just as likely to interpret the request as an invitation to come up with a better way to make toast instead.

Young artists and designers use their unique ability to see and to think creatively to launch an astounding array of new businesses, capitalizing on their rigorous but flexible education to pursue careers that are deeply satisfying. As a result, you'll find graduates of these schools doing everything from creating magnificent public sculpture and making feature films, to designing software, weaving fabric from recycled plastic and inventing better bicycles.

People educated at art and design schools teach some of the most innovative classes in our nation's public schools, art direct some of the catchiest commercials on television, and produce some of the most popular music in the country. Not surprisingly, perhaps, the education tends to be flexible enough to allow others to go on to become successful doctors, lawyers, politicians, and nationally acclaimed restaurateurs.

''So what?'' you may ask. Well, all of this activity—the result of artistic energy and talent—demonstrates that design is, in fact, integral to our lives, that design matters.

Paul Hawken urges us to find new ways to design business so that we effectively use natural resources in a sustaining, non-destructive manner. Stephen Sterling has shown us that our values relating to the use of our natural resources are based on the Western linear view of history and causation, which amplifies the idea of limitless maximization. Bigger must be better, regardless of whether it requires the use of more and more resources, further degrading our environment. Our approach to production has been literal; it now must be poetic. We must find solutions that are metaphors from continuity and for survival, that enable us to treat life as a cycle—as a spiral in which growth is controlled by intelligent use and replacement of resources. Here again, innovative design is the answer.

As we all recognize, the social and cultural problems facing America's cities and towns today are significant. At a time when our society promises so much material wealth, few are able to benefit from it; the great irony in this land of plenty is that so little is available to those who need it most. Now that

Congress is proposing to eat away at the limited programs we do have, what will we design to replace them?

In a world so rich in resources, logic dictates that the most basic life sustaining options should be available to those who so desperately need them. In this context, of what value are design and the arts?

Maslow's hierarchy of needs places the arts and education at the top of the ladder, with food, shelter, and the more ''basic'' necessities at the bottom. But as a society we are just now beginning to recognize that the effective delivery of reasonable services and products to those with few means can be achieved through good design.

Right now a small team of RISD students, faculty and alumni are working to develop portable, low-cost housing for the world's refugee population in conjunction with the UN High Commission for Refugees and the Red Cross.

RISD is also working with Habitat for Humanity to develop new designs for affordable housing, and designers in a number of our urban centers are creating low-cost shelters for the homeless. In addition, we are looking to designers to work with engineers in developing electric cars and other more energy-efficient forms of personal and mass transportation to replace outmoded gas guzzlers of the past.

In order to enable artists and designers to lead in their chosen fields, those of us charged with guiding the country's art and design institutions need to work with schools to recreate curricula, reallocate resources, and expand experiences for students that teach appreciation and respect for human creativity and invention as well for limited resources.

The future into which these students will be launched is already at hand in many respects. We know that it will be technology-driven for communications, visualization, and information. We know that resources will be ever more scarce, and the options for using them constrained by the long-term effects of manufacture. We know that our nation, indeed the world, is filled with the tensions of boundaries that are ever more sharply dividing people by color, language, religion, and region. We know that the need to create educated, creative, and tolerant citizens is even more important than at any other time in history—and that our nation's willingness to invest now in the education of these citizens of the future is still in question.

Why? Because art and design, by their very nature, represent change. They may help us adapt to change, to express that change and create chances for it, but to many people this is more threatening than comforting.

''The artist and society have a tentative relationship,'' says Jane Alexander, chairwoman of the National Endowment for the Arts. ''The artist is often the sentinel on the precipice, heralding change as it peaks over the horizon. Artists challenge, ask difficult questions, and rattle our cages. They can make our skin itch, or souls bristle, and touch us to the heart's deep core.''

What this conference aims to do and we need to do as a nation is to recognize the values and thought-systems inherent in design-related fields. We need to help our neighbors understand the vital importance of the arts and design in creating strategies to rebuild and enhance our communities.

When former Apple CEO John Sculley spoke at RISD's Commencement last June, he challenged our graduates to be either a mirror of society and reflect what's going on, giving their interpretation or perspective, or to be a lens that shows what can happen, what the possibilities are.

Throughout history, of course, artists and designers have held a mirror up to society, producing work that chronicles where we are or suggests where we might go. Rosanne Somerson, head of RISD's new Furniture Design Department, reminded me of the other day that furniture, like clothing, speaks volumes about a society at any given point in history. When else but during the Sixties, for instance, would we have invented the bean bag chair and mini skirts? Next fall, to illustrate the symbiosis between design and society, RISD's Museum will host the first of a two-part exhibition on Dress, Art & Society, curated by Lorraine Howes, head of our Apparel Design Department.

Design and the manufacture of products not only captures the pulse-beat of society at any given time, but sends important signals about what we value. Urban planning also affects our lives, creating social strategies out of our living spaces.

Who had ever even heard of workstations a mere 10 years ago or considered the concept of phone books, encyclopedias or the entire collection of our National Gallery on CD? More importantly, how would any of these innovations have been developed without the critical input of designers?

What we are witnessing in the latter years of this century is the pivotal turning point when technology is being handed by the engineers who created it to us to use. It's artists and designers, however, who will help us make the most of it. Designers are creating the visual language of software, influencing not only what we see on screen, but how we explore and process information. Here again, as Sculley points out, it is not the technology that is important, it is the consequences of the technology—how artists, designers and others make use of it.

One hundred and eighteen years ago RISD was founded by women with foresight and commitment to the improvement of society. These 19th-century visionaries realized that the arts and design are an essential ingredient in the vitality of a community, of an economy and of a nation.

And they weren't alone. An intelligent appreciation of art and design has always been part of the American democratic promise. Our Founding Fathers recognized this and upheld it.

''I must study politics and war,'' John Adams wrote to his wife Abigail, ''that my sons may have liberty to study mathematics and philosophy. My sons ought to study . . . navigation, commerce and agriculture in order to give their children a right to study painting, poetry, music, and architecture.''

At times it is difficult to fathom that as a nation we seem to have strayed so far from the underlying sentiments that made this country strong. When our government spends less that 5/100ths of one percent of the national budget on all forms of cultural subsidies, how can Speaker Gingrich continue the pretense that the proposed elimination of federal funding for the arts has anything to do with the national deficit?

The politicians of the day somehow ignore the fact that art and design are serious business and that without a minimum federal investment as an incentive there will be a far smaller return. You have all heard the figures—that for every dollar of federal support, the NEA and NEH help leverage $16 in private funding. Yet our Speaker of the House still fails to acknowledge that the not-for-profit arts—organizations such as the ones many of you in this room work with and support—employ 1.3 million people, generate $37 billion a year in economic activity and most importantly for those concerned with the bottom line, return $3.4 billion a year to the federal treasury through taxes. This return is 20 times the dwindling budget of the NEA.

During its 30-year history, the overwhelming majority of NEA grants have supported projects that include such laudable design innovations as architect Bill Warner's plan for the Providence river front. If you haven't already had an opportunity, while you're here you should take a walk along the completed portion at the foot of the hill, just south of the train station. It was thanks to a small NEA grant that Warner originally proposed a major waterfront revitalization project in the city that is having enormous repercussions for business, industry and the state's economy. For Rhode Island, the vision of this one designer has definitely made a difference.

''Great artists and designers have always been discriminating people,'' says painter Alfred DeCredico, a RISD graduate and one of our associate professors of Foundation Studies. ''The life work of great artists and designers constitutes a commitment to humanity and to what they believe is true. What is often perceived as arrogance and an insistence on control is in reality an adherence to an ethical stance,'' DeCredico goes on to point out.

This ethical stance can help illuminate and define the progress artists, designers, art educators and advocates make as a creative community. In a wider sense, the arts and design also help shape or mirror the values of society. In my view, artists and designers are central to each level of human existence, from the basic provision of food and shelter, to the sustenance of community, manufacturing and governance.

In conclusion, I want to reiterate that in this age of high-speed information and economic uncertainty, the need to recognize the value of good design has taken on great urgency. Either by plan or default, we are designing how we wish to be remembered as a society.

To maximize the potential impact of good design on solving the challenges facing our communities, designers need to be adequately educated, properly nurtured and competitively compensated. In short, they need to be recognized as invaluable contributors to the future health and well-being of society. Once that happens, the possibilities will be staggering.

CHINA'S ARREST OF DISSIDENT WEI JINGSHENG

Mr. PELL. Mr. President, last week, while the world's attention was focused on new hopes for peace in Bosnia, the Chinese Government formally arrested and charged its most famous dissident with sedition. Wei Jingsheng, who has been imprisoned without charge for the last 20 months, is known as the father of China's still-fragile democracy movement. Wei's formal arrest signals a renewed hardline approach on the part of the Chinese leadership to internal criticism of the Government.

The timing of Wei's arrest is telling. It comes alongside China's push for entry into the World Trade Organization as a developing economy. The United States, joined by the European Union, Japan, and Canada, insists that China has a strong exporting economy that can meet the open-trade standards demanded of other member economies. China continues to reject this standard and argues that it is being excluded from the organization and isolated by the United States and the West.

I strongly believe that we need to engage China and my reading of current

United States policy is that we are doing so. The United States has no containment policy and we are not isolating China in any way. But if China wants the benefits of being an active member of the international community, it must accept the standards and play by the rules of that community. On human rights or on trade, China cannot expect to flagrantly violate international norms with impunity. United States criticism is not an attempt to isolate China, but the opposite; China's willingness to abide by international standards will make its acceptance into the international community all the easier.

On trade, I commend the administration for continuing to insist that China meet the standards which are commensurate with its economic status. On human rights, I urge the administration to lead the West by working for a resolution censuring China's human rights abuses at the next annual meeting of the U.N. Human Rights Commission in Geneva. There has been growing world support for such a resolution in recent years as China's treatment of its own citizens and of Tibetans continues to fall far short of the criterion of the international community. Now is not the time to reduce our efforts to pass this resolution; Wei Jingsheng's arrest shows the necessity for continued international focus on China's behavior.

China has urged the United States to overlook its human rights abuses and forgo working for a U.N. resolution, just as it has urged the United States to ignore its growing economy and allow its entry into the World Trade Organization using lower standards. In both cases, the U.S. response must be the same. If China wants to be respected as an important international actor, it must meet the expected behavior of one. If it wants the United States to stop criticizing its human rights practices, it must stop giving us reason to do so. Releasing Wei Jingsheng and other political prisoners would be an important first step.

HIGH SCHOOL COMPUTER USE IN VERMONT

Mr. LEAHY. Mr. President, I have spent a great deal of my time in the U.S. Senate working on telecommunications issues, and studying how changing technology is having an impact on our Nation. In particular, I have been interested and concerned about the effect of the so-called information superhighway on rural States like Vermont.

With this in mind, I asked a young student at Champlain Valley Union High School to take a broad survey on computer use in his high school. What I will include in the RECORD is the report that this student, Steve Waltien, sent to me recently.

I find his results fascinating and encouraging. You will see the vast majority of high school freshmen and seniors are familiar with computers, and use computers whether in school, at home, or both. Now, I realize that Champlain Valley Union High School is not necessarily indicative of the rest of Vermont or the Nation. It is no doubt on the cutting edge of new technologies, and is led by one of the finest principals in the country, Val Gardner.

But Mr. President, this study shows just how dramatically our lives are changing; in particular, it shows how dramatically our children's lives are changing. The decisions we make on issues affecting access to telecommunications issues will have a direct impact on our children, especially in rural areas like Vermont.

I am grateful to Steve Waltien for his well-written and thorough study. He and I have e-mailed each other on this subject, and am delighted to share his work with my fellow Senators.

I ask that a study on high school computer use be printed in the RECORD.

The study follows:

COMPUTER USE SURVEY

(By Stevenson H. Waltien III)

INTRODUCTION

The Internet and other rapidly expanding components of the so-called ''information super-highway'' are becoming more and more popular with all age groups. As of now, there is little government regulation of the ''menu'' available on the Internet. This presents an interesting issue for our law-makers: is use of these systems of great enough significance for the government to take some kind of role in their existence? The environment of a high school seemed to be of interest because of the growing technology being offered there. It was decided at an early point that it would be extremely difficult to survey the entire school, and therefore might be more beneficial and reliable to survey only the Freshmen and Senior classes to see computer use at both ends of the age spectrum at Champlain Valley Union High School. The intent was that the survey would provide Senator Patrick LEAHY with some statistics about rural high school use of computers and the Internet. These results could be used to indicate the extent students in a rural school use computers regularly and how they use them. The survey was conducted between September and November of 1995.

THE SCHOOL

Champlain Valley Union High School is located in Hinesburg, Vt. and is the public high school for the towns of Hinesburg, Charlotte, Shelburne, and Williston. The school is comprised of over 950 students. The communities that make up the school are mostly middle class. The school prides itself on having extremely high standards of technology. There are approximately 250 computers at CVU, the majority of which are Apple Macintoshes. The school has a computer lab which is open to all students during their free time. It is comprised of both IBM and Macintoshes. The Physics program has approximately 20 Power Macintoshes that make up the Physics lab. The school also has a foreign language lab and a business lab, with roughly 30 units each. The majority of computers in the lab are connected to the school's 128-kbps Internet connection. Students have access to most of what is available on the net, including the World Wide Web and other popular net services.

RESULTS OF THE SURVEY

The survey was distributed to the Freshmen through the Freshmen core program at CVU and there was an almost immediate result with 96% of the Freshmen responding. The seniors were harder to reach in that there is no single class which all seniors take. The surveys were distributed through the advisory program in which all students participate. Due to the difficulty of student and faculty schedules however, there was only a 70% response to the senior surveys. Although this number may be low, the data is statistically valid due to the similarities in answers for all seniors and the fact that those who responded do not leave out any particular group or type of student. The advisories that responded show a random group of students, therefore it is a good sampling of the class as a whole. Two hundred and seventeen Freshmen and one hundred-forty Seniors responded. The results are as follows:

Percent of those surveyed owning a home computer:
- Freshmen—90%; Seniors—91%

Percent of those owning a home computer that use it:
- Freshmen—97%; Seniors—98.5%

Percent of those owning a home computer with family members who use it:
- Freshmen—86.5%; Seniors—96%

Amount of computer use per week by percentage (home computer owners):
- Less than 1 hr.—Freshmen: 6%; Seniors: 5%
- 1–3 hrs—Freshmen: 20%; Seniors: 16%
- 4–6 hrs—Freshmen: 74%; Seniors: 79%

Primary uses of home computer:
- Word Processing/Homework—Freshmen: 95%; Seniors: 97%
- Internet/E-mail—Freshmen: 20%; Seniors: 20%
- World Wide Web—Freshmen: 11%; Seniors: 9%
- Games—Freshmen: 39%; Seniors: 30%

Percent of students who use school computers:
- Freshmen—68%; Seniors—93%

Primary uses of the school computer:
- Word Processing/Homework—Freshmen: 80%; Seniors: 82%
- Internet/E-mail—Freshmen: 34%; Seniors: 70%
- World Wide Web—Freshmen: 20%; Seniors: 27%
- Games—Freshmen: 4%; Seniors: 6%

Degree of influence school computer usage has had on overall computer use:
- High—Freshmen: 24%; Seniors: 47%
- Moderate—Freshmen: 41%; Seniors: 40%
- Little or none—Freshmen: 35%; Seniors: 13%

CONCLUSIONS

It is shown that usage of school computers is much higher for seniors even though home computer ownership is almost equal. According to the results, 25% more seniors use school computers than freshmen. The majority of seniors say that access to computers in the school has greatly influenced their overall computer usage. It would appear that computer education earlier in a student's career enhances additional use. The key seems to lie not in computer ownership, but rather with computer knowledge. The earlier students become fully computer literate, the earlier they utilize the tools they possess more effectively. There are possible reasons to account for the large discrepancy in the percentage of freshmen and seniors using computers in school. The freshmen have not been exposed to the computers as long, and the courses they take are not as challenging to require as much computer usage. Yet it is clear that seniors use computers for more

than just class work, therefore their exposure must have left an over-all positive impression.

It is interesting that E-mail and Internet usage basically doubles for freshmen and triples for seniors when they are in school as opposed to at home. This can probably be explained by the fact that they may not have access to the Internet at home, or even if they do, they do not have the sophistication of technology available at the school. This does tell us that if these systems are available at schools, people will use it.

A fascinating statistic is that family computer use rises almost ten points between freshmen and senior years. This tells us that the computer education young people are getting in school may be influencing their families to try out computers with their children. According to the survey, about 90% of homes within this population own a personal computer. This can be compared with a national estimation of only 35%. This can be partially accounted for by the higher than average income in this area, but one has to wonder if the influence of computers in schools encourages people to go out and buy a home computer, and, further to avail themselves of high technology enhancements such as Internet access and on-line services.

CVU COMPUTER USE SURVEY

Participants: This is a survey that will be used to assist the United States Senate through the offices of Senator Patrick Leahy as they endeavor to craft legislation that will enhance computer access and resources to students throughout the country. Senator Leahy hand-picked CVU as a reliable source to retrieve this information. With this in mind, we ask that you take the time to complete the survey honestly.

1. What grade are you in?
   Senior Freshman
2. Do you have a computer at home?
   Yes No
   (if no, skip to question 7)
3. Do you use your home computer?
   Yes No
4. Do other members of your family use your home computer?
   Yes No
5. How extensive would you say that YOUR computer use is?
   Rarely used (less than 1 hour per week)
   Sometimes used (1 to 3 hours per week)
   Used Often (4 to 6 hours per week)
   Used very often (more than 6 hours per week)
6. What are your primary home uses for the computer?
   Homework/Word processing
   Internet/e-mail
   World-wide web
   Computer games
7. Do you use a computer in school?
   Yes No
   (if no, skip to question 9)
8. What are your primary uses of the school computer?
   Word processing/problem solving
   Internet/e-mail
   World-wide web
   Computer games
9. How has computer access in the school influenced your overall computer usage (both at home and in school)?
   Greatly influenced
   Somewhat influenced
   Had little or no influence

PARTIAL-BIRTH ABORTION BAN ACT HEARING

Mr. HATCH. Mr. President, I have had delivered to each Senator a copy of the transcript of the Judiciary Committee's November 17 hearing on H.R. 1833, the Partial Birth Abortion Ban Act, together with inserts and written submissions. Since the distribution of these materials, I have received answers to written questions from another one of the witnesses who testified at the hearing. I ask unanimous consent that a letter from Dr. Norig Ellison to me be included in the RECORD.

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

AMERICAN SOCIETY
OF ANESTHESIOLOGISTS,
November 22, 1995.

Re H.R. 1833, the Partial-Birth Abortion Ban Act of 1995.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR HATCH: Thank you for inviting my participation in your Committee's hearing on H.R. 1833.

I appreciate the opportunity to reply to the written questions of Senator Leahy. The only one of the six questions which falls within my area of expertise is number four:

4. Do analgesics and anesthetics given to a pregnant woman undergoing an abortion provide any pain relief to the fetus, even if the medication stops short of killing a fetus?

Drugs normally cross the placenta from mother to fetus according to a concentration gradient. The effect on the fetus of drugs administered to the mother will depend on (a) fetal condition, (b) the route of administration, and (c) the timing.

a. Fetal acidosis will facilitate transport of local anesthesia such as lidocaine, which is a weak base, into the fetus.

b. Drugs administered intramuscularly achieve peak concentrations lower than intravenous administration, with the resultant decrease in placenta transport of the former.

c. Drug administration intramuscularly will have no effect on infants born within one hour after administration; in contrast, birth 2–3 hours after intramuscular administration may result in depressed infants. Conversely, intravenous administration of drugs will have maximum depressed effect in babies born ½–1 hour after the administration.

d. Very little is known about fetal response and consciousness to pain prior to 24–25 weeks gestation. It is clear that a pregnant woman can receive an effective anesthetic for cesarean section, and the fetus when delivered within the next half hour will be exquisitely sensitive to pain stimulus and will respond by crying and avoiding the stimulus more than 95% of the time.

In direct answer to question number four, drugs administered to the mother, either local anesthesia administered in the paracervical area or sedatives/analgesics administered intramuscularly or intravenously, will provide not-to-little analgesia to the fetus.

In closing, I reiterate that the pregnant woman in need of urgent, even life-saving surgery, need not defer same due to misinformation regarding the effect of anesthetics on the fetus.

Sincerely,

NORIG ELLISON, M.D.,
President.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's Energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians talk a good game—and ''talk'' is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote.

Mr. President, as of the close of business, Wednesday, November 29, the total Federal debt stood at exactly $4,988,882,588,134.46 or $18,937.88 per man, woman, child, on a per capita basis. Res ipsa loquitur.

Some control.

THE ASSASSINATION OF YITZHAK RABIN

Mr. ABRAHAM. Mr. President, earlier this month, the whole world stopped to pay respects to Israeli Prime Minister Yitzhak Rabin, a soldiers, a statesman, and a visionary committed to security and peace for the people of Israel and of the entire Middle East.

Yitzhak Rabin dedicated his life to the survival of the State of Israel and to the crusade for peace, a crusade that ultimately took his life. His death is not only a loss for his family, the people of Israel and Jews across the world, but also to all those dedicated to the search for a true and lasting peace between Israel and its Arab neighbors.

As a military leader, a diplomat, and a Prime Minister, Yitzhak Rabin was at the center of major events through his nation's five decade history. It was, after all, General Rabin who led Israel's armed forces to victory during the 1967 Six Day War. And it was Prime Minister Rabin who, 23 years later, on September 13, 1993, signed an historic accord that put Israel on a glidepath toward peaceful and normal relations with the Palestinian people.

During his professional life, Yitzhak Rabin did much to strengthen the relationship between the United States and Israel. As Ambassador to the United States, Mr. Rabin repeatedly communicated and demonstrated to officials of the United States Government Israel's unyielding commitment to United States interests in the Middle East and around the world. And in every other post in which he served—Army Chief of Staff, Defense Minister, and Prime Minister—Yitzhak Rabin always earned the respect, admiration, and friendship of American leaders from both parties.

While I did not know Yitzhak Rabin personally, I had the honor of joining him at the White House some weeks ago for the signing of the Oslo II Agreement, one of the many historic developments of which Mr. Rabin was an architect. I remember at that ceremony thinking about how much progress had been made in the Middle East over the past several years. I was impressed by the extent to which this fragile peace process had been kept on track despite

what seemed at times to be insurmountable hurdles. Yitzhak Rabin was critical to keeping the delicate process moving forward. This, however, was not his only accomplishment since he began his second term as Prime Minister in 1993. Prime Minister Rabin orchestrated the Israel-Jordan Peace Treaty, the normalization of relations between Israel and Tunisia, Israel and Morocco, and the acceptance of Israel by many others in the Arab world and around the globe.

Mr. President, on November 6, I joined some 4,500 members of Detroit's distinguished Jewish Community to pay tribute to Yitzhak Rabin at a memorial ceremony organized in my State by the Detroit Jewish community Council and the Detroit Jewish Federation. It was an incredibly moving experience for me and my wife Jane. We listened to Jewish leaders from Detroit talk about their memories of the slain Israeli leader and all he had meant to the Jewish people. I especially was struck by the message of the last individual who spoke that evening, Rabbi Steven Wiel. During his remarks, Rabbi Wiel posed the following question: ''Do we not love what we love more than we hate what we hate? Do we not love the chance for peace, do we not love the state of Israel, do we not love our Jewish brethren, do we not love human life more than we may hate decisions made by political leaders with whom we may disagree?''

Mr. President, the hatred that Rabbi Wiel spoke of may have been acted upon by Yigal Amir in Tel Aviv on November 4, but it exists in various forms throughout the Middle East and in too many other places in the world. This hatred can be found in individuals of all faiths and of all nationalities. And if we truly are committed to a lasting peace in the Middle East, we not only must help Israel overcome its most recent tragedy, but we must also unite leaders from the entire region against the hatred of those who have tried and will continue to try to derail this peace process through heinous and murderous crimes. In this vein, I have already pledged my strong support for Mr. Rabin's successor, Shimon Peres, and I commend Israel's leaders from across the political spectrum for seeking to unify the Israeli people during this tragic time. It is absolutely essential that the United States stand behind Prime Minister Peres and the citizens of Israel as they work to overcome this crisis and continue to work toward peace.

I believe the greatest way the United States can pay tribute to our partner, Yitzhak Rabin, is to continue to assist the efforts of those trying to make peace in the Middle East. Any peace that is achieved forever will be attached to the name of Israeli leader and peacemaker Yitzhak Rabin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I send a bill to the desk. I ask it be properly referred.

The PRESIDING OFFICER. The bill will be properly referred.

MR. GLENN. I thank the Chair.

(The remarks of Mr. GLENN and Mr. DEWINE pertaining to the introduction of S. 1439 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

BOSNIA

Mr. D'AMATO. Mr. President, our Nation has always been willing to fight for the values and freedoms that our Nation, our flag, and our Constitution represents. We have always met that test. America and Americans have always stepped forward. My father served in World War II, my uncles, our neighbors, sons, daughters. That was a time and a war when every American understood that our basic way of life was being threatened. There was a direct obligation for each and every American to do his or her part, and Americans met that challenge, and individuals were willing to face the dangers of loss of life to protect and preserve the freedoms that the next generation of Americans share today.

Mr. President, I submit, there is no compelling American interest in Bosnia that meets that standard that would jeopardize or put our children and our grandchildren in such a dangerous situation. It is an unwinnable, untenable civil war in a place called Bosnia.

As a parent, I do not wish my sons or daughters put in harm's way, and I cannot imagine that any other parent would be willing to risk the lives of their children in a peacekeeping operation in Bosnia.

The President has not made a compelling case to sacrifice one American life, let alone place 20,000 U.S. troops in a dangerous, dangerous situation. Sending American troops to Bosnia is unnecessary, it is wrong, and I will oppose it with every fiber in my body.

Mr. President, I will have more to say about that. But let me suggest to you, getting 20,000 troops in may look somewhat grand as they come marching off, as the tanks roll in, as there will be crowds well orchestrated for the TV cameras to see them cheering, but how long will they have to serve? How will they get them out? Do we really believe they are going to come out in 1 year? The administration is already wiggling on this. How many lives will be lost?

This administration's track record in being able to keep its promises and meet its obligations in similar situations has not been a good one. Certainly, it was a disaster in Somalia, when a mission that started out as one for peacekeeping and one to give food to people was changed.

Certainly, as things are unraveling today in Haiti, we have every reason to believe that upon the withdrawal, if our American troops are withdrawn on time, there will be an unraveling, once again, and the citizens of Haiti will find themselves, once again, at war.

I think it is naive to really think that by putting 20,000 troops—and by the way, there are going to be about 40,000 troops in that region, 20,000 in Bosnia. The cost is astronomical, not to mention the danger to our troops.

I think it is absolutely disingenuous for the administration to now come forward and say the United States will lose prestige abroad because they brokered this peace on the basis of sending U.S. troops there. They were warned repeatedly by this Congress, by this body, by the House of Representatives, that clearly we were opposed to sending troops there, and to say now that we are going to be having them there and for us to be less than supportive, and that this would embarrass the President, embarrass the Nation, endanger our relations with NATO is to ignore the fact that the President deliberately undertook this operation, was well aware of the opposition of the citizens of the United States and of the Congress and does not—and does not—deserve at this point in time our support.

Our support should be to protect the lives of our U.S. troops, to see to it that if we are going to enter a conflict—and this is a conflict that has been brewing for hundreds of years—that there is a vital national interest.

Should we work to bring about peace? Yes. But I suggest putting 20,000 troops in and promising to take them out in 1 year is not going to end over 500 years of hostility. It is wrong.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes.

THE DEPLOYMENT OF UNITED STATES TROOPS TO BOSNIA

Mr. DOLE. Mr. President, the entire Nation has its attention on the deployment of United States Forces to Bosnia. Congressional hearings on the peace agreement began this week. The President received a NATO troop deployment plan for the implementation force today. Many of my colleagues have made statements on the issue.

I have long urged that we lift the arms embargo in Bosnia and let the Bosnians defend themselves. This would have been the best option for Bosnia and the United States. It would

have been the legally, morally, and strategically correct approach. Lifting the arms embargo would have also been the best way to avoid sending United States troops to Bosnia. In fact, had we done that, lifted the arms embargo, we would not be talking today about deployment of U.S. Forces.

The record should be clear. We are where we are today because the President repeatedly—and let me repeat, repeatedly—rejected Congress' bipartisan effort to lift the embargo.

We should also be clear at this end of Pennsylvania Avenue. It is time for a reality check in the Congress. The fact is that President Clinton has decided to send United States Forces to Bosnia. The fact is that these troops will be sent—and indeed some are already there. The fact is by next week, there will be a couple thousand American soldiers on the ground in Bosnia.

The President has the constitutional power as Commander in Chief to send these forces. The Congress cannot stop this troop deployment from happening. The President and senior advisers have repeatedly said they will proceed with the deployment, whatever the Congress does. If we would try to cut off funds we would harm the men and women in the military who have already begun to arrive in Bosnia.

So we should find a way, if possible, to support the American men and women in uniform on their way to Bosnia and who will be in Bosnia—I assume a full 20,000, they say, by February.

Like all Americans, I have real concerns about this operation. First, I am concerned about the possibility of American casualties. The men and women of our Armed Forces are volunteers. But that does not make their lives any less valuable than those of draftees or any other category. They know the risks. We have an obligation to do all we can to reduce those risks. We can reduce the risk to American Forces by limiting their mission to enforcing only military provisions of the peace agreement: That means no Somalia-like nation-building.

We can also reduce the threat to U.S. Forces by making it crystal clear that any attack on our troops will be met with an overwhelming, rapid, and decisive response. No more cumbersome command arrangements limiting ability to retaliate—no more U.N. second-guessing or dual key veto authority. The United Nations will not be involved. This is a NATO operation. It will be an American general making these decisions.

The second major concern is that American Forces will be drawn into a quagmire with no way out. Many people are concerned about that because the administration has not articulated an exit strategy; and setting an arbitrary date is not an exit strategy.

Bring them out in a year—what does that mean? That is not a strategy. Who knows what the strategy is?

The President has a plan to get us into Bosnia but no realistic plan to get us out. Keeping Bosnia defenseless is not an exit strategy. Relying on Utopian arms control schemes is no exit strategy. Relying on unnamed third parties is not an exit strategy.

The United States must have its own exit strategy to control its own destiny. We should not be dependent on the good will or actions of other nations. The only way to make certain that United States Forces will be able to leave in a timely and honorable way is to ensure that the Bosnians are provided the means to defend themselves when we leave.

What is needed is a concrete effort, led by the United States, to arm and train the Bosnians. This effort should not be contingent on so-called builddown provisions in the Dayton agreement.

I understand administration officials said this morning that the United States or NATO would not be involved in enabling Bosnia to defend itself. In my view, it is an abdication of responsibility to rely on unspecified third countries to create the conditions that allow withdrawal of American forces. The sooner we start to enable Bosnians to defend themselves the sooner United States Forces can come home.

In my view, the definition of success of this deployment must include a real end to the war—that is only possible with the creation of a stable military balance which enables Bosnia to defend itself. Anything less simply exposes American Forces to great risks in order to monitor a temporary interlude in the fighting. In other words, I guess if they all came home next year there might be a temporary interlude to get us through the November activities of 1996, and I am not certain it would last very long.

Over the coming days—in fact, we have been working on it a couple of days—we will be working on a resolution that I hope the majority of my colleagues can support. We have not yet seen the final NATO implementation plan. In fact, as I said earlier, the President just received it today. I do not want to make a snap judgment. I hope we can fashion a resolution that offers support to our military forces, that helps reduce the risk they face, and that ensures American Forces come home as soon as possible with a successful mission accomplished.

I urge my colleagues to not make this a partisan issue. I have been debating issues like this in the Senate floor for 20-some years. I was debating cut off of funds in the Vietnam war, and my colleague, Senator MCCAIN was a prisoner of war. We stood on this floor day after day after day beating off efforts to shut off funding which I thought would have a direct impact on men in the service like JOHN MCCAIN and others who were in that part of the world. We had some success.

Let me suggest that the overwhelming votes to lift the arms embargo were bipartisan. They were Democrats, Republicans, and they were bipartisan with bipartisan leadership.

I believe the best foreign policy is conducted with bipartisan support. I know that the Senate votes on Lebanon and the gulf war were much more partisan in my view than they should have been.

Indeed, I was dismayed, as I have said before, in the gulf crisis there was not a single member of the Democratic leadership in either the House or the Senate, when we already had troops on the ground, that would support President Bush's decision to protect American interests in the operation Desert Storm.

I have had a long feeling that once the troops were deployed—which is going to happen; it is already happening—that we have some obligation to ensure their safe and honorable return. I have often and long felt it is too important for partisan posture. I know the easy vote on this is ''no, no.''

I hope that some of my colleagues will look at it very carefully. We are talking about troops that have been committed. They are on their way. They will be there next week. We are going to be debating this next week on the Senate floor. Someone will say no troops should be deployed. It will be a little late for that, so it is probably not a difficult vote.

Others of us, hopefully on both sides of the aisle, want to make certain, as I have said, that we have a way to get out. It is not hard to get in, but we need a way to get out. We need an exit strategy. We need to make certain that the Bosnians are armed and trained. We need to take on that responsibility.

I know the Bosnians tried to secure that assurance in Dayton, OH, without success. If we do not have that, how do we leave? When do we leave? How long will it take?

I just hope we can all work together in the coming days to fashion a resolution which supports our military forces, reduces the risk they face, and brings them home as soon as possible. Some would say, ''Well, if you do this, you are supporting the President of the United States.'' I say that is all right with me. We have one President at a time. He is the Commander in Chief. He has made this decision. I do not agree with it. I think it is a mistake.

We had a better option, many better options. But as I said, he repeatedly rejected those options. Now it is up to high noon. The troops are on the way. They are from Kansas, from Arizona, from Tennessee, they are from Ohio, they are from all over America. They are looking to us for support. They are looking for us to make their job just as safe and just as secure as possible.

I believe we do that. The bottom line, the President intends to send these troops one way or the other. He has made it very clear. He has told us that. It has been in the paper. I think we have the responsibility, as I said, in the Congress, to try to ensure to our best ability, that as this deployment goes forward, that we create the conditions to end it quickly and successfully so

that the U.S. Forces can return to their families.

I am very happy to yield the floor. I know my colleague from Arizona wanted to make a statement.

OUR MISSION IN BOSNIA

Mr. MCCAIN. I congratulate the distinguished majority leader on a statesmanlike and nonpartisan statement. I will briefly add to it. Again, I hope his statement is paid attention to by colleagues on both sides of the aisle.

I would like to restate in my opening remark what the distinguished majority leader has just stated, what we must understand, and what should be a framework for whatever debate ensues next week on the floor.

The American people and my colleagues should understand one salient fact. The President will be sending 20,000 Americans to Bosnia for 1 year, whether we approve or disapprove.

We can argue about whether the President should have made the commitment almost 3 years ago to participate in the peace implementation force in Bosnia. As Senator DOLE just stated, there are many other options I would have preferred to have employed besides this one. I would not have made that commitment. But the reality is the President did so commit and those troops are going to Bosnia.

The President has the authority under the Constitution to do so, and he intends to exercise that authority with or without our approval. We can cut off funding, but the President will veto, and his veto will, without any doubt, be sustained. Even if we should force the President to renege on his commitment, we should understand that there would be very negative consequences to such an action. The credibility of the word of the U.S. President is an enormous strategic value of the American people and essential to our security. I urge my Republican colleagues to consider, in their deliberations on this question, how high a premium they would place on the credibility of a Republican President and place that same premium on this President's credibility. Our friends and enemies do not discriminate between Republican and Democratic Presidents when the word of an American President is given. When the President's word is no longer credible abroad, all Americans are less safe.

Another consequence would be the severe damage to the stability of NATO, the most successful defensive alliance in history.

And, finally, all signatories to the peace agreement have stated that, absent United States participation in the implementation force, the war in Bosnia will reignite. I repeat, the war in Bosnia will reignite and the atrocities we have all come to abhor will continue.

Therefore, I intend to do everything in my power to ensure that our mission in Bosnia is, as the President said it would be, clear, limited and achievable, that it has the greatest chance for success with the least risk to the lives of our young men and women. That is our responsibility as much as the President's, and I intend to take that responsibility very seriously.

We can best achieve this by ensuring that our Armed Forces do not engage in any nonmilitary activities such as refugee resettlement or other nation-building activities for which they are not trained. Therefore, we should condition our authorization of this deployment on the prohibition against our forces enforcing any other aspect of this agreement, other than the military provisions of the military annex to the general framework agreement.

Further, we must ensure that the goals of their mission are clear and achievable and will justify, to some extent, the risk we will incur. A clear exit strategy is not time based but goal based. We must ensure that the peace we enforce for 12 months has a realistic prospect to endure in the 13th, 14th, 15th month and, hopefully, for years beyond that.

Essential to that goal is a stable military balance. To achieve that balance, we will have to see to it that the Bosnian federation has the means and the training to provide for its own defense from aggression after we have withdrawn. Therefore, I believe our authorization of this deployment must be conditioned on the concrete assurance that the United States will do whatever is necessary, although without using our soldiers who are part of the implementation force, to ensure that the Bosnians can defend themselves at the end of our mission.

Some will want to pursue military equilibrium through the arms builddown envisioned in the agreement, but to assume in a few months we can persuade all parties to build down to rough military equilibrium is incredibly naive. We should rightly have little faith in the prospects of arms control negotiations in such a short period. Therefore, we must insist that before we leave in a year there is a stable military balance which will have been achieved by helping the Bosnians to acquire the arms and the training to defend themselves that we have denied them for 4 years.

In closing, let me again urge my Republican colleagues to consider very carefully the institution of the Presidency as they deliberate on this very difficult question. I spent much of my life defending the credibility and the honor of the United States. I have no intention of evading that responsibility now.

Therefore, I intend to work on a resolution with Senator DOLE and, hopefully, all of my Senate colleagues, that will maximize the prospects for the success of the mission and minimize American casualties. I am fully aware that in doing so, I will bear some of the responsibility in the event the mission fails. I do so readily, because my first responsibility is to do everything in my power to support and protect the fine young Americans we will send to Bosnia and to ensure that whatever sacrifices they will endure, they will have done so for a cause that was worthy and winnable.

I yield the floor.

Mr. DOLE. Mr. President, let me just take a moment to thank my colleague from Arizona. He knows as well as I do what the public opinion polls are showing; 80 percent, in some cases higher, ''Do not send the troops.'' As we have tried to point out, that is not the option anymore. The option is to have an exit strategy and to make certain that in that exit strategy we train the Bosnians so they can be an independent force to defend themselves so we can come home; second, to take every step we can to ensure the casualties will be as low as possible.

The Senator from Arizona is not unaccustomed to courage and making courageous stands—this is another example—in the face of public opinion. But that is what leadership is all about. I have to believe, once the Americans are there starting next week and once the images on television are of Americans and the children and the families and the security they have, the attitude of Americans will change.

The Senator from Arizona made a point that I think deserves repeating. That is, NATO—NATO has been very important. It has preserved freedom for a half century. We have given our word. In effect, we are NATO, as far as I am concerned, the United States. Without the United States as a partner in NATO, you would not have NATO.

But, in addition, the President of the United States, without consulting Congress, but it was the President of the United States in 1993 who, in effect, gave his word that the United States, if there were peace to keep, would send 20,000 Americans as part of a 60,000-member force. Then we invited all the parties to come to Ohio, to Dayton, OH, where they stayed for about 3 weeks. The implication was clear. The Americans had taken over the negotiations. The peace talks had broken down. I talked with the Prime Minister of Bosnia less than 3 hours ago. They were all packed, ready to go home; then Mr. Milosevic, the President of Serbia, made some concessions. But the implication throughout was that the United States would be the principal player. You cannot have peace, according to him, unless the United States is present. Not that they do not have great respect for the Europeans who have been there and the U.N. Protection Forces for the past several years, who lost about 200 lives total.

So, it seems to me that our responsibility now is not to say we are going to pass some resolution here that says—it is only two lines long: ''The Senate is opposed to deploying U.S. forces.'' Let me repeat. They are going to be there next week, about 3,000.

They are already deployed and the others will follow.

We do have some responsibility, when the President of the United States, whoever that may be, gives his word to the international community that this is what will happen and this is a responsibility we will assume.

So, I hope we have a good debate. We hope to start it next Wednesday, if we can. It is not going to be easy. It is not politically popular. But it is the right thing to do, and sometimes it takes a while for people to understand when you do the right thing.

So I commend my friend from Arizona, Senator MCCAIN. I know he understands, probably better than anyone on this floor, what loss of freedom and loss of liberty might be like—what it was like for him for several years. So this is about America. This is about American forces. This is about our responsibility as Congress—not about Republicans and Democrats. It is about the Congress. As the Senator said, we could cut off funds. That would be vetoed. I do not think anybody wants to cut off funds.

And I do not suggest everybody who has a different view is posturing. But there will be some of that. There always is. So, this is a very important time in American history.

It is a very important commitment that the President has made. We wish he would have listened to us—this Senator, the Senator from Arizona and the Senator from Connecticut—about lifting the arms embargo a year ago. We would not be talking about sending American troops now. But that did not happen. So here we are.

I believe the Congress will do the right thing. We will end up supporting U.S. forces. We will attempt to do everything we can to reduce casualties, and we will have an exit strategy in the resolution. We believe it will be bipartisan. We hope that we can have the same spirit of bipartisanship in the House and that we can send a resolution to the President for his signature—if not next week, the first part of the following week.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. There is very little I can add to the eloquent words of the majority leader, except that I would also like to note the presence of the Senator from Connecticut, Senator LIEBERMAN, who has labored long and hard on this issue in a very bipartisan fashion. He and I, the majority leader and others, will be working on this resolution so we can get it to the floor, get it debated, and get it passed as quickly as possible.

Mr. President, often bandied about by politicians is reference to the Constitution of the United States. It is very clear to me that the President of the United States, by virtue of his election by a majority of the American people, has the authority to send these troops. I believe that it is up to us to do everything we can to ensure their safety, and if that means that there is some political damage inflicted by that decision I will hearken back to my first responsibility, and that is to minimize the loss of a single American life. I believe we can do no less.

I want to thank the majority leader, and I look forward to hearing the views of my colleagues. I hope that we can work together with as little rancor as possible on this very emotional, divisive issue.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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

Mr. President, I rise to offer respectfully a word of thanks to the distinguished majority leader and to the Senator from Arizona.

The Senator from Arizona described the remarks of the majority leader as statesmanlike. I say that the remarks of the majority leader were more than statesmanlike. They were, in fact, patriotic in the sense that, in taking the position that he has, he has put the interest of his country ahead of politics. All that I know about the majority leader says to me that one should not be surprised to see him do that. Nonetheless, the action he has taken today should not pass without being commented on, and should be appreciated.

Senator DOLE and I, Senator MCCAIN and others, Senator BIDEN on this side, have been working in a bipartisan way now for almost 4 years through the administration of President Bush, and now President Clinton, trying to create a reaction that was effective to what we have seen all along—acts of aggression against Bosnia, taking advantage of its military weakness, and ultimately becoming not just acts of aggression but acts of genocide.

The four of us, and others on both sides, ultimately becoming a resounding majority, a bipartisan majority, cried out for the raising of the arms embargo, feeling it was immoral, it was unfair, and it was unrelated to reality to continue to impose on the warring parties there an embargo that was adopted in 1991 as an attempt to stop the war from breaking out. But the war did break out.

On one side, the Serbs possessed most of the military war-making capacity of the former Yugoslavia. On the other side, the Bosnians had little or none, and, as a result, they were victimized.

Particularly after the attack by the Serbs on the undefended, so-called ''safe haven'' of Srebrenica and the brutal, inhumane slaughter that occurred there, this brought the United States-led NATO to carry out a series of air attacks that finally convinced the aggressors that the rest of the world would not stand by and watch wars spread in Europe, watch people be slaughtered because of their religion, watch NATO and the United States lose their credibility and the respect that they enjoyed throughout the world. President Clinton led the effort in NATO to carry out those air strikes and then designated Secretary Christopher and Ambassador Holbrooke to bring the stature and force of the United States of America to bear to bring the parties to peace. No other country in the world could have done this. It is remarkable that each of the warring parties trust the United States more than any other country in the world. That is to say, that all three of them trust us. In Bosnia, in the Middle East, and perhaps in Northern Ireland, we have credibility, and we have strength. With that strength comes responsibility. But I would say also that with that strength and credibility comes increased security for each and every citizen of the United States.

I agree with the commitment that President Clinton has made to send these 20,000 troops to be part of an international force of 60,000 because I understand that without that commitment, there never would have been peace, the three warring parties would never have come to the peace table and our allies in NATO would never have joined to keep the peace. So while I strongly support the commitment that was made—and I understand that my friends and colleagues who have just spoken do not—what I particularly respect and appreciate is that the Senate majority leader and the Senator from Arizona understand that the question now is not whether we all agree with the commitment that was made; the question now is whether we will honor that commitment. What is on the line there is the credibility and reliability of America's word in the world, of America's leadership in the world.

Somebody asked in the Armed Services Committee hearing that we held on Tuesday of a panel of witnesses, three people who had served in various administrations, ''Is Bosnia worth dying for?'' And, of course, each and every one of us hopes and prays and believes that there will not be casualties among our forces, that we are taking every precaution, learning from Somalia and Haiti, and how important it is to limit our objectives here with the military objectives easily carried out, to make sure that our troops have robust rules of engagement, which means if their safety is threatened in the slightest they can strike back with overwhelming force. But we understand that there are risks involved in any military operation, any sending of American troops to a zone where there may be combat, even if it is to keep the peace as it is today.

While we understand all of that, what is important here is that my colleagues have to answer the question which the former Under Secretary of Defense answered on Monday when the question was asked, ''Is Bosnia worth dying for?'' He said, ''That is not the right question.'' In the gulf war situation,

after Saddam Hussein moved into Kuwait, the question appropriately would not have been, ''Is Kuwait worth dying for,'' because there was much more on the line there as there is here. What is on the line here is the credibility and the reliability of the word of the President of the United States, who alone has made this commitment and is authorized to execute the foreign policy of the United States.

Five-hundred and thirty-five Members of Congress cannot be at every meeting, every negotiation that the President of the United States is involved in. The Presidency, beyond this President, must have that reliability, that credibility, that strength. In that strength and reliability rests not just some distant esoteric governmental structure or authority point of view; in that reliability rests the security of each and every American.

So I thank my colleagues for understanding that there is more at work here. The reliability and credibility of our word, the controlling of a conflict, hopefully ending a conflict that could have spread and become a wider war and drawn us in later on at a much higher price, the renewed strength of NATO on which we will rely to help us share the burdens of peacekeeping, not just here but around the world.

We called on NATO allies in 1990 and 1991 in the gulf war and said we needed their help, and our allies came to our assistance, fought by our side. Today, in effect, they in Europe are asking our help—not to do it all, but to provide one-third of an international force. Who knows? A year or two from now, we again may find that some strategic interest or moral principle of ours has been challenged around the world and we will turn to our allies in Europe and NATO and ask them for help. If we say no today, then what can we reasonably expect them to say to us tomorrow?

So, Mr. President, I thank again the majority leader and the Senator from Arizona for rising above politics and partisanship, doing what is not popular but doing what they have concluded and I believe is best for our country and best for those 20,000 soldiers who are going into peacekeeping in Bosnia.

The last thing I think we would want to do is to send those 20,000 soldiers into Bosnia wondering whether they have the support of anybody besides the President of the United States. It is up to us in Congress, as representatives of the people of this country, every State and district of this country, to say to those brave soldiers—the finest fighting force that has ever existed in the history of the world, in my opinion—we are with you. We stand behind you. The time for partisan debate is over. You have a mission to do, and now we are focused on doing everything we can to support your mission and to help, as Senator DOLE has said, to make sure that it can be carried out swiftly, successfully, and with good effect.

I agree with my colleagues that part of that is to make sure that the Bosnian military is adequately armed and equipped to deter aggression once the NATO peacekeeping force leaves Bosnia.

Mr. President, there are moments when not only the people of the United States but Members of Congress are disappointed, frustrated, discouraged by what happens here. There are other moments when we are elevated and inspired and encouraged because we see among our distinguished colleagues an extraordinarily able group that has been sent here from around the country. We see really the finest, in a sense I would say the most noble of human behavior, real acts of leadership, and I respectfully suggest that we have seen such an act from the Senate majority leader today and from the Senator from Arizona.

I look forward to working with them and, hopefully, with a strong bipartisan majority of colleagues, to draft and then pass an appropriate resolution of support for those 20,000 troops and for the President and the Presidency that has made this commitment.

I thank the Chair, and I yield the floor.

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.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on November 30, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes.

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on November 30, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1638. A communication from the Chairperson of the United States Commission on Civil Rights, transmitting, pursuant to law, the report entitled, ''Funding Federal Civil Rights Enforcement''; to the Committee on the Judiciary.

EC–1639. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations on disclaimers on campaign communications; to the Committee on Rules and Administration.

EC–1640. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period July 1 to September 30, 1995; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Darcy E. Bradbury, of New York, to be an Assistant Secretary of the Treasury.

David A. Lipton, of Massachusetts, to be a Deputy Under Secretary of the Treasury.

Joseph H. Gale, of Virginia, to be a Judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

David C. Williams, of Illinois, to be Inspector General, Social Security Administration.

Melissa T. Skofield, of Louisiana, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. DOLE:

S. 1438. A bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; read the first time.

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. GORTON):

S. 1439. A bill to require the consideration of certain criteria in decisions to relocate professional sports teams, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN:

S. 1440. A bill to amend the Social Security to increase the earnings limit, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 1441. A bill to authorize appropriations for the Department of State for fiscal year 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, and for other purposes; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. GORTON):

S. 1439. A bill to require the consideration of certain criteria in decisions to relocate professional sports teams, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FANS RIGHTS ACT OF 1995

Mr. GLENN. Mr. President, I want to address the situation we face in professional sports at the moment. What I am introducing today is a bill we call the Fans Rights Act. I believe we truly are at a crossroads in professional sports. When we talk about professional sports and introducing legislation, obviously the first question is why on Earth do we want to get the Government involved in professional sports? Keep our mitts out of that area. Stay away from it. We have no business getting into the area of professional sports.

Yet, I would say that we are into a situation now that I think is very important. I think it is important for the country. It does involve professional sports. Why get Government involved? Professional sports, the way they are organized, do have to come to Government for antitrust exemptions and for permission to use broadcast money for various purposes and spread across interstate—a whole host of things where Government does, indeed, get involved.

Beyond that, Americans are sports minded. Part of the fabric of the daily life of the United States is looking at the ball scores, looking at the scores on the weekends, and watching the professional sports teams operate. I think Senator SPECTER, at a hearing we had yesterday, put it well when he said, ''America has a love affair with professional sports.'' Indeed we do have a love affair with professional sports. We even have sports idols, of course, that are the role models for many of our young people. It goes into the whole fabric of this country. I will not belabor that idea any further.

The shock waves of the Cleveland Browns' proposed move to Baltimore extend far beyond just the State of Ohio. Every community with a professional sports team needs to know this: Any city in America can fall victim to a bidding war in which the interests of loyal fans and communities are given very little consideration.

Quite simply, if it can happen in Cleveland, where loyal fans supported the Browns through thick and thin, then, Mr. President, it can happen anywhere. Other communities may have been willing to grin and bear it, but in Cleveland, we are drawing a line in the sand and we are here to say that enough is enough.

The new economics of sports is a zero sum game in which teams seem to bounce around the country and taxpayers too often are left holding the bag.

Unfortunately, professional sports leagues, like the NFL, actually have little ability to regulate the movement of their own member teams. They cannot enforce their own bylaws that franchise holders agree to when they become members of the league. There is no process involved to allow a community to have any protection or input before such moves. A team simply picks up and goes, leaving behind fans, businesses, and a community that has invested vast emotional and financial support.

Judging by the barrage of reports during football games each Sunday on nightly hockey broadcasts or in the sports pages each day, it would seem to lead us to believe that almost half of America's sports franchises are looking for greener pastures.

Let me run through just a few of the things being considered right now.

In Texas, the Houston Oilers have announced they are moving to Nashville. In Florida, the Tampa Bay Buccaneers are rumored to be moving up to Orlando. The Chicago Bears are considering an offer to move over the border to Gary, IN.

If that is not confusing enough, this past weekend various NFL commentators reported that:

The Buccaneers will end up in Cleveland with the Browns' name;

The Buccaneers will end up in Baltimore and the Browns will be sold;

The Oilers transfer is not a done deal; and

Both the Seattle Seahawks and Arizona Cardinals are talking about relocating to Los Angeles, which lost both its teams in moves before this season.

Does anyone find it ironic that the Cardinals are talking about relocating to Los Angeles to replace the Rams who moved to St. Louis to replace the Cardinals after they moved to Phoenix?

No wonder the sports fans find it tough to even follow those moves. These are the people we are concerned about, not just those in the skyboxes. We are talking about the average American whose family has supported a franchise through season tickets, parking fees, T-shirts, and paraphernalia through concessions for decades and decades and decades, because it is those people who are the true fabric of American sports.

It is those people who are truly hurt when a flagship team like the Browns threatens to leave town.

We are here today to say that it is time to give a voice to the fans of America. That is what the Fans Right Act we are introducing today is all about.

I think the league knows they have a basic problem. We have talked to Commissioner Tagliabue about this, and actually the league does not have control over where these franchises go even though their own bylaws say that a vote of the league owners will determine where the teams go.

The problem has been that a few years back one of the owners decided to move anyway, even though the league had voted against him, on a move of the Oakland Raiders to Los Angeles, in effect thumbing his nose at the league when they voted that he could not move. He was taken to court. The league lost, and there was about a $50 million penalty assessed against the league, even though their own bylaws that the owner had agreed to said that the league could control the move.

That is the situation we find ourselves in.

Let me hasten to add that this is not an antiowners bill in any way, shape, or form. It does not prohibit the owners from making money. It does not limit the amount of money they can make. It does not stop them from cutting the best deals they can with their host cities. It does not even bar them from moving their teams to the other locations if there are good reasons for doing so. But it does require them to play by the rules that they themselves set and vote upon. It lets the league have the final say whether a transfer will be made or will not be made. Right now the league does not have that authority because it has been taken to court and shown that they did not have it.

I realize that professional football, like all big league sports, is a business. It is a big business. But a business is comprised of its owners, its workers, and its customers. Team owners have rights. They do not hesitate to enforce them. Team players have rights, and they do not hesitate to enforce them either. The third part of that is I believe the team customers—the fans—have some rights also, and that is what this addresses.

I say it is time that we help them enforce those rights—not just in Cleveland but all across this great country. If it were just one move, well, all right. I would doubt that would be the subject of any legislation here on the floor of the Senate. But, as I indicated earlier, this has become a basic problem in professional sports, and we are trying to address that problem.

So while we recognize that professional sports franchises are clearly business and we must consider profit, we also believe Congress should take a number of steps to, in effect, help the league in its ability to control the destiny of the league. That is a power they do not now have. It gives them the power to increase stability and ultimately preserve the integrity of professional sports.

Let me turn to some of the details. We accomplish the first by providing sports leagues with a very narrow, limited exemption to antitrust laws if the league has voted to block a move. Let me read that again. We accomplish it by providing sports leagues with a very limited antitrust exemption if the

league has voted to block a move. This exemption would say that if the league prevails, they could not be taken to court in a situation like that. And the exemption would shield sports leagues from the likes of the $50 million antitrust lawsuit that we saw the Raiders win in the 1980's and from the types of lawsuits the NFL is currently fighting in court. What we are trying to do is let them run their own business but do it fairly.

Yesterday, at a hearing before the Judiciary Committee, Commissioner Tagliabue asked for such an exemption so that the NFL could enforce its own bylaws. I discussed this with him in my office several weeks ago when I had written him a letter and told him what I was thinking about doing and the proposal we were about to make.

So today we propose that Congress give the NFL and other sports leagues the legal ability to block the move of a team if they think it is not in the best interest of their sport. By law, we will require that these leagues abide by their own bylaws, which currently take into account fan loyalty and community support, their own bylaws that some owners see fit to not go along with even though they have agreed to those bylaws when they accepted the franchise in the league.

Second, our legislation would also require that teams give communities at least 6 months' notice before a relocation can occur. This would allow communities facing a team relocation the opportunity to put together bona fide offers to purchase the team or induce it to stay. The sports league would be required to take these efforts into consideration as it considers a team relocation. And it would require a hearing so that people like Mayor Mike White in Cleveland and Art Modell, the owner of the Browns, could sit down together, with Cleveland and the Nation watching, and publicly discuss whether it is such a great idea for the Browns to leave Cleveland and what the reasons are for leaving.

Third, our bill has a fair play clause. It says to owners thinking about moving their teams that no longer can they give a so-called relocation fee to the league, which I understand may be even distributed to the other owners before their vote, before the league votes on whether or not they should relocate.

This is something Mayor White has talked a lot about, and my colleague, Senator MIKE DEWINE, made a strong case for it in yesterday's hearings and at a press conference we had this morning. I know he will make his own statement on that shortly. He is on the floor now. But there are two things you can say about it. First, it is just plain fair, and it makes sense to put that kind of a limitation, a fair play clause, in there.

This bill sends a very clear message to the league and to the owners. ''We are giving you the tools that you yourselves have said you need to put your house in order. We are giving you authority to enforce your own bylaws that you all agree to and say you will play by. Congress does not want to run your business.'' I do not want to be involved in running the business out there.

I think this legislation is much needed so that it can bring some order to what is a rather chaotic situation in the league now. I hope that this will be looked at very, very carefully at the January 17 meeting of the league in Dallas, which I believe is their current schedule.

I believe this legislation, simple though it is, can fix the problem. It can fix the problem. Make no mistake, there are far harsher proposals out there that Congress may be inclined to consider. I know the distinguished Senator from Washington, who is in the chair right now and is the Presiding Officer of the Senate, has proposed some legislation in the past and has had experience with this in his home State in getting a team to stay and in setting up conditions that go along some of this same line. I know he feels that programs do not go far enough in what we are proposing here and has said so publicly this morning. So I am not telling tales that were private conversations of a day or two back.

All I am pointing out is that there are harsher proposals out there. I do not want to see Congress forced to take these harsher steps, these tough steps. I would rather see the league take this authority we are giving them now and act on it, control their own league, and get on with the business of making sure that everything is very fair.

Baseball has its own set of problems, of course, and there have been proposals in the past to take the antitrust exemption away from baseball. But the one thing to say about baseball is they have had authority to keep teams where they were and to not just float teams around willy-nilly, all over the United States.

I was told this morning that it has been 24 years since a major league baseball team moved, that the new teams we have in the league are expansion teams. I have not checked that out, but I guess that is correct. It indicates that if you have authority to go ahead and run the league and to pass on the franchises and where they will be, there can be some stability.

I will be introducing separate legislation which would allow a community to keep the team name in the event of a relocation. That will not be part of this legislation I have just submitted today. But the team name in the event of a relocation would remain, and the community could waive this right if it wishes to do so. I am working with Congressman HOKE in the House and Senator DEWINE on that bill, and it will be introduced separately at a later date.

I cannot think of any football team or any sports team for that matter that has enjoyed more loyal and fervent support from its community than the Cleveland Browns. Week in and week out, whether their record might be 13 and 3, or 3 and 13, just the opposite, over 70,000 fans regularly pack Cleveland Municipal Stadium to show their support to the Browns.

At the hearing we had yesterday, Senator THURMOND, who was chairing the hearing, talked about how in his home State of South Carolina there is a loyal band of Cleveland fans, ''dawgs'' as we call them around Cleveland, as they call themselves, and the ''dawg pound,'' as they call the area where this particular group always sits in Cleveland Stadium, and Senator THURMOND said they have 800 South Carolinians who are loyal Cleveland fans and meet every time there is a Cleveland game. I told him then I had not been aware that we have a remote dawg pound, as we call it in Cleveland, down in South Carolina.

I relate that only to indicate the loyalty of Cleveland fans all over the country. So this move cannot take place because anyone thinks there has been a lack of fan support or lack of fan interest in the Cleveland area.

Mr. President, with this legislation, we say to fans in Cleveland and across the country, any sport that boasts it is played in America and made in America, as football has been termed, should be operated fairly in America also. So I think once again we are at a crossroads in professional sports, and I think this legislation will take us down the right path from that crossroads. Let me just say for all of you outside of Cleveland who may be listening, it happened to us in Ohio, in Cleveland, and it could happen to you. I think the legislation we are proposing today will go a long way toward giving the National Football League the ability, the legal ability, which they do not now have, to control their own league. It gives them the legal ability, and I think they will use it judiciously and properly and stop some of this turmoil of disruption that we see in the league right now, the way it has been operating in the last few years.

I yield the floor.

Mr. DEWINE. Mr. President, I am very proud to join my colleague from Ohio today in cosponsoring this piece of legislation. The senior Senator from Ohio has very eloquently outlined the need for this legislation. Let me also talk about a few items that I feel are important, because this legislation is not just about the Cleveland Browns. Really, this legislation is about how tax dollars are spent. This legislation is about equity. It is about fairness. It is a bill that would ultimately help protect professional football fans everywhere. The question is asked many times, particularly this week when we are talking in this city about important issues such as Bosnia and the budget, why should Congress even think about becoming involved in professional sports?

I think the answer is threefold. First, in 1966, the NFL-AFL wanted to merge,

and they came to this Congress to ask for specific exemption of the antitrust law, and that was granted. Later on, when they wanted to pool their resources, pool the TV money, again the NFL came to this Congress, to the House and the Senate, to the American people, and said we want special legislation. That legislation was passed and signed into law, and they operate under that law today.

In virtually every move that is contemplated today in professional sports, certainly in regard to the purported move by the Browns from Cleveland to Baltimore, tax dollars are involved, Federal tax dollars indirectly, local tax dollars both indirectly and directly. No move takes place today without subsidization by the taxpayers. In the case of the Baltimore-Cleveland situation, you have the Cleveland community that has not only supported the Browns with its individual money by the people who go to the game, not only watch the game on TV, not only the great loyalty of almost 50 years of the Cleveland Browns fans, but the community through tax dollars has put tax dollars back into Municipal Stadium over the years, and there has been a contribution. And so we see that case now in Baltimore with additional tax dollars. Yes, I know they are called lottery dollars. They are. But again they are public funds that are used to lure Cleveland over to Baltimore. So public dollars are involved and involved in virtually every single move. And so these are three good reasons I believe why Congress is already involved in the NFL, already involved in professional football. The only question before us is to what extent we want to be involved.

Senator GLENN has outlined the major provisions of this bill. The one provision which will give a limited antitrust exemption to the NFL owners if they turn down a move is, as Senator GLENN said, very limited, and it does have the effect, in my opinion, of facilitating the NFL in doing what they ought to do anyway, and that is, frankly, follow their own nine-point criteria. That is all anyone can expect them to do.

When anyone looks at the nine-point criteria that the NFL drew up to guide them, that they did in lieu of the Al Davis case—and they drew up nine points, very objective criteria—it is abundantly clear that if you objectively apply the criteria, the Cleveland Browns would simply never be allowed to move. It is not even a close call.

Here we have a community that has put an average of 70,000 people in the stands Sunday after Sunday after Sunday in good years and some years that maybe were not so good—almost 50 years of football tradition, NFL football in Cleveland.

The day after it was announced that the Browns wanted to move to Baltimore, a day after the infamous press conference in Baltimore was held, less than 24 hours later, the voters of Cleveland, in Cuyahoga County, voted by a 72 percent margin to tax themselves to keep the Browns in Cleveland—72 percent in 1995, with the antitax climate that we have today.

Here is a team that is rated No. 1 in the NFL, No. 1 in the NFL in TV penetration of their market. They get a bigger share of the TV market in the Cleveland area, throughout the Cleveland market, northeast Ohio, central Ohio, than any other team in the NFL.

So if you look at the criteria that is applied, objective criteria, how well has the community supported the team, how willing is the community willing to try to negotiate and to provide the things that are needed for the team to solve any problems the team might have, when you look at all the criteria, it is abundantly clear, on an objective basis, the Browns did not qualify. It is not even close. Baltimore should get a team, but it should not be the Cleveland Browns.

Let me turn, Mr. President, to another provision in this bill, and it has to do with something that I discussed yesterday with Commissioner Tagliabue when he testified in front of our Judiciary Committee, and that is this thing that is called the franchise relocation fee. This is, in essence, to boil it down, money that is given by the team that is moving to all the other NFL owners.

The last time this was done, the amount was, if you count the direct money and the indirect money, $46 million. The last time there was a move in the NFL, $46 million, they spread it among the other NFL teams. These are the same owners, same teams that have to judge whether or not it is in the best interest of football and the fans for a team to be able to move.

What this bill does is say you cannot have this franchise relocation fee. It is not right. It is not fair. It does not accomplish anything for the fans, for professional football, and certainly it does not make the decisionmaking process any more objective as carried on by the owners.

The deal between the Cleveland Browns and Baltimore in Maryland provides a specific provision. In that contract it provides that up to $75 million can be used for a franchise relocation fee, up to $75 million. I would submit, Mr. President, that it is not too far a stretch of the imagination to argue that the lottery funds, other public money, from Baltimore, from Maryland, will then go to the Browns, the Browns would then turn around and distribute this, on this relocation fee, to the other owners. I think it is abundantly clear what the problem is with this franchise relocation fee.

Mr. President, we are not in any way with this bill arguing or saying that teams should not be able to move. Teams should be able to move. They should be able to move if the market is not good, if there are problems locally that cannot be resolved. What we are simply saying, though, is that the movement should be based on merit, and there should be some logic behind that.

In yesterday's hearing, Mr. President, I talked with some of the witnesses, particularly witness Tagliabue, the commissioner of the NFL, about a couple changes I thought the NFL could make without any intervention by Congress. The franchise relocation fee is one. The NFL does not have to wait for legislation. They could do that tomorrow. They could change the rules and do away with that. And I think they should.

Another thing that the NFL could do would be to change their very, very strange—I do not know, Mr. President, a better word to describe it—but the very, very strange structure by which they share revenues in regard to people who go into those coliseums and ballparks every weekend.

Mr. President, if you or I buy a ticket, go in to see an NFL football game this coming Sunday, if we just buy a regular ticket, part of the money from that ticket will go to the visiting team, part will go to the home team. It is the way most professional sports divide the money up. The home team does get more, but there is a certain percentage. It works no matter where you buy the ticket. There is one exception to that.

This has to do with the luxury boxes. If you are lucky enough to be seated up in a luxury box, in comfort, looking down, the money you have paid or the money someone else has paid for that luxury box, for that seat, whatever you want to call it, that all goes to the home team. Well, this was a decision made apparently a few years ago by the NFL.

It did not take the owners and teams very long to figure this out. And so if you got extra money, if you got all the money from the luxury boxes, it put a premium on building more luxury boxes, in fact, put a lot of pressure on the teams to build these luxury boxes, because not only, Mr. President, do the teams get all of the money instead of just part of the money——

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DEWINE. Not only does all this money for the luxury boxes then go to the individual owner of the home team, but it also has the effect—I will not take the time on the floor of the Senate today to explain all the math of this—but it has the effect of driving up these salary caps because that salary cap is based on total gross revenue and based on formulas. Basically, it is 62 percent times the designated amount of revenue.

And so if one team, let us say team A, has no luxury boxes, but team B builds luxury boxes, not only does team B get all the money for the luxury boxes, not split at all with team A,

who they might be playing that weekend, but team B, by getting that luxury box money, drives up the salary cap, not just for them but for everybody. So team A has their costs go up. So it is almost like being on a treadmill.

The NFL has created a system by which everybody has a real incentive to go out and build luxury boxes. What that means is they are either going to build them in the home coliseum or the home park, or they are going to make the incentive to move somewhere else.

So the NFL has created a situation with this structure that really puts a premium on movement, and I do not think it is in the best interest of football. Again, it is something that the NFL should change and can change themselves, and I think it is a fair representation of Commissioner Tagliabue's testimony yesterday that he simply did not disagree with this at all.

Mr. President, let me conclude by stating that the thing that I have found most interesting in the last several weeks in regard to the controversy surrounding the Cleveland Browns' reported move to Baltimore has not been the reaction of fans in Ohio—and that has been absolutely unbelievable. People are up in arms. But we sort of expected that. What I think is interesting is that people across this country, who are sports fans, and who are not Browns fans, have looked at this and said this is not right, something is wrong, there is a problem. Maybe this move or attempt to move by the Browns to Baltimore is sort of, or should be, a wakeup signal to the NFL that something is absolutely wrong.

Mr. President, the NFL has a nine-point criteria. I think they should apply that nine-point criteria to determine if this move—I think they would, if they applied the nine-point criteria, determine this move is not right, does not fit the criteria, and should not take place, and is not in the best interest of football.

I believe that the bill that Senator GLENN introduced, that I have cosponsored, today will help in this situation. It will help the NFL do what it should do anyway, and is one more step toward trying to rectify a situation in professional football and other professional sports that is really very much out of hand and out of control.

I will be talking more about this on the floor in the weeks to come, Mr. President. I thank the Chair and the Senate for the additional time, and I yield back.

By Mr. BIDEN:

S. 1440. A bill to amend the Social Security to increase the earnings limit, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY EARNINGS LIMIT LEGISLATION

• Mr. BIDEN. Mr. President, today I am introducing legislation that would increase the Social Security earnings limit—the amount that senior citizens can earn before they start losing Social Security benefits.

As my colleagues know, the earnings limit is currently $11,280, and it is increased each year for inflation. For seniors between the ages of 65 and 69, every $3 earned over that limit means a $1 reduction in Social Security benefits.

It is almost hard to believe this issue is still around. I remember back in my first term in the Senate—in 1977—when I introduced similar legislation. At the time, the earnings limit was $3,000, and I tried to increase it to $6,000. I was prompted to do so in part because of a Delaware woman who came up to me at a meeting and told me that she was breaking the law.

I wondered what crime could this sweet, frail, elderly woman be guilty of. And, she told me. She had a part-time job and was being paid in cash so that she would not have to report her income and thereby lose her Social Security benefits. She needed both to survive financially.

In the years since then, I have heard other stories—they are practically endless.

Imagine an elderly couple whose adult child develops some medical problem. Like most parents, they want to help their child—they do not abandon their parental instincts and concern just because they have turned 65. But, to meet the costs of caring for their child, they need to go back to work—and as a result, they will lose some of their Social Security benefits.

Or imagine the case—and it happens all too often—where the husband dies. And the wife, who he supported financially, now faces a dilemma. Her widow's Social Security benefits are not enough. She must get a part-time job to maintain a living. So, she goes to work, but loses part of her Social Security benefits.

Or imagine those senior citizens who just want to supplement their Social Security income—so they do not become dependent on welfare or on their own children, who are facing a financial squeeze of their own between their mortgages and putting their kids through college. Those seniors who want to ensure that they do not become dependent on others are penalized by having their Social Security benefits reduced.

Mr. President, these stories illustrate the perversity of a low Social Security earnings limit. It discourages some seniors from working, penalizes other seniors for working, and makes criminals of some seniors who need both a paycheck and a Social Security check to survive. This is not right.

So why does this policy even exist? Well, believe it or not, at one time, it had a very legitimate purpose.

In the midst of the Great Depression roughly 60 years ago, unemployment was rampant. And, the plain fact was, we wanted senior citizens out of the work force so that there would be more jobs for young workers with young families. That is part of the reason why Congress created the Social Security earnings limit—to discourage seniors from working.

A legitimate rationale at the time. But not today. Today, unemployment stands at a low 5.5 percent. And, the American economy, with a shrinking labor pool, is facing competition within an ever expanding global marketplace.

So, just when we need experienced workers in the labor force, we are wasting the greatest source of experience—our senior citizens. Just when we should be encouraging seniors to stay in the work force, many elderly workers are better off earning less than earning more. These are seniors who wish to work—in some cases, must work—who would work hard, and who could add millions of dollars to our economy. But, many are not working because the Social Security earnings limit penalizes them for doing so.

This is simply not fair to our seniors, and it is not good for this country. We should not penalize anyone for wanting to work and for wanting to supplement their income. And, we should not make criminals of those who do.

Now, unlike some of my colleagues, I do believe that some earnings limit still has a place. Social Security is, after all, a retirement program, not a reward for becoming old. But, an earnings limit set at $11,280 simply has no rational basis whatsoever. And those it hurts are too often those who are already struggling.

I find it interesting that the effect of such a low earnings limit is that working, middle-class seniors are penalized. They lose part of their Social Security benefits. But, the wealthy are treated differently. The elderly Donald Trumps and the elderly Ross Perots of the country have far greater incomes than $11,280, but they get those incomes from investments and unearned income. Therefore, they do not face the reduction in Social Security benefits that the middle-class faces.

This needs fixing. So, Mr. President, the legislation I am introducing today would increase the Social Security earnings limit to $14,500 next year and then gradually increase it over the following 6 years until the limit reaches $30,000 in the year 2002. In other words, seniors could earn up to $30,000 per year before their Social Security benefits begin to be reduced.

Earlier this month, the Senate debated and failed to pass similar legislation introduced by Senator MCCAIN. I want to commend the Senator from Arizona for his dedication to this issue over the last several years. And, I say to my colleagues that the bill I am introducing today is the same as the Senate considered—and unfortunately rejected—a few weeks ago, except in a couple of respects.

First, my bill would also apply the increase in the earnings limit to blind

recipients of Social Security benefits. Currently, blind individuals aged 55 and over qualify for Social Security disability benefits if their earnings are below the level of the retirement earnings limit. My proposal would retain this parallel treatment between the retired and the blind.

The second major difference between my bill and the earlier McCain legislation is that my bill does not include an offset. I believe we must find a way to pay for this bill. But, it was clear that the vote to defeat an increase in the earnings limit earlier this month was based in part on the proposed offset. So, my hope is that by not specifying an offset now, we can work together in a bipartisan fashion to find a suitable way to pay for the costs of this proposal and increase the Social Security earnings limit.

Mr. President, those senior citizens who want to work and those who must work to make ends meet should be honored and commended, not penalized by the Social Security system. I urge my colleagues to support this legislation.

ADDITIONAL COSPONSORS

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 706

At the request of Mr. HARKIN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 706, a bill to prohibit the importation of goods produced abroad with child labor and for other purposes.

S. 969

At the request of Mrs. KASSEBAUM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1245

At the request of Mr. ASHCROFT, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1245, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to identify violent and hardcore juvenile offenders and treat them as adults, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1271, supra.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ASHCROFT. 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, November 30, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, November 30, 1995, beginning at 10 a.m. in room SD–215, to conduct a confirmation hearing on nominees currently pending before the committee.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 30, 1995, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. ASHCROFT. 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, November 30, 1995, at 10 a.m. in SD–226.

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

COMMITTEE ON THE JUDICIARY

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, November 30, 1995, at 2 p.m., in room 226 Senate Dirksen Office Building to consider nominations.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 30, 1995, at 9:30 a.m. to hold a closed hearing regarding intelligence matters.

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

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE CHARITABLE GIVING PROTECTION ACT

• Mr. DODD. Mr. President, last night the Senate passed the Charitable Giving Protection Act, which Senator HUTCHISON and I originally introduced earlier this year. This legislation will help charities use contributions effectively and ensure that these vital organizations can continue their good work. I commend Senator HUTCHISON for her diligent efforts and thank all of my colleagues for their help in passing this legislation in the Senate.

Every day across this country, charitable organizations help millions of Americans. Whether its giving disadvantaged children meals or clothing, providing shelter to the homeless, or working to support the educational and medical needs of the less fortunate, charities help weave a stronger social fabric for our Nation.

Regrettably, the benevolent endeavors of charities have been jeopardized by a lawsuit, Ozee versuse American Council on Gift Annuities, currently before a Federal district court in Texas. That lawsuit, which has been certified as a class action against almost 2,000 charities, asks that all money donated to charities through charitable gift annuities be returned, along with double that amount in damages. I have heard from a broad spectrum of charitable organizations in Connecticut and they fear that this lawsuit will undermine their work.

Over the years, charities have used gift annuities as a means of making it easier for people to donate money. Generally, these transactions work as follows: A person donates money or some other asset to a charity and receives a tax deduction. The charity then invests the money and makes fixed, periodic payments to the donor. When the donor dies, the remainder of the gift goes to the charity. These arrangements help both donors and charities, and it was never the intent of Congress to unduly restrict their use.

In order to ensure that the lawsuit does not bankrupt charities and to facilitate the work of charities in the future, the Charitable Giving Protection Act clarifies Federal law. The legislation provides that the activities of charities relating to charitable gift annuities do not violate antitrust law. It also codifies certain exemptions that the Securities Exchange Commission has recognized for charitable organizations that pool and invest donations.

However, none of these changes would make it easier for charities to commit fraud. The legislation would not change the antifraud provisions in Federal securities law or affect Federal tax laws relating to fraud. People could still bring appropriate lawsuits against

cheats or swindlers attempting to disguise themselves as charities, or charities acting fraudulently.

Mr. President, in recent years, charitable organizations have stepped forward and filled some of the gaps in the American safety net, gaps that will widen if extreme Republican budget cuts are enacted. Although charities will not be able to come up with the funds necessary to repair the terrible damage these cuts will cause, charities will try to help. They always have in times of crisis. The Charitable Giving Protection Act will help them in that effort. Once again, I applaud Senator HUTCHISON's hard work on this legislation, and I thank all of my Senate colleagues for helping to move it forward expeditiously.●

TRIBUTE TO JUDGE GERALD W. HEANEY

● Mr. WELLSTONE. Mr. President, on the eve of his 50th wedding anniversary, I take this opportunity to pay tribute to Judge Gerald W. Heaney, a distinguished jurist who is beginning his 30th year of service on the U.S. Court of Appeals for the Eighth Circuit. Although Judge Heaney assumed senior status on December 31, 1988, he continues to handle an impressive workload, bringing to each case the same unyielding compassion, fairness, and sense of justice that has marked his tenure on the bench since his appointment on December 1, 1966.

Gerald Heaney was born on January 29, 1918, in Goodhue, MN, a rural community in the southeastern part of the State. In that productive farming community, he learned the values of close family, honesty, and hard work: qualities that have distinguished his public service. Judge Heaney received his undergraduate education at the College of St. Thomas and his law degree from the University of Minnesota in 1941.

At the outbreak of World War II, Gerald Heaney enlisted in the U.S. Army. Serving with the distinguished 2d Ranger Infantry Battalion, his extraordinary bravery in the Battle of La Pointe du Hoc during the D-day landing at Normandy earned him the Silver Star. He was also decorated with the Bronze Star and five battle stars before he was honorably discharged with the rank of captain on January 18, 1946.

At the end of World War II, Judge Heaney married Eleanor Schmitt. Of his wife, Judge Heaney recently said, ''I am fortunate to have married Eleanor. She has been the love of my life and my friend, my companion. She has brought stability to me, to our children, and to our grandchildren.'' In December of this year, Gerald and Eleanor Heaney celebrate their 50th wedding anniversary by renewing their wedding vows at the College of Saint Scholastic Chapel in Duluth, MN.

Judge Heaney began his legal career with the firm of Lewis, Hammer, Heaney, Weyl & Halverson. During his 20 years of private practice, Gerald Heaney dedicated himself to serving the disadvantaged and those seeking equality. To cite one example of this dedication, Judge Heaney represented teachers in their successful fight to make Duluth the first school district in Minnesota to adopt the same pay scale for both male and female teachers. While in private practice, Judge Heaney continually demonstrated his commitment to the improvement of the State's educational system. He worked actively with the Governor and State legislature to develop a State school aid formula, which remains in use today and continues to serve as a model for the rest of the Nation. Judge Heaney also served on the board of regents of the University of Minnesota, an institution to which he has devoted a lifetime of loyal service in recognition of its importance to the lives and welfare of Minnesota citizens.

In 1966, with the support of Senators Eugene McCarthy and Walter Mondale, Vice President Hubert H. Humphrey, and congressional representative John A. Blatnik, President Lyndon B. Johnson appointed Gerald Heaney to the Eighth Circuit of Appeals. Former Vice President Walter Mondale said of Judge Heaney: ''I have served many years in public life and one of the best things I did was to support the nomination of Gerald W. Heaney to be a Circuit Judge for the Eighth Circuit.''

Since his appointment, Judge Heaney has authored over 2,000 judicial opinions in which he has demonstrated leadership in many different and complex areas of law including school desegregation, civil rights, employment discrimination, Social Security disability cases, criminal law, labor relations, first amendment jurisprudence, and commercial litigation. These opinions evidence Judge Heaney's guiding principle: All persons—regardless of race, color, or creed—are entitled to equal protection under the law. At the unveiling of his portrait at the Federal courthouse in St. Paul, MN, Judge Heaney commented on the challenges facing our society and those in public service, ''It has been no simple task to preserve freedom, and it will not be simple in the future. Every democracy is fragile. It needs our constant and unwavering support. This is the task to which we must all rededicate ourselves.''

Judge Heaney continues to leave his mark on the landscape of the law in this country. As his colleague, Judge Donald P. Lay, former chief judge of the Eighth Circuit Court of Appeals, has said,

> In my judgment he is the most outstanding judge ever to serve, not only on the Eighth Circuit but throughout the United States, in the last 25 years. He is the most well-prepared judge in the circuit. His industry and dedication to law are unparalleled. His compassion and understanding of human problems is unique. He is a scholar and true gentleman in all respects.●

THE ODDS AREN'T WORTH IT

● Mr. SIMON. Mr. President, during the November elections, voters in 19 communities from seven States were asked to voice their opinion on the expansion of gambling. Many of these initiatives pitted grassroots efforts and coalitions against well-financed gambling interests. Election results supported more gambling in only 4 of the 19 communities.

It is difficult to determine whether this represents a shift in public opinion. However, it is clear that in order to make informed decisions at the ballot box, voters need objective and authoritative information. Conflicting claims remain unresolved. Nagging questions linger.

A recent editorial from the Boston Globe, ''The Odds Aren't Worth It,'' clearly describes the need for a national study. I as that it be printed in the RECORD.

The editorial follows:

[From the Boston Globe, Saturday, City Edition, Nov. 25, 1995]

THE ODDS AREN'T WORTH IT

Gambling tempts high-rolling risk-takers, it tempts the luckless with little to lose, and it tempts politicians. Since Atlantic City mortgaged Boardwalk to the chance industry 18 years ago, legalized gambling has expanded with amazing speed. Where once there were only two states that allowed or sponsored gambling, now there are only two—Utah and Hawaii—that don't.

In the past few weeks, however, what had seemed an inexorable acceleration has suddenly slowed to a trickle as voters and public officials across the country have fastened on gambling's dubious benefits and hidden costs.

Last week the Connecticut Senate rejected Gov. June Rowland's plans for a mammoth casino in Bridgeport. What had seemed a done deal was undone. In Maryland, a study commission recommended against increased gambling there, and most politicians agreed. On election day this month, voters in Washington state and Jefferson City, Mo., killed proposals to expand gambling, and voters in three Massachusetts communities rejected casinos; only New Bedford voted yes.

Now Congress is considering proposals to set up a national study commission that would examine the history of legalized gambling, explore the tradeoffs and provide credible data on which states and municipalities could make their own choices. The chief sponsors are Sen. Paul Simon of Illinois, a Democrat, and Rep. Frank Wolf of Virginia, a Republican. President Clinton and Sen. Dick Lugar of Indiana, a Republican seeking to challenge Clinton, both support it. Wolf believes that the commission will be approved, possibly before Christmas.

It should be. What is needed most urgently is a sober study that will sort out the conflicting claims—not only the moral arguments but also the actual economic and social effects.

Clearly, many people like to gamble. In Mississippi, which has had a no-limits attitude since 1992, a gaming publication estimated that $29.7 billion was wagered in 1994—an amazing $2.1 billion more than the state's total taxable retail sales. The phenomenal growth of the Foxwoods casino in Connecticut hints at the demand that might be tapped.

Yet what are the economics of gambling? It is an industry that creates no wealth but

only redistributes it—mostly from the poor to the rich, and often the rich are not even local people. A good study would provide the details.

But the signs are obvious. In the subway, and advertisement for the lottery portrays a pastel rainbow with a pot of gold at the end. Right next to it is a public service announcement describing how to apply for food stamps. The striking thing is that the two messages are addressed to the same audience: People who can't even afford to buy their own food without government help are encouraged by the government to throw what little they do have at a mirage.

Lotteries may turn out to be the most regressive form of state gambling. One of the few arguments for them other than the revenue they raise is that they closely mimic the illegal numbers games that have thrived in many communities, therefore drawing money away from organized crime.

Casinos raise additional concerns. Successful ones do provide jobs, and some older cities have looked to casinos as potential saviors. New Bedford is as good an example as any. With textiles and other industries gone and fishing on the wane, people in New Bedford are desperate for help. They voted nearly 3-1 for a casino this month. And they argue that half the cars in the Foxwoods lot are from Massachusetts anyway, so the state is exporting the gambling dollar needlessly.

Yet other casino towns have found not only that crime and vice rise rapidly with gambling but that the net effect on the economy is not salutary. Local restaurants and other retail businesses suffer; the problem of addiction to gambling, including among young people, grows; and in many places population drops. Also, the casino sometimes drives out better options. In Bridgeport, for instance, city officials said last week they would dust off a waterfront development plan—one that might provide stronger economic stimulation in the long run than gambling. The plan had been sidetracked by the casino proposal.

A solid study would give substance to all these questions.

Those selling New Bedford on a casino may be no different from the hucksters touting the pot of gold at the end of the pastel rainbow. What provides the spice, as with all gambling, is the fact that someone, sometime, actually wins the gold. But many cities and states have found the odds are no better for them than for the gamblers whose pockets they empty.●

MEASURE READ THE FIRST TIME—S. 1438

Mrs. HUTCHISON. Mr. President, I understand that S. 1438, introduced today by Senator DOLE, is at the desk, and I would ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows.

A bill (S. 1438) to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I would object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1833

Mrs. HUTCHISON. I ask unanimous consent that at 4 p.m. on Monday, December 4, the Senate turn to the consideration of Calendar No. 249, H.R. 1833, the partial-birth abortions ban, for debate only.

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

Mrs. HUTCHISON. And for the information of all Senators, debate will begin on the partial-birth abortion ban at 4 p.m. on Monday. However, no votes will occur during Monday's session of the Senate.

ORDERS FOR MONDAY, DECEMBER 4, 1995

Mrs. HUTCHISON. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 3 o'clock p.m. on Monday, December 4; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until the hour of 4 o'clock p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

PROGRAM

Mrs. HUTCHISON. For the information of all Senators, at 4 p.m. on Monday, the Senate will begin consideration of H.R. 1833 regarding partial-birth abortions. There will be no rollcall votes during Monday's session of the Senate.

Also, as a reminder to all Senators, under a previous consent agreement, at 9:30 a.m., Tuesday, the Senate will begin debate on the conference report to accompany H.R. 1058, the securities litigation bill. Senators can therefore expect rollcall votes during Tuesday's session.

ORDER FOR ADJOURNMENT UNTIL 3 P.M. MONDAY, DECEMBER 4, 1995

Mrs. HUTCHISON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following my remarks.

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

SENDING UNITED STATES TROOPS TO BOSNIA

Mrs. HUTCHISON. Madam President, I wish to say briefly that I have just heard the majority leader, Senator DOLE, and Senator MCCAIN state that they would be introducing a resolution—I am sure a bipartisan resolution—to support the President's efforts to send troops to Bosnia.

Madam President, there are no two people I know in the Senate that I respect more, and certainly no two people in the Senate who have given more in the military service of our country than Senator MCCAIN and Senator DOLE. I respect them, and I know that they are coming to this decision in a way that is very thoughtful and statesmanlike.

I am very sad that this is going to happen because I disagree totally with the conclusions they have reached. I think every Member is going to have to really search his or her conscience to decide what is the responsibility of a Senator or a Member of Congress in this type of action. I know all of us are going to vote our conscience. I do not think anyone will come to their conclusion based on anything except what they think is right.

I am sure debate will be heated, but I think it is very important that we have an alternative to the resolution introduced by the majority leader because many of us feel that this is the wrong decision and that for us to exercise our responsibility as Members of the Senate, we must speak out against deploying troops to Bosnia. So there will be an alternative and I hope we will be able to vote on a clear alternative, and that is a resolution to disapprove this deployment of our troops.

We will go into debate more in the next week, and I do appreciate the fact that we are going to have the opportunity next week, rather than some later time after it is too late to try to have an impact on the President's decision.

I have read the Constitution. It is very clear to me that the Founders of our country were specific in not giving the war powers to the President alone.

In fact, in The Federalist Papers, both Mr. Madison and Mr. Hamilton specifically said this is not a monarchy, therefore, the President alone should not be able to wage war. So the question becomes, what is a war? Are we sending our troops into a hostile situation in which they will be in harm's way? And does that mean that they are in a war?

I believe sending troops into a situation in which we believe there is a good chance for fatalities must be done by the President and Congress together, not by the President alone. I think it is most important, and I think it was part of the balance of powers, that the founders of our country were very careful to put in our Constitution that this kind of decision not be made by one person.

I am very concerned that we are also setting a precedent for our troops to be deployed on the ground in border conflicts, in ethnic conflicts, in civil wars that were never contemplated when we signed on to in the NATO Treaty. Nowhere in the NATO Treaty does it say

that we should be required to go into a country that is not a NATO country, a country which has not been invaded by a hostile force, a country which is, in fact, in a civil war.

So, Madam President, the debate will come. And people will be very emotional about it. I am very emotional about it. I want to take my responsibility as a Member of the U.S. Senate, as a person given that responsibility by the voters of my State with obligations that are constitutional, to try to make sure that not only do our young men and women in the armed services have everything that we can give them when they chose to give their lives to protect our freedom, but that they also have the leadership that has the judgment to know that only when it is a U.S. security interest at stake is it worth the risk of their lives. And, Madam President, I hope we can make the case that that is not the situation in Bosnia.

I want to help the Bosnian people. We have done our part. We have shouldered about 60 or 70 percent of the cost of this effort so far. We have been there for the parties to come together. We have been a catalyst for the peace agreement. And I give the President credit for that. He deserves credit for bringing the people to the peace table and for hammering out this peace agreement.

But I think it is most important that we have many options to help the people of Bosnia. I do not think United States troops on the ground are among the best things that we can do for the Bosnian people, not for NATO, and not for America. It is not in our best interest to send ground troops to Bosnia. The President of the United States has unfortunately allowed our allies and others in the world to somehow argue that the only way we can show our commitment to peace is to have ground troops.

I think there are many other ways we can support this peace agreement. We can continue to provide air support. We can continue to play a strategic role. We are giving money now, and we will continue to give money. We can provide intelligence support for them, which we have been doing, and which we can do. We can arm and train the Moslems without being part of this peacekeeping force. In fact, I think that would be a far better policy. So, many options are there for us to help the Bosnian people. But placing American troops in harm's way is not an option that I think is right, not for America, not for NATO, and not for the people of Bosnia.

Thank you, Madam President.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent I be allowed to speak in morning business.

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

BOSNIA

Mr. INHOFE. Madam President, I think what has happened today, in my own view, as tragic as it might be, is refreshing to some of the American people, the people who feel this is a partisan place up here, where there is nothing but partisan politics, that the Republicans stand for something and the Democrats stand for something. But what we witnessed a short while ago should defuse that because we now have the majority leader of the United States Senate supporting the President in his effort in sending American troops into Bosnia on the ground.

I listened briefly to the Senator from Texas, Senator HUTCHISON, and I concur in her remarks. There certainly are no two people I have higher regard for, in terms of their war record and patriotism, than the Senator from Arizona, Senator MCCAIN, and the Senator from Kansas, the majority leader, Senator DOLE. However, I think there is an honest difference of opinion here.

I think what the President has been attempting to do seems to be working. But what the President has been doing is staying out of the fray until troops can be deployed long enough and far enough into Bosnia that it puts us in the position of where we are going to have to support the effort because we are supporting the troops. I do not buy that.

I think you can support the troops—and I will always support the American troops, wherever they are, anywhere in the world. But if we have the option right now of stopping the deployment of troops into Bosnia, it is our moral responsibility to do that. And I believe that option is still there.

I said this morning on this floor that there are not going to be any free rides on this one. We are going to have a vote, not a vote on a soft resolution saying, well, we oppose the effort but we support the troops, we are going to have a vote on whether or not we send our troops into Bosnia.

The environment in Bosnia is not one the likes of which we have seen in any of the wars that we have been involved in because we have always been able to identify the enemy. You cannot identify the enemy. Sure, we have chosen sides. We have been supplying the Croatians and the Bosnian Moslems against the Serbs now for quite some time. I think perhaps that was not the right thing to do, but nonetheless we have taken sides. We have taken sides through our air attacks.

Now it looks as if we are going to deploy troops over there to take sides. But who are the good guys and who are the bad guys? In this case we do not know. You might say, well, this year—any snapshot in history would give you a different answer to that question. There was a time when clearly the Croatians would have been the bad guys and a time when clearly the Serbs would have been the bad guys. But here we have more than just three major factions. We have many, many elements. We have rogue elements. And some of these elements are Serb elements, some are Moslem elements, such as the Black Swans. That is a rogue element. Nonetheless, they are there.

We are sending troops into an environment where only in this morning's newspaper we see a quote from the guy who is working directly for the general with whom I have spoken in the very sector where we are proposing to send our troops, General Haukland from Norway, where they say that there are literally millions of mines all throughout that area—millions. Not 10, not 100, not 1,000—millions of mines of all sizes, all shapes. And we do not know where they are. They are now in a position where, even though they have been going centimeter by centimeter trying to defuse these mines, we are now in a position where the winter is setting in, the ground is frozen, the snows are coming, and there is not any way in the world that we are going to be able to protect our troops that are going over there from stepping on these mines.

Remember, just a short while ago we were faced with a similar situation down in Nicaragua. And what were most of the losses? They were from mines. And the amputees were the result of what was happening.

Now, that is what we are faced with again. Only in today's newspaper, this is happening right now. We have already sent troops over there. I know that the President is hiding out in Europe. He is going to stay there until we have more troops. Then he will come back and say, ''Now you have to go with me because we have to protect our troops that are over there.''

Madam President, our troops are not there yet. We only have a few there. But a lot are on their way. I went to the training area in Germany of the 1st Armored Division. I know they are training them to go. They are going to go up through Hungary and then come down south through the Posavina corridor and into the Tuzla area.

When you look at that area, there has never been an area anywhere in the world that is so conducive to guerrilla warfare. There has never been an area in the world that has more guerrillas in it that are not identifiable. We have identified nine rogue elements that are there that are not even related in any way to anyone who was around the table in Dayton, OH.

So, Madam President, I just wanted to be sure that it is crystal clear that I do not stand alone. There are many others who feel just as strongly as I do that we are going to do everything we can to stop this mass deployment of troops into Bosnia. It was a bad idea 2½ years ago when the President first started talking about it, when he took sides and started airdrops. It was a bad idea 1½ years ago when the President decided he was going to have airstrikes. And it is a bad idea today. And I will continue to do anything within

my power to stop the deployment of troops into Bosnia.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent to proceed as in morning business.

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

Mr. NICKLES. Madam President, first I wish to compliment my friend and colleague Senator INHOFE for his statement on Bosnia. I will have a statement soon on that subject. But I compliment him, one, for his courage and conviction, and also the fact he went through the trouble of going to Bosnia recently, and I think his observations are very correct. I think we are in the process of getting bogged down in a quagmire.

So I compliment him for that. Again, I will add to my remarks at a later time.

TRIBUTE TO THE REVEREND DR. RICHARD HALVERSON

Mr. NICKLES. Madam President, I wish to make a couple of remarks concerning a very sad event that happened this week, and that was the death of our friend, Richard Halverson, the Chaplain of the Senate for the last 14 years.

I first want to express my condolences to Chaplain Halverson's family—his wife, Doris, his son, Chris and daughter-in-law Maura, his son, Steve and daughter-in-law Paula, and his daughter, Debbie and son-in-law Fred, and his nine grandchildren.

Chaplain Halverson was a friend, not only to myself but to all Senators as well the Senate staff and the entire Senate family. He certainly was a pastor of exceptional repute, a person who has been defined by many as ''a man of God,'' as a person who certainly loved the Lord and showed that love by his words and by his actions. It was evident when he would sit in his chair in the Senate Chamber and greet people on a daily basis. This love for people was not reserved for Senators only, but it was generously given to people who sweep the floors or those who work in the restaurant or the elevator operators. Chaplain Halverson was a friend, and he will certainly be missed.

He is loved by many thousands from his service in the pulpit and for his 14 years as Chaplain of the Senate. I really consider it a blessing to have known him, to have worked with him, to have shared many good times with him. To have been with him with families in prayer. To have worked along side him with the National Prayer Breakfast, in which he had been instrumental. He has left a very valuable mark on our lives.

A friend of mine from Oklahoma once commented to me about Dr. Halverson. He asked me if I knew him. I asked, ''Why?''

He said, ''I will tell you, I've had the pleasure of knowing him for years,'' and my friend paid him the highest compliment I ever heard paid anyone. He said Chaplain Halverson was the most Christ-like man he had ever known. I think that was an appropriate definition for a wonderful servant of God who also served this body.

So we extend our sincerest condolences to the Halverson family and we want them to know we love Chaplain Halverson and that our thoughts and prayers are with them and will continue to be.

I might mention to the Senate that it is our intention—and I am working with Chaplain Ogilvie on this—to have a memorial service for Dr. Halverson a week from Tuesday, at approximately 11:30 a.m. Once the arrangements have been finalized, I will make a formal announcement to my colleagues early next week.

Madam 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. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEASURE READ THE FIRST TIME—S. 1441

Mr. NICKLES. Madam President, I understand that S. 1441, introduced today by Senator HELMS, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1441) 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, and for other purposes.

Mr. NICKLES. Madam President, I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

UNANIMOUS-CONSENT AGREEMENT

Mr. NICKLES. Madam President, I further ask unanimous consent that the morning business period on Monday be amended to provide for up to 30 minutes under the control of Senator BRADLEY.

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

ADJOURNMENT UNTIL MONDAY, DECEMBER 4, 1995, AT 3 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 3 p.m. on Monday.

Thereupon, the Senate, at 4:25 p.m., adjourned until Monday, December 4, 1995, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate November 30, 1995:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

LUIS D. ROVIRA, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2001, VICE LORRAINE MINDY MEIKLEJOHN, TERM EXPIRING.

DEPARTMENT OF JUSTICE

JOHN R. LACEY, OF CONNECTICUT, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 1998. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

A SHORT HISTORY OF HAITI

HON. BILL RICHARDSON
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. RICHARDSON. Mr. Speaker, I would like to call to my colleagues' attention the following article by one of America's preeminent authorities on Haiti. Robert Pastor has been deeply involved in issues affecting Haiti in his capacity as director of the Latin American and Caribbean Program at the Carter Center. It would serve my colleagues well to take Mr. Pastor's views under consideration.

[From the Foreign Service Journal, Nov. 1995]

A SHORT HISTORY OF HAITI

(By Robert A. Pastor)

In 1791, stirred by the spirit of the French Revolution, Haitian slaves began a punishing, 13-year war for independence against Europe's most powerful army. The proclamation of the world's first independent black republic on Jan. 1, 1804, posed a dual challenge for Haiti and the world. The challenge for Haitians was to fulfill the ideals that moved them to insurrection—liberty, equality and fraternity. The challenge to the world was to accept a black republic as a sovereign and equal state. Neither passed the test then. Today, presidents Jean-Bertrand Aristide and Bill Clinton are doing better in meeting the dual challenge than at any point in Haiti's 200-year history.

Haitians rid themselves of colonialism in 1804 but not of oppression. Its new leaders exploited the people while transforming the richest colony in the Caribbean into the poorest country. A peaceful, democratic process never took hold. Instead, a succession of civil wars and brutal dictators devastated the country. Only the pride of Haiti's birth helped Haitians to withstand 200 years of abject poverty, international isolation and brutal dictatorship.

In the 19th century, Europe feared that slave revolts could spread through their colonies, and so they tried to contain and isolate the new republic. The U.S. response was similar, but more tragic because Haitians also had been inspired by the U.S. revolution, and the United States owed them a debt for preventing Napoleon from using the island as a base to capture North America. The United States only contemplated relations with the republic after emancipating its own slaves.

Haitians were saddened by the imposed isolation, but they adjusted, becoming a kind of political Galapagos island with unique political and spiritual forms. Its politics became virtually impervious to outside influence until U.S. marines landed in 1915. But when the marines departed 19 years later, a new generation of dictators returned, culminating with the 30-year Duvalier dynasty.

On Feb. 7, 1986, Jean-Claude ''Baby Doc'' Duvalier fled to France, and the most recent and promising phase in Haiti's liberation struggle began. The issue, once again, was whether a new government would meet the people's democratic and material needs or whether the corrupt alliance between Haiti's armed forces and its wealthiest elite would maintain its grip on the country. The challenge for the international community was whether it would take the steps necessary to bring Haiti into the fold of democratic nations, or whether it would simply wash its hands of Haiti.

After trying unsuccessfully to manipulate the electoral process, the military grudgingly allowed a free election in 1990. This did not happen by accident. Since the lessons of 1990 were lost by the June 1995 elections, it might be useful to review them.

In 1990, the provisional president Ertha Pascal-Trouillot invited the international community to Haiti to observe and, indirectly, help construct an electoral process. The U.N. and the OAS advised the Provisional Elections Council (CEP) and did a quick count—a random sample of results—that permitted a reliable prediction of the final results of the presidential election. In addition, she invited former president Jimmy Carter, chairman of the Council of Freely-Elected Heads of Government, an informal group of 25 current and former presidents of the Americas. The council, working with the National Democratic Institute for International Affairs mediated for five months among the political parties, the CEP and the government.

One ''mediates'' an electoral process by listening to the opposition parties, distilling their complaints, and helping the government and the CEP fashion fair responses. This process increased confidence in the electoral process so that all the candidates and parties felt a sense of ownership in the elections and would therefore accept the results even if they lost. In addition, the council, through two incumbent members—Venezuelan President Carlos Andres Perez and Jamaican Prime Minister Michael Manley—persuaded the United Nations to send security observers to monitor the elections and prevent violence that had aborted the election in November 1987.

The Bush administration supported these efforts, but, correctly, kept some distance from the mediation. The proud, nationalistic Haitians preferred to negotiate the rules of the election with international and non-governmental organizations rather than with the U.S. government.

On December 16, 1990, Haitians voted for 11 presidential candidates, but Jean-Bertrand Aristide, a young priest, won two-thirds of the vote. Because of the effective mediation during the campaign, all the political parties accepted the results. Jean Casimir, who was the executive secretary of the CEP in 1990 and is currently Haiti's ambassador to the United States, acknowledged: ''Without electoral observation, it would have been totally impossible for Haiti to rid itself of its dictators and their armed forces.''

Aristide was hardly a typical politician, anymore than Haiti's politics were classically democratic. Artiside was connected to the people by a spiritual bond, and this was evident during his inauguration on Feb. 7, 1991 as the people chanted passionately: ''Thank you God, for sending Titi [Aristide].''

The election turned the Haitian power pyramid upside down. The vast majority of Haitians are poor, and for the first time, they had their champion in the presidential palace. The elite found themselves on the outside, fearful that the masses might treat them as they had treated the people.

It was a delicate transition, and it did not last. Barely seven months after his inauguration, the military overthrew Aristide with the consent of the oligarchy and perhaps at its invitation. When he later reflected on what had gone wrong, Aristide acknowledged that perhaps he had won the election by too much. He had little incentive to compromise, and he showed too little respect for the independence of the Parliament. One of his mistakes was replacing the commander-in-chief of the Army, Gen. Herard Abraham, with Gen. Raoul Cedras. Abraham, a skillful political actor, had secured the election and stopped a military coup led by Duvalierist Roger LaFontant in January 1991.

In exile, Aristide tired to marshal international support for his return. The international community was eager to help. During the previous 15 years, a democratic wave had swept through the hemisphere. When the OAS General Assembly met in Santiago in June 1991, every active member had had free and competitive elections. (Cuba was not an active member. Mexico and the Dominican Republic had competitive elections, but their integrity was questioned.) The foreign ministers understood the fragility of democracy in the Americas, and they passed the Santiago Commitment on Democracy and Resolution 1080, pledging that if a coup occurred in the Americas, they would meet in emergency session to decide on action to discuss ways to restore democracy.

Three months later, in September 1991, Haiti provided the first test case. Within days of the coup, the OAS Foreign Ministers met in Washington, quickly condemned the coup, and sent a delegation to Haiti to demand the return of Aristide. The military humiliated the group, and the OAS responded by imposing an economic embargo on the regime. President Bush supported President Aristide's return, but some in his administration did not, and that might have influenced his decision to limit the means he would use to accomplish that goal. He ordered the U.S. Coast Guard to return refugees to Haiti, and this reduced the pressure on him to restore Aristide to power.

During the campaign, Bill Clinton criticized Bush for his refugee policy, but after his election, Clinton adopted the same policy and gained Aristide's support by promising to restore him to power. Making good on that promise proved far more difficult than the new president thought. The Haitian military and the elite did not want Aristide to return, and no diplomatic effort would succeed unless backed by a credible threat of force. The credibility of U.S. and U.N. diplomatic efforts was undermined significantly when the Harlan County, a Navy ship carrying 200 U.S. soldiers on a humanitarian mission, was prevented from docking in Port-au-Prince by thugs organized by the armed forces.

While the president remained committed to restoring Aristide, the difficulty of accomplishing that goal tempted the administration to put the issue aside. However, intense pressure by Randall Robinson, the director of TransAfrica, and the Congressional Black Caucus compelled the administration to take a giant step forward. In July 1994, the United States persuaded the U.N. Security Council to pass a resolution calling on member states to use force to compel the Haitian military to accept Aristide's return.

This was a watershed event in international relations—the first time that the U.N. Security Council had authorized the use of force for the purpose of restoring democracy to a member state. The following August, President Clinton decided that the U.S. would take the lead in an invasion.

The next month, on Sept. 15, President Clinton publicly warned the Haitian military leaders to leave power immediately. He said all diplomatic options were exhausted, but in fact, the U.S. government had stopped talking to the Haitian military six months before. Nonetheless, Gen. Raoul Cedras, the commander of the Haitian military, had opened a dialogue during the previous week with former president Jimmy Carter, whom he had met during the 1990 elections. The president, who had been told by Carter of the talks, decided on Friday, Sept. 16, to send Carter, Sen. Sam Nunn (D-Ga.) and General Colin Powell to try one last time to negotiate the departure of Haiti's military leaders.

The Carter team had a deadline of less than 24 hours. They arrived Saturday afternoon and began their meeting with the Haitian military high command about 2:50 p.m. After one hour, the three statesmen had convinced the generals, for the first time, that force would be used against them if the talks failed. But the Carter team understood what some in the Clinton administration did not—that the Haitian military leaders were not interested in negotiating their exit, wealth or safety. Representing the traditional elites, the military were desperately fearful that Aristide would unleash the masses against them. Moreover, like President Aristide, the generals were proud Haitians, who did not want to surrender or be lectured.

By about 1 p.m. on Sunday, Sept. 18, the Carter team had succeeded in gaining agreement to allow the peaceful entry of U.S. forces into Haiti and the restoration of President Aristide. But there were some details that needed to be negotiated, and time was running out. Suddenly, Gen. Philippe Biamby burst into the room with the news that the men of the 82nd Airborne were being readied for attack, a fact not known to the Carter team, and he accused the three Americans of deception. He informed the three he was taking Cedras to a secure area. The negotiations were over.

It is hard to find a better example of the difference between a credible threat, which was essential to reach an agreement, and the actual use of force, which in this case, was counterproductive. Although ready to sign the agreement, Cedres would not do so after learning the attack had begun. Carter reached deep into his soul to try to persuade the generals to complete the agreement, but he could not overcome their anger and fear. He then tried a different tactic—to change the venue of negotiations, and he asked Cedras to accompany him. At the new site, the presidential palace, de facto President Jonnaissant announced that he would sign the agreement. This created problems for President Clinton and for President Aristide, who was in Washington, and was reluctant to accept any agreement with the military or the de facto government. With the U.S. Air Force halfway to Haiti, President Clinton finally turned the planes around and authorized Carter to sign the agreement on his behalf.

The president asked Carter, Nunn and Powell to return to the White House immediately, and they asked me to remain to brief the U.S. Ambassador and Pentagon officials, who had not participated in the negotiations, and to arrange meetings between Haitian and U.S. military officers. This proved to be extremely difficult because the Haitian general went into hiding, and U.S. government officials in Port-au-Prince did not trust the Haitian generals to implement the agreement; they feared a double-cross like Harlan County. With less than two hours before touch-down by the U.S. military, I was able to arrange the crucial meetings by sending a mixed harsh-and-intimate message to Cedras through his wife.

U.S. forces arrived without having to fire one shot and 20,000 U.S. troops disembarked without a single casualty or injured civilian.

There was no question that U.S. forces would prevail, but because of the Harlan County, the Somalia experience, and the need to minimize U.S. casualties, the U.S. military plan called for a ferocious assault that would have involved hundreds, perhaps thousands, of Haitian casualties, and inevitably, some Americans. Moreover, as Gen. Hugh Shelton, the commanding officer, told me, such an invasion would have engendered long-term bitterness in some of the Haitian population, making it more difficult for the United Nations to secure order and for the country to build democracy.

Gen. Cedras stepped down from power on Oct. 12 and only then, at the moment that he had the fewest bargaining chips, sought to rent his houses and find a place for asylum.

On Oct. 15, Aristide returned to the presidency and Haiti. He had a second chance, and he showed that he had learned some lessons. He called for national reconciliation and assembled a multi-party government. He proposed an economic program that elicited both praise from the international community and pledges of $1.2 billion. He establishes a Truth Commission to investigate human rights violations during the military regime but not in a vindictive way. A Police Academy was established to train a new, professional police force. A project on the administrative of justice aimed to train justices of the peace and dispatch them throughout the country. The armed forces had been so thoroughly discredited that Aristide moved quickly to reduce their size and influence and, by spring of this year, to virtually dismantle the institution. In the year since Aristide's return, there have been some political assassinations, but to most Haitians, it has been a period of less fear than ever before.

In December 1994, Aristide created a CEP to prepare for municipal and parliamentary elections. Virtually all of the political parties, including KON-AKOM, PANPRA and FNCD, which had been partners of Aristide in the 1990 election, criticized the CEP for being partial to one faction of the president's supporters, Lavalas, and for being completely unresponsive to their complaints. Unfortunately, there was no mediation between the parties and the CEP and no quick count. Three political parties boycotted the June 25 election, and many of the 27 parties that participated were skeptical that the CEP would conduct a fair election.

An estimated 50 percent cast their ballots, according to OAS estimates. But the most serious problem occurred after the voting stopped, and the counting began. Officials were poorly trained, and I witnessed the most insecure and tainted vote count that I have seen in the course of monitoring 13 ''transitional'' elections during the last decade. Even before the results were announced, almost all of the political parties, except Lavalas, called for an annulment and the recall of the CEP members. On July 12, the CEP finally released some of the results that showed Lavalas doing the best, with the FNCD and KONAKOM trailing far behind. Perhaps as many as one-fifth of the elections needed to be held again, and the majority of the Senate and Deputy seats required a runoff. Of the 84 main mayoral elections, Lavalas won 64, including Port-au-Prince, by a margin of 45–18 percent over incumbent Mayor Evans Paul.

The CEP went ahead with the rerun of some elections on Aug. 13 and the runoff of other elections on Sept. 17 despite the boycott of virtually all the political parties. Again, there was practically no campaign, and despite great efforts by President Aristide to get people to vote, the turnout was very low.

Therefore, the parliamentary and municipal elections cannot be viewed as a step forward. Moreover, the government hurt the fragile party system by seducing opposition candidates to participate in the runoff contrary to their parties' decision. Partly because of the opposition boycott, and partly because of Aristide's continued popularity, Lavalas swept the runoff elections, giving it 80 percent of the Deputy and two-thirds of the Senate seats.

The opposition parties condemned the Parliament as illegitimate, and many feared that Haiti was moving to a one-party state. Lavalas could prove as fractious as the original Aristide coalition, but regardless, an opportunity for a more inclusive democracy and an impartial electoral process was lost.

If an effective mediation does not enlist the participation of the opposition parties in time for the presidential elections next month, the new president's authority will be impugned, especially if the Constitution were changed illegally to permit Aristide to run again. If the U.N. forces depart on the inauguration of the new president, the old elite of the country will no doubt try to use the questionable authority of the new president to weaken him even as they try to seduce the new police force. The only way that democracy can be preserved in Haiti is if the new police force remains professional and accountable to the rule of law. If the force is co-opted by the rich, as has occurred in the past, then a popular democracy cannot survive.

The international community and Haiti formed a remarkable partnership in the summer of 1990 to reinforce the democratic process and to respond positively to Haiti's double challenge—to respect Haitians and to make the country a part of a democratic hemisphere.

Returning to Haiti with Carter and Powell last February, Sen. Nunn said, ''We have a one-year plan for a 10-year challenge.'' Haiti's democratic experiment will be endangered if it does not ask the United States and the United Nations to remain after February 1996, and if those two entities do not agree to stay. To keep the process on track, the Haitian government needs to respond fully to the legitimate concerns with the electoral process raised by the opposition parties. Only then can meaningful presidential elections occur. The second step is for the international community to ensure that a multi-party democracy takes root in Haiti.

HISPANIC BUSINESS WEEK

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. MARTINI. Mr. Speaker, I rise today in honor and recognition of Hispanic Business Week, acknowledging the contributions of the Hispanic community. This week was recognized the week of October 30—November 4, 1995.

The Hispanic community exemplifies daily the strong work and business ethic so very important in every career and in our lives. Our

proud Hispanic-American community in New Jersey is indeed one of the reasons the Garden State is a national leader in job creation and economic growth. Through the work of the statewide Hispanic Chamber of Commerce of New Jersey, Hispanic business leaders expand their enterprises and develop a strong work ethic. I thank them for their special and invaluable contributions to my home State.

On behalf of my colleagues, I would like to acknowledge our appreciation of, and pride in, the Hispanic community and congratulate them for a successful celebration this year of Hispanic Business Week.

TRIBUTE TO DEV ANAND

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Dev Anand, one of the giants of Indian cinema, who will be honored this fall by the National Federation of Indo-American Associations. Mr. Anand made his first film in 1945. Since then he has not only starred in countless films, but has produced, written, and directed numerous projects under the banner of Navketan Films. He is both a prolific and talented performer.

The key to Mr. Anand's continued success lies in his willingness to change and mold himself according to the times, as well as in his never-say-die spirit. He is always involved in new projects which sustain his bubbling enthusiasm and dynamism. These range from being the first to use Himalayan backgrounds for love stories, to producing a smash hit based on the hippie phenomenon as seen from the point of view of the Indian popular establishment, to singing rap songs. The word ''impossible'' simply does not exist in Mr. Anand's dictionary. His impact on the Indian film industry is such that many producers ask their heroes to imitate Dev Anand.

In 1963, Mr. Anand collaborated with Pearl S. Buck on an award-winning film entitled ''Guide,'' which was recorded in Hindi and English. In the film, he stars as the scurrilous guide who redeems himself by fasting to death for rain to save the lives of millions of drought-stricken villagers.

Mr. Anand is celebrating his 50 years of work in the Indian film industry with the release of ''Gangster,'' which will premiere in eight U.S. cities. This will give American audiences the rare treat of being able to see Mr. Anand's skills for themselves. Prior to his U.S. appearances, he will be exhibiting his film at the Shanghai Film Festival, and is invited to address the union at Oxford University.

I ask my colleagues to join me today in saluting Dev Anand, a legend in Indian cinema, and a true artist. All Americans who care about film and culture are honored by his presence on our shores.

CONGRATULATIONS TO ST. JOSEPH'S HIGH SCHOOL

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. ROEMER. Mr. Speaker, I rise today to honor and pay tribute to one of the most dominant teams in the history of Indiana high school football: the South Bend St. Joseph's Indians. On Saturday, November 25, the Indians and Head Coach Frank Amato defeated favored Jasper High School 28–0 to claim the 1995 Class 3–A State Championship, the first football title for the city of South Bend since the Washington Panthers won the 3–A crown in 1973.

This victory was an appropriate climax to an unforgettable season. In finishing the year with a perfect 14–0 record, St. Joe's outscored its opponents by a combined 588–72. The offense, which averaged 42 a game, compiled close to 300 yards on the ground in the championship. Thanks to a powerful offensive line, St. Joe's quarterback Blair Kyle, tailback Sean Waite, and fullback Christian Hurley each rushed for close to or over 100 yards.

The defensive unit of Marques Clayton, Ben Downey, Trevor Dokes, Jeff Harris, Dan Luther, Pace McCormick, Jason Pikuza, Jeremy Remble, Pete Riordan, Rashwan Seward and Sean Waite, was just as spectacular. The Championship victory was their seventh shutout in a season in which they allowed an average of just 5.1 points a game. In the second half of the victory over Jasper, the defense gave up just 1 yard of offense until the final 2 minutes.

It is often commented that no team in the National Football League will ever be able to duplicate the undefeated season of the 1972 Miami Dolphins. Mr. Speaker, I believe the same can be said of the 1995 South Bend St. Joseph's Indians. They have set a standard of excellence which champions of the future will have a difficult time equalling or even approaching.

LOBBYING REFORM: FINALLY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, in the last 2 weeks, we have witnessed an incredible change in the balance of power here in Washington. The influence of lobbyists is declining, and the layer of wealthy special interests that shields the American people from their elected officials has begun to disappear.

On November 16, the House adopted a rule prohibiting Members and staff from accepting almost all gifts. And yesterday, we unanimously passed a Senate bill requiring increased disclosure by those who are paid to lobby Congress and the executive branch. This bill, the first substantial change in lobbying disclosure requirements in 50 years, now goes to the President for his signature.

Up until the final vote, however, the lobbying bill was in grave danger of death by amendment. Senate passage of the tough new requirements in July represented a hard-fought compromise painstakingly crafted by Members of both parties. In the House, some Members were not satisfied and proposed to amend the bill, knowing that the adoption of any amendments would send the measure back to the Senate and would threaten that body's fragile compromise. In other words, amending the bill would mean the end of lobbying reform.

During consideration of the bill in the House, I voted against each of the four amendments that was offered. Most of them have merit, and under different circumstances would win my support. But on this occasion, I joined a majority of my colleagues in demanding that a clean bill be passed and sent on to the President.

Last year, both the House and Senate passed similar lobbying reform bills, but the effort was derailed in conference by those who opposed the cause of reform. For that reason, it was imperative to avoid a conference this time around. The Senate sent us a good bill, and I am delighted that we passed it unanimously without change. Once the President signs it, this chapter in the history of reform will be complete.

MEDICARE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. PACKARD. Mr. Speaker, I was proud to cast a historic vote to save Medicare for current and future beneficiaries. This is a serious effort to deal with a tough problem. We simply cannot sustain Medicare's current astronomical growth.

Our plan gives seniors new choices. Now, they will have the same access to health care their children and grandchildren have—whether it is managed care, preferred provider networks, medical savings accounts, provider services, or traditional fee for service.

Each and every senior will have all of these health care providers competing for their business. Once market forces do their magic, seniors will find they have better health care at less cost. For the first time, beneficiaries will be able to take advantage of new, advanced technologies that previously were unavailable under the old Medicare. Medicare-plus will provide seniors with new choices. Each year, beneficiaries will receive information outlining all of their choices. Every plan offered must be at least as good as the current Medicare.

Mr. Speaker, there is only one plan to save Medicare. The Republican plan. The plan offered by my colleagues on the other side of the aisle is simply a Band-Aid. The substitute they have proposed reveals, yet again, that Democrats are willing to let Medicare go bankrupt. It is not an alternative for seniors who rely on Medicare now or in the future.

Medicare needs a big fix, not a Band-Aid.

INTERNATIONAL CONFERENCE ON SUSTAINABLE CONTRIBUTION OF FISHERIES TO FOOD SECURITY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. YOUNG of Alaska. Mr. Speaker, December 4 through December 9, 1995, the

Government of Japan will host an international conference on Sustainable Contribution of Fisheries to Food Security in collaboration with the Food and Agriculture Organization [FAO] of the United Nations. This Conference will provide an excellent opportunity for international awareness and understanding of the varied economic, social, and cultural diversity of the utilization of marine resources throughout the world. Delegates representing government and nongovernmental organizations will discuss options and strategies to ensure the sustainable contribution of fisheries to the world's food security in the future.

While the present food fish production throughout the world is approximately 72 million tons, it is projected that the demand for food fish will reach 105 million tons in the year 2010, when the world population reaches 7 billion. Clearly, nations must initiate measures to achieve a sustainable increase in fish production through cooperation on rational utilization measures and implementation of sound conservation programs. It is clear that those of us living at the end of the 20th century have the responsibility to provide a stable food supply system and maintain those reasonable resources for present and future generations. Living aquatic resources are renewable and can provide increased food for human consumption through responsible management and appropriate harvest and handling practices. Such a goal can be achieved if utilization of these resources is based on objective scientific and socio-economic data and principles that recognize and respect the importance of culture and traditions, guarantee the integrity of ecosystems that support living aquatic food resources, and encompass sound management measures through national, and where appropriate, multinational management programs.

I commend the Government of Japan for taking the initiative in hosting this important Conference and I wish the delegates to the Conference much success in their deliberations. As chairman of the Resources Committee of the House of Representatives, I look forward to reviewing their observations, conclusions, and recommendations.

SUPPORTS CATS AND YOUTH PROGRAMS

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Ms. FURSE. Mr. Speaker, I rise today in support of the Community Action Teams Program [CATS], and other summer youth programs that provide children with healthy alternatives to engaging in gang activity and criminal behavior. Last summer, I had the opportunity to visit with children who participated in this unique summer youth program which emphasizes helping others and teaches the value of hard work, I learned firsthand of the positive difference the CATS programs and other similar programs are having nationwide on our children and in the community. The CATS program is primarily sponsored by the Yamhill County Sheriff's Department in partnership with local schools and the community. This strong partnership between law enforcement and the community enables traditionally poor and underserved areas such as Yamhill County, to pool together their resources to provide a service to children and families.

Yamhill County is rural area in my home district of Oregon with limited resources. Through its creative partnership, Yamhill County has been able to offer this quality program which benefits the community. I applaud Yamhill County's efforts to collaborate and deter our children from criminal activity and I urge other Members to recognize the importance and value of summer youth programs and crime prevention.

LIBERTYVILLE HIGH SCHOOL STUDENTS PROTEST AGAINST HUMAN RIGHTS ABUSES IN NIGERIA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. PORTER. Mr. Speaker, I always have said that I am honored to represent one of the most educated, enlightened, caring districts in our country. Today, the meritorious actions by some of the younger members in my district have proven my point, making me proud once again. I want to commend the Libertyville High School students in my district, who last week waged a protest outside a local Shell gasoline station in response to the barbarous executions of Ken Saro-Wiwa and eight other Ogoni leaders by the Nigerian military regime. Under the banner of Amnesty International, these students hope to put pressure on Shell, whose Nigerian branch alone accounts for half the government's income, to use their financial power to influence positive change in Nigeria.

In a time when we question our ability to influence global change, I praise these high school students not only for their global awareness, but also for heir compassion and drive that has compelled them to rise from the classroom and take their cause to a forum where their demands cannot be ignored. Refusing to be silent, these half-dozen students have no inhibitions about sending a loud message to an oil giant that it has a moral and ethical responsibility to use its power to help influence the Nigerian Government to stop committing these atrocious human rights violations.

I fully support these students who have reiterated my own outrage at the Nigerian regime. As cochairman of the Congressional Human Rights Caucus, I have sent numerous letters to the Nigerian Government demanding reform. Additionally, I held hearings in response to the latest tragic executions. Today, Representative DON PAYNE of New Jersey and I and a number of other original cosponsors will introduce a bill calling for sanctions against Nigeria. We must all continue putting pressure on the Nigerian Government any way we can, until democracy and the rule of law is restored to Nigeria. I am pleased to work with the Libertyville High School students to this end.

PUERTO RICAN HERITAGE MONTH

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. MARTINI. Mr. Speaker, I rise today in honor and recognition of November 1995, as Puerto Rican Heritage Month. The achievements and contributions of Puerto Rican-Americans should be acknowledged by us all.

I especially would like to discuss an organization from my home State, Comite Noviembre de New Jersey. Founded in 1987, Comite has clearly promoted a holistic understanding of Puerto Rican culture in New Jersey and all over the United States. By highlighting social, economic, cultural, and political accomplishments, Comite has etched the history of the Puerto Rican people in the minds of all Americans. Widespread education has served a dual role: the Comite has strengthened a sense of cultural pride among young Puerto Ricans and has simultaneously generated respect for the Puerto Rican culture amongst non-Puerto Rican Americans.

Puerto Rican Heritage Month serves to further our understanding and appreciation of Puerto Rican leaders of the past and the present. It also unifies Puerto Rican Americans by instilling a sense of pride in where they have been, and where they are going as a people. As head of the Comite Noviembre, Jose Angel Villalongo has recognized November 30, 1995, as a day to pay tribute to Puerto Rican leaders of the State of New Jersey and the youth of the State. This day is dedicated to local Puerto Ricans in recognition of their outstanding contributions to the community and the family unit. They are not only models for this generation but also for generations to come, and of most importance, they are inspirations to us all.

Comite is committed to supporting people and inspiring and educating future generations. By the year 2000, the Comite Noviembre de New Jersey hopes that all Americans will realize and appreciate the richness of culture and heritage found within the Puerto Rican community.

I would like to offer my most sincere admiration and praise to the Puerto Rican-Americans of my congressional district and across the Nation as we celebrate Puerto Rican Heritage Month. This is a time of celebration to be enjoyed by all.

TRIBUTE TO A SAN DIEGO EMPLOYER WORKING FOR TECHNOLOGY IN EDUCATION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to a local employer in San Diego which has made a special commitment to advancing the use and availability of high technology in education. That employer is Sony Electronics, Inc., which has a major plant in Rancho Bernardo, in my congressional district.

Technology in education is one of my great interests and top priorities. For several years,

and in several ways, Sony Electronics Inc. has demonstrated a strong interest in the education of children.

Sony has been an active participant in all five of my annual TechFair education-high technology symposia. TechFairs bring local high school students together with San Diego's leading high-technology employers and researchers. The students learn about career opportunities in high technology, and speak one-on-one with men and women who work in high-technology fields every day. They learn what kind of education they need to succeed in the good paying, high-technology careers of today and tomorrow. This year's TechFair, held at the new Scripps Ranch High School, featured a demonstration of Sony's new digital satellite communications technology. Partly as a result of Sony's longstanding commitment to technology in education, the 1995 TechFair was the biggest and best ever.

They have also sponsored the 24 Challenge mathematics competition I initiated with San Diego schools.

I have also had the privilege of addressing students participating in Sony's Student Project Abroad. Under this program, Sony selects top math and science from around the country in an educational and cultural exchange. They spend 2 weeks visiting Sony plants in San Diego and Japan, and learn about high-technology manufacturing.

Most recently, on October 12 and 13, Sony participated in a distance learning conference based in Johnston, IA, with Gov. Terry Branstad and other State and local officials. They explored and shared ways to affordably link rural areas, particularly our schools, through new telecommunications technologies.

The future of our work to expand the technological literacy of the next generation of Americans depends not on larger Federal programs run from Washington, or on an expansion of the huge national debt. Our promise lies in the ingenuity of individuals and private enterprise, and companies like Sony, who are willingly volunteering their personnel and expertise to inspire and teach tomorrow's scientists and engineers.

SALUTING THE CONGREGATION OF THE SALEM LUTHERAN CHURCH OF ROSEHILL, TX

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. FIELDS of Texas. Mr. Speaker, faith is a wonderful but mysterious thing. It enhances our lives when times are good, and sustains us when life seems almost unbearable. Faith in God and love for one's fellow man are two of the most valuable gifts a person can possess.

The men, women, and children who attend the Salem Lutheran Church in Rosehill, TX, realize that their faith springs from within. They recognize that their church's foundation is built on more than brick, concrete, and glass. They understand that that foundation is built upon the faith, the kindness and the compassion of each and every one of the church's members.

Sadly, I must report that on the evening of Tuesday, November 21, a four-alarm fire destroyed the sanctuary of the Salem Lutheran Church. More than 25 fire trucks from Rosehill and nearby communities responded to the blaze, and only because of the decisive action of one fire fighter was the church's family center saved from destruction.

Mr. Speaker, Salem Lutheran Church is the oldest Missouri Lutheran Church in the State of Texas. When founded in 1852, Salem Lutheran Church was the first church in the Tomball area, which then was known as Peck. In 1870, the one-room sanctuary was transformed into the Salem Lutheran School, with students in grades one through eight attending. A new sanctuary was erected nearby.

Despite its long and proud history, Salem Lutheran Church has also known tragedy and heartache. In 1964, the church pastor and his wife were killed in an auto accident. Then, several months later, the church burned to the ground. Finally a new structure was built, and it was dedicated in 1967.

Now that the sanctuary is gone, church services will be held at Salem Lutheran School. The 2,000 members of the church's congregation can look forward to better days ahead, however.

Even before the November 21 blase, the church had begun a new, 2,000-seat sanctuary, which, when completed, will be the largest Missouri Synod Lutheran Church in Texas. While construction of the new structure will continue for at least another year, I am confident that the congregation of Salem Lutheran Church will get through this difficult time because of its faith.

No one knows why this latest disaster has struck Salem Lutheran Church. When adversity strikes, we often ask ourselves what we did to arouse God's wrath. The fact is that God has a plan for each and every one of use who believes in Him, including the men, women, and children who attend the Salem Lutheran Church.

This latest tragedy, no matter how difficult it is for us to understand, is a part of that plan. And that knowledge will, I hope, sustain senior pastor Wayne Grauman; administrative pastor Doug Dommer; pastor of care and counseling Craig Whitson; and the entire congregation of the Salem Lutheran Church of Rosehill in the weeks and months ahead.

Mr. Speaker, I know you join with me in keeping the congregation of the Salem Lutheran Church in our thoughts and prayers, and wishing them a full and speedy recovery from this most recent tragedy.

TRIBUTE TO ANETA CORSAUT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Aneta Corsaut, a dear friend, who died much too young from cancer this November. Aneta was a spirited, warm, and lovely woman who had a heartfelt compassion for others. Those who knew her well were touched by her selflessness and feelings of empathy. She was a special person, and we will miss her very much.

Born in Hutchinson, KS, Aneta came to southern California in 1950's to pursue her dream of being an actress. She landed a part in ''The Blob,'' which has become a science fiction cult classic and, later, had a recurring role on the Andy Griffith Show as Helen Crump, Andy's girlfriend. Whether on the New York stage—where she started—or a Hollywood soundstage, Aneta found success in a profession that is notoriously difficult. All of her friends were so proud of her accomplishments.

But there was another side to Aneta, a side that brought her into our world. Aneta had a passion for politics, especially Democratic Party politics—a rarity for a person from Kansas. We would like to think that her political affiliation was a direct result of her selfless, caring nature. Most important, she was an unapologetic liberal to the end.

We both had the good fortune to work with Aneta. Her dedication to causes and issues was heartening. At a time of widespread cynicism and apathy Aneta was the perfect counter, a living, breathing example of how essential it is for people to get involved. We—all of us—need more Aneta Corsauts in this world.

Mr. Speaker, we ask our colleagues to join us today in saluting Aneta Corsaut, whose life is an inspiration to all. We were lucky indeed to have known her.

TRIBUTE TO PENN HIGH SCHOOL

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. ROEMER. Mr. Speaker, I rise today to honor and pay tribute to the 1995 State of Indiana Class 5–A football champions: my alma mater, the Penn Kingsmen. On Saturday, November 25, Head Coach Chris Geesman and the Kingsmen completed a perfect 14–0 season by crushing favored Evansville North 35–13 in the State final.

Penn's second State football championship marked the end of what might be considered the most spectacular title run in Indiana playoff history. The last seven teams which Penn faced had a combined record of 55–8. Not only did the Kingsmen emerge victorious in each of these games, they did so by an average score of 25–6.

For the season, which marked Penn's 23d consecutive winning year, the Kingsmen outscored their opponents by a total of 424–84 and finished with a plus-36 turnover ratio. In the final, their Wild Bunch defense forced five turnovers, which the Gold Rush offense converted into victory.

I would also like to commend Penn quarterback, Matt Geesman, for being the recipient of the coveted Phil Eskew Mental Attitude Award. Matt is more than a talented quarterback and team leader. He is also an extraordinary student who is first in his class with a perfect 4.0 grade point average.

In closing, Mr. Speaker, I would once again like to congratulate Coach Geesman, the assistant coaches, and the entire team on their first State football championship since 1983. Few people thought this team had what it took, but in the end, hard work, unselfish play, and flawless execution combined to bring the Indiana Class 5–A trophy to Mishawaka.

THE SKY IS NOT FALLING

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. ISTOOK. Mr. Speaker, I would like to commend my follow Oklahoman, Paul Harvey, for correctly pointing out that the theory of global warming is not supported by the facts. The scare mongers would have us shut down our domestic energy production based upon falsehoods. The scare mongers are receiving grants from taxpayers to attack taxpayers' livelihoods. I thank Paul for letting America know the truth.

[From the Climatology, Oct. 17, 1995]

THE SKY IS NOT FALLING

Many scholars and institutions secure grant money for research by scaring people—by producing bad news about population, about resources, about environment.

One recent-years bogey has been the claim by some academics that ''the sky is falling.''

Specifically, these scaremongers argue that our use of fossil fuels is figuratively burning a hole in the sky, letter in too much sun, threatening global warming.

This year's Nobel Prize was awarded to three disciples of that theory—that chemical actions are breaking down atmospheric ozone.

Robert Balling, Junior is director of the Office of Climatology at Arizona State University.

He says those peddling this pessimistic prognosis are false—alarmists.

And, he notes, the New York Times is parroting this apocalyptic view of the future, giving its front page to the theory of planetary temperature increases over the past 40 years, retreating glaciers, increasing sea levels and the increase in both drought and heavy rain.

In rebuttal this climatologist responds with satellite measurements. Rather than global warming, this most accurate of all ways of measuring the Earth's temperature shows a slight ''global cooling'' since 1979.

The Arctic area, where most warming should be expected, has warmed not at all over the past sixteen years according to our satellite observations. According to the measurement of standard weather stations there has been no measurable warming over the past 50 years.

And, says, this climatologist, while some glaciers have retreated—others have advanced—including large ice sheets in Antarctica and Greenland.

Organizations within the United Nations, anticipating the inevitability of budget cuts, are desperately seeking to justify their existence.

The United Nations Intergovernmental Panel on Climate Change (PCC) is composed of 2,500 scientists around the world.

Its recent book-length report, clearly labeled, ''FOR INTERNAL USE ONLY. DO NOT DISTRIBUTE''. . . was nonetheless distributed.

It was intended to be circulated among contributors for their further evaluation and further contributions.

Instead it was ''leaked'' to media people who focused on the summary section and sounded an alarm which has embarrassed many of the scientists who contributed to the study.

There is just enough ''Chicken Little'' in all of us so that the tabloids with the most gross headlines are the ones which sell best.

I promise, before the sky falls, to let you know.

OUR TROOPS IN BOSNIA

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. SMITH of Michigan. Mr. Speaker, I question the President's decision to send 20,000 American ground troops to Bosnia. With the additional military personnel the President has committed to the Balkans, our total presence will be over 30,000 men and women.

I believe that, as Americans, we best serve our Nation's foreign policy interests when we present a single, unified voice. The President, however, hasn't yet presented a compelling case for American combat troops.

I am willing to listen to the President, and will base my decision on the following criteria: Is the deployment of troops in our national interest? Are the mission's objectives clearly defined and obtainable? Can the mission be accomplished and finalized within a reasonable time period?

I will evaluate all the facts and, in consultation with the Defense Department and other military experts, reach a decision at the appropriate time.

CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1995

Ms. PELOSI. I rise to oppose the conference report for H.R. 2126, Department of Defense appropriations for fiscal year 1996. On September 29, this House defeated the DOD conference report by a vote of 151 to 267. Since that vote, there have been only minor changes to the contents of this conference report and it should be rejected.

Like the first conference agreement, this conference agreement appropriates a total of $243.4 billion for defense programs—nearly $7 billion more that the administration's request. When combined with the defense-related provisions of other appropriations bills, this Congress will have appropriated nearly $265 billion for defense-related programs during this fiscal year.

My colleagues, these enormous expenditures represent a much greater threat to the security of this country than the former Soviet Union ever did. In order to fund unnecessary weapons systems like the B–2 and the *Seawolf* submarine, we have slashed funding for health care insurance programs, decent and affordable housing, and many higher education opportunities for young Americans.

We should support a level of defense spending necessary to meet our legitimate security needs. We should not support a conference agreement that is filled with corporate pork and wasteful expenditures. Vote ''no'' on this conference report.

INTERNATIONAL CHILDREN'S WISH WEEK

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. MARTINI. Mr. Speaker, I rise today in honor and recognition of International Children's Wish Week: November 26 to December 2, 1995.

This special week recognizes the courage of terminally ill children who while facing horrible, debilitating diseases manage to remain strong, and the organization that aims to keep their hopes up. Their high spirits send a message of joy and hope to be emulated and celebrated by us all.

Devoting this 1 week to victims of terminal medical diseases, Children's Wish Foundation International, an outstanding organization committed to fulfilling the dreams of terminally ill children, invites volunteers to support these wonderful children and their families.

The Children's Wish Foundation International is a non-profit service organization that brings happiness, comfort, and warmth to children and their families whose most lucid memories involve hospitals, doctors, and a sterile environment. To alleviate their pain, the foundation strives to fulfill a child's wish. The only payment received by the foundation is witnessing the joy that they have brought to a child and their family.

Thousands of wishes have come true all over the United States and throughout the world. Celebrities and professionals of all types volunteer their time and money to make wishes into realities. The joy that is generated fills the hearts of everyone involved, from the child and their family to the member of the Children's Wish Foundation who made the wish come true.

To the Children's Wish Foundation International and International Children's Wish Week, I would like to extend my sincerest admiration and gratitude. The special services you provide and your ceaseless generosity are models for us all.

A TRIBUTE TO BROTHER BOOKER T. ASHE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, I pay tribute today to the outstanding accomplishments of one of Milwaukee's most beloved citizens. As Brother Booker T. Ashe steps down from his duties at the House of Peace in Milwaukee, I would like to take a moment to reflect on his remarkable contributions to our city and our country.

Brother Booker as he is fondly known has dedicated his entire life to the cause of helping others. For 28 years, Brother Booker has been an unfailing presence in our community. In 1967, he founded Milwaukee's House of Peace, one of the Nation's most successful nonprofit institutions created from a central city storefront with one mission: to provide help for those in need. Brother Booker has always been there. Whether he is providing food to

strangers in the middle of the night, counseling youth about the vital importance of education, or helping adults to read and write, Brother Booker's every act has been selfless and charitable.

Brother Booker has long been a voice of conscience in Milwaukee. When he speaks, people literally hang on to his words and stop in their tracks. Aside from his personal contributions to the community, Brother Booker has been instrumental in convincing others to provide financial backing for scores of community development projects which have strengthened our neighborhoods. The Milwaukee Journal-Sentinel put it best when it recently wrote, ''Ashe is a man with an extraordinary social conscience . . . this champion of the poor has as much compassion as Job had patience.''

Milwaukee has been truly blessed by his presence in our community. We know that no one can fill Brother Booker's shoes. Fortunately, he has inspired a countless number of people in our community to continue his good works and uphold his principles. Indeed, Brother Booker will remain a spiritual force in Milwaukee well into the next century. Despite his retirement, his work will be carried on by the thousands whose lives he has touched.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Brother Booker T. Ashe. I join with the city of Milwaukee in praising this outstanding individual and friend to all, and wish him health and happiness in his retirement.

DON'T HURT VETERANS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. FARR of California. Mr. Speaker, on Wednesday, November 29, the House of Representatives voted to return the VA–HUD appropriations bill to conference. By doing so, Congress recognized that the bill was unfair legislation which neglected the needs of our Nation's veterans and military retirees.

The bill underfunded many important veterans programs. It eliminated educational help for those willing to work at VA facilities. It cut money for construction, modernization, and improvement of VA facilities. It reduced funding for VA programs by over $40 million from last year.

But above all, the VA–HUD bill provided insufficient funding for veterans medical care—$400 million less than the President requested. In my district, tens of thousands of veterans and military retirees rely on VA medical programs. The cuts in the bill would have threatened the quality care they depend on.

I joined the 217 other Members—Democrats and Republicans—to recommit the VA-HUD bill in order to fix this serious flaw. Our motion to recommit specifically requested that $213 million be restored to veterans' health care programs. Without this additional funding, the bill would have forced our veterans and military retirees to make an extra and unfair sacrifice in the name of deficit reduction.

Veterans and military retirees are willing to take their fair share of spending cuts in order to eliminate the deficit. But they do not deserve burdensome cuts which unfairly target them.

Our bipartisan vote yesterday will go a long way toward making the bill better, one that treats all our Nation's veterans and retirees fairly.

QUESTIONS CONCERNING TROOPS IN BOSNIA REMAIN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on November 29, 1995.

SPEECH DIDN'T BUILD CONFIDENCE; QUESTIONS ABOUT BOSNIA REMAIN

People who looked for a specific, confidence-building explanation for sending American troops to Bosnia were entitled to be disappointed with President Clinton's speech Monday night.

Clinton addressed the nation to seek support for his proposal to send 20,000 troops into an arena where political, ethnic and religious factions have been waging war for centuries. He said 20,000 troops are needed to help NATO enforce the peace agreement negotiated at Dayton, Ohio, by the presidents of Bosnia, Serbia and Croatia.

The president was unconvincing even on the central question of why the national interest requires placing American men and women on the ground in the middle of this ancient conflict. (The U.S. Air Force and Navy already are heavily involved.)

Yes, as he said, America has ideals. Yes, it has fought in Europe twice before to ''triumph over tyranny.'' Yes, it has certain international responsibilities that come with being the world's most powerful nation. And certainly the suffering of innocent civilians in Bosnia-Herzegovina has touched hearts around the world.

But a recitation of those facts doesn't constitute a reasoned argument for putting American ground troops in extreme peril. This isn't World War I, when America came to the aid of Western democracies to prevent their being crushed by imperial powers. Neither is it World War II, when America entered and ultimately led the great struggle to prevent the Nazis and fascists from enslaving a good part of the world.

The conflict in the Balkans is a regional problem. No one has demonstrated that it is a threat to Western civilization in general or to America's national interests.

The president said, ''We're all vulnerable to the organized forces of intolerance and destruction, terrorism, ethnic, religious and regional rivalries, the spread of organized crime and weapons on mass destruction and drug trafficking. Just as surely as fascism and communism, these forces also threaten freedom and democracy, peace and prosperity. And they, too, demand American leadership.''

Few would question the world's vulnerability to those forces. But what does any of that have to do with sending U.S. troops to Bosnia? If these ''organized forces'' are the primary reason for committing troops, why doesn't the United States have an infantry division in Rwanda, in Northern Ireland, in India, in Pakistan?

Clinton said the Americans would fight back if attacked. ''We will fight fire with fire, and then some,'' he said. Clinton said the mission would take about a year.

How does anybody know that? As * * * noted, animosities have been known to lie dormant in the Balkans for years, then break out in bitter, bloody warfare. What guarantee does Clinton have that fighting wouldn't resume as soon as the Americans left?

What assurances does he offer that the mission won't go on indefinitely? How could anybody be sure that the fighting wouldn't escalate if American troops were attacked and forced to defend themselves?

In promising that the troops would help restore normal life for the people of Bosnia, Clinton made it sound as though the people of Bosnia were one society. They are badly divided, however. What Clinton didn't say is that the peace treaty, to accommodate the fact that the factions detest each other deeply, provides for the partition of the country into a Bosnian-Serb sector and a Muslim-Croat sector. * * *

TRIBUTE TO ELLEN JEPSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. HUNTER. Mr. Speaker, I rise today to recognize the truly remarkable life and accomplishments of a constituent in my district, Mrs. Ellen Jepson, of Imperial, CA. Mrs. Jepson recently passed away in La Jolla, CA, after surgery at a local hospital. A mother of three and grandmother of six, Ellen can best be described as an extraordinary woman who never missed an opportunity to give of herself.

A native of Oklahoma, Ellen devoted much of her time and energy as a volunteer for various senior citizen organizations in the Imperial Valley. Her reputation as a considerate and caring human being was well known throughout the communities of the Valley. Ellen's desire to help others was an overriding concern that occupied her life until her final days.

One of Ellen's previous responsibilities included directing the senior information and referral service for the Salvation Army. During a period in her life when many people would have been content simply pursuing leisurely activities, Ellen opted to make assisting others her passion. Regularly acknowledged for her outstanding conduct, Mrs. Jepson was honored by numerous local organizations and three California Governors for her selfless work.

Most recently, Ellen served as the volunteer director of senior emergency services for the United Way of Imperial County. She tirelessly assisted seniors in a variety of ways: arranging for transportation to medical appointments, filling out paperwork, and providing help with utility bills and medication payments. Moreover, as a member of the advisory board to the Agency on Aging, Ellen was able to further assist seniors by providing Government officials with the input necessary to formulate policy for the region's aged population.

Mr. Speaker, in an age where our own personal needs and requirements seem to monopolize our priorities, I feel people like Mrs. Ellen Jepson should be recognized as heroes. I believe that perhaps we should all take note of Ellen's productive and esteemed life and modify our own accordingly. Too often, our lives are filled with news and accounts that revolve around the negative; Ellen was a positive assurance that this Nation is made up of

generous and considerate human beings. I will sorely miss her.

CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. Y. TIM HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. HUTCHINSON. Mr. Speaker, as a staunch defender of both veterans and the balanced budget, I want to set the record straight on how veterans are being treated under the GOP's 7-year plan.

Under the conference agreement for VA/HUD appropriations, VA Medical Care is increased by $400 million over last year's level. Medical Research is increased by $5 million over last year's level and the Minor Construction Program is increased by $37 million over last year's level. Through responsible deficit reduction measures, we seek to preserve the dignity of veterans and the standard of living for future generations.

The VA/HUD Appropriations Act is very generous to veterans' programs. In fact, the VA/HUD act reflects cuts in nearly every other agency program or account except VA's Medical Care Account. This increase comes at a time of a declining population and declining utilization of VA hospitals. It might interest you to know that on any given day between 23 percent and 50 percent of all beds in VA hospitals lie vacant. The money used to staff, and heat empty beds could be better used in the actual delivery of services to veterans.

According to GAO, if the VA were to analyze the President's budget using the same assumptions the Department used when it analyzed the budget approved by the Congress, the VA would find that veterans are better off under the congressional budget than under the President's own plan. When the Secretary of Veterans Affairs was asked if veterans would suffer more under the Clinton administration's plan he said, ''that's absolutely right.''

The Republican plan will preserve and fund VA health care at a level that ensures the quality that veterans have come to expect. But it also tasks the system to become more efficient and deliver care in a more cost-effective manner. VA spends more than $5,000 per patient per year. This is $1,800 more than Medicare and a whopping $3,800 more than the private sector. Looking at these numbers, there must be ways for the VA to become more efficient.

Health care is changing rapidly and VA must be part of that change.

We need to question the need for more buildings and instead look for ways to provide more care. VA has historically been an institutionally based system that now is forced to support an aging network of 173 hospitals, 376 outpatient clinics, 133 nursing homes, and 39 domicilaries. We need to seriously examine what, where, and if VA needs to build in order to better serve veterans. The approach taken by this conference bill is a step in the right direction by asking the VA to assemble a long-term plan for its infrastructure and construction needs. The VA, must begin to plan strategically like the private sector, taking into consideration such factors as an increasingly constrained budgetary environment, a declining veteran population, shifting demographics, and the rapidly changing health care market. Today, when 9 out of 10 veterans have access to private health insurance, and 10 percent of current VA users are leaving the VA system to use Medicare, we seriously have to question the need for more facilities. The major construction level of $136 million and the minor construction level of $190 million reverse the historical trend of anchoring the VA in bricks and mortar. Today's health care is becoming less and less institutional. The VA must be part of that trend. It must have the flexibility to go to the veterans instead of requiring the veteran to travel long distances to procure health care in often aging and obsolete facilities.

I believe that veterans and taxpayers will be better served by a VA that is more efficient and provides more accountability to those who provide the basis of its support. This bill is pro-veteran. It shows that Republicans are committed to putting veterans first.

CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to the conference report on the VA–HUD appropriations bill. President Clinton has announced his intention to veto this bill because it funds veterans programs at $900 million less than what he requested in his budget.

Right now, nearly 2 million veterans live in Florida, nearly 60,000 in my district alone. More veterans live in Florida than in any other State except one. And 100 veterans move to Florida every day. These men and women are growing older and need medical care.

Mr. Speaker, this bill is a slap in the face to Florida's veterans. The President requested $154 million for the Brevard County Hospital which would serve Florida's veterans in and around my district. But the Republicans in Congress took away that money. That hospital so desperately needed by veterans will not be built.

Where do sick veterans in Florida go for hospital care? For the last few years, hundreds of Florida veterans who have developed psychological problems are shipped out of State. That is right. They get shipped off to Mississippi and Alabama for their care. Two beautiful States, indeed, but far away from their loved ones in Florida. I think this is wrong. To me, there is nothing more compelling than the need to care for veterans who suffer the effects of fighting our wars. That is why Florida needs the Brevard County Hospital.

According to the Department of Veterans Affairs, with this bill, almost all renovation and construction of veteran's health facilities will terminate. A funding freeze would lead to a sharp reduction in the number of employees who counsel veterans and decide claims for benefits. The VA's award-winning medical and prosthetic research program would be cut in every year under the freeze.

Mr. Speaker, balancing the budget is a top priority. And I am committed to doing just that. The President is also committed to a balanced budget. But in balancing the budget, a shared sacrifice is necessary. And I share the President's view that we must not balance the budget on the backs of our Nation's most fragile citizens—seniors, veterans, poor women, children, and the disabled.

Our Nation's veterans earned their benefits through service and sacrifice. It should be America's highest priority to honor our commitment with our veterans. I believe it is wrong to abandon our veterans who have gone in harm's way to serve our country. We need to take care of our U.S. servicemen and women—when they are fighting our wars, and when, as veterans, they need health care. I urge my colleagues to vote against this bill.

AMOS F. LONGORIA POST OFFICE BUILDING

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. TEJEDA. Mr. Speaker, I am pleased to announce to the House that I have introduced legislation today to designate the United States Post Office building located at 7980 FM 327 in Elmendorf, TX as the ''Amos F. Longoria Post Office Building.''

During the August district work period, the citizens of Elmendorf presented me with a petition requesting that their new postal building, opening in December 1995, be named in honor of Pvt. Amos F. Longoria.

Amos Longoria was born in Elmendorf, TX on September 12, 1924. He was the son of humble parents, Bonaficio and Juanita F. Longoria. He had four sisters and two brothers: Pauline Longoria, Marie Longoria Welch, George Longoria, William Longoria, Tommie Longoria Lynch, and Bonnie Longoria de Leon.

Amos F. Longoria also had many close friends who grew up with him and shared love and caring during his short life. Amos is remembered as a happy person. He had many friends, and was kind and considerate to all. He enjoyed hunting, fishing, and many other sporting activities. He enjoyed music, played the guitar and sang. He is said to have had a good sense of humor, liked to laugh and make others laugh.

During his last year of school at Elmendorf, Amos F. Longoria was drafted into the U.S. Army in April of 1943. World War II was raging. Amos, though only 18 years old, was excited to report for basic training at Fort Sam Houston in San Antonio, TX. He was then sent to Camp Wheeler in Georgia.

Amos F. Longoria volunteered to serve overseas in the European theater. He had hopes of being near his older brother, George, who was serving in the 36th Infantry Division.

Amos F. Longoria was assigned to the 30th Infantry, 3d Division, and soon saw combat in the Italian campaign. Military history records that some of the hardest and most hazardous fighting in World War II was in the Italian campaign. On a more personal note, my father, Frank M. Tejeda, Sr. and his close friend George Longoria, honorably served our country in the Italian campaign and were both seriously wounded in Italy in November of 1943.

Less than 6 months after joining the military, Amos was lightly wounded in combat, but returned to duty shortly thereafter. A few days later, only 2 months into his 19th year of life, on November 13, 1943, Amos was mortally wounded at the famous Crossing of the Rapido River in Italy. Amos F. Longoria died in an army hospital in Italy on November 19, 1943.

A Biblical verse, John 15: 9–13, states, ''My commandment is this: Love one another, just as I love you. The greatest love a person can have for his friends is to give his life for them.''

Private Amos F. Longoria is among the many persons who have shown their greatest love for country and friends. He is part of that great tradition of service to country, even to the point of giving up one's life for our country.

I could not think of a more appropriate honor for the town of Elmendorf and for the Longoria family than the designation of the United States Post Office at 7980 FM 327 in Elmendorf, TX as the ''Amos F. Longoria Post Office Building.'' This designation will commemorate the service and sacrifice of Pvt. Amos F. Longoria and will further serve to remind all that the price of freedom can never be taken for granted.

I would like to urge my colleagues to support the noble effort of Elmendorf's citizens to honor one of its native sons. I commend the citizens of Elmendorf for their thoughtfulness on this project, and I look forward to visiting the Amos F. Longoria Post Office many times in the future.

CONNECTICUT HOSPICE HONORED ON 21ST ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Ms. DELAURO. Mr. Speaker, this Saturday, December 2, the Connecticut Hospice will celebrate its 21st anniversary with a holiday celebration, ''Lumieres de Noel.'' It is with great pleasure that I rise today to salute this wonderful organization, and to thank all of its supporters for brightening the lives of terminally ill patients and their families.

Twenty-one years ago, the Connecticut Hospice pioneered a new approach for treating terminally ill patients by addressing their emotional and spiritual needs in addition to their physical ones. The individuals who began the Connecticut Hospice understood the need for patients to be cared for in a familiar, comforting environment, surrounded by their loved ones. Their work helped to transform how our society handles terminal illness and brought dignity and comfort to those in the last stages of life.

Under the leadership of the Connecticut Hospice, the hospice movement has brought the science of comfort and the art of caring to a new level, providing release from pain to ensure quality of life. Families are both recipients and partners in high-touch care, while hospice staff are the givers of high-technology care. Physicians, nurses, social workers, pastors, pharmacists, dieticians, and artists combine their competence with compassion to make life full and meaningful.

The John D. Thompson Hospice Institute for Education, Training, and Research, an affiliate of the Connecticut Hospice, Inc., enables hospice expertise and information to be shared with health care institutions throughout the world. Through the institute, medical students and other health care personnel are educated in all aspects of hospice care. The institute also provides the means to conduct in-depth research, allowing the Connecticut Hospice to benefit from the latest in health care technology and to be able to upgrade constantly the standards of patient care.

As the JDT Institute and the Connecticut Hospice carry their 21 years of experience into the 21st century, they are able to reach the Nation and the world. This year, ''hospice.com'' was established as a home page on the World Wide Web. Requests for information have been received from all over the United States, from Japan, Malaysia, and countries in Africa, widening the circle of the hospice community.

I congratulate the Connecticut Hospice for inspiring a nation, for what it has done for America, and for what it can do for the world. I urge all communities around the Nation to support hospice care in every way possible.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. SERRANO. Mr. Speaker, it has been brought to my attention that I am not recorded as having voted on rollcall No. 762, a motion to instruct House conferees on the conference report on H.R. 2099, the VA–HUD–independent agencies appropriations bill for fiscal year 1996.

Moments before, I voted to order the previous question. I should have been recorded as voting ''yes'' on the motion to instruct, because I am opposed to the 17 riders restricting EPA's regulatory power and ability to enforce numerous air and water pollution regulations.

ROMANIAN NATIONAL DAY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. SPENCE. Mr. Speaker, I would like to take a few moments to talk about Romania on the occasion of its National Day on December 1.

As it celebrates its fifth National Day after its defeat of communism, Romania remains committed to joining the West as a modern democratic state.

Romania demonstrated its early desire to join the West by being the first Central European nation to join the Partnership for Peace [PFP], officially joining the program on January 26, 1994. Since then, Romania has had far more bilateral military exchanges with the United States than any other PFP nation. Likewise, the United States commitment to joint training with Romania's Armed Forces has grown in size and complexity. Romanian troops have participated in NATO exercises in Europe and in the United States, most recently in Fort Polk, LA.

Since emerging from a Communist dictatorship in 1990, Romania has demonstrated in significant ways its commitment to becoming a strong ally of the United States. The Romania-United States military-to-military cooperation program is one of the strongest in central Europe.

In 1990, Romania chaired the United Nations Security Council during the debate over the invasion of Kuwait. In that capacity, Romania helped lead efforts to authorize military intervention and impose economic sanctions against Iraq—despite costing its developing economy billions of dollars. Furthermore, Romania sent a military medical unit to Kuwait as a part of Operation Desert Storm and a medical battalion to Somalia in concert with the United States-led peacekeeping mission there. More recently, Romania has been at the forefront of support to peacekeeping efforts in Bosnia by offering logistical support to NATO forces.

Mr. Speaker, the fall of the Iron Curtain has brought great promise to the people of Central and Eastern Europe while posing great challenges to the governments of these once Communist countries. On the occasion of its National Day, I congratulate Romania for its accomplishments over the short 5 years since its democratization began and I ask my colleagues to join me in wishing Romania well as it continues to meet its political, military, and economic challenges.

IN HONOR OF LAMBDA THETA PHI, AN OUTSTANDING ORGANIZATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Lambda Theta Phi, service social fraternity emphasizing Latin unity and the celebration of Latin culture. It will be celebrating its 20th anniversary at a dinner on December 2.

In 1975 at Kean College of New Jersey, 10 students founded the first and only nationally recognized Latino Greek letter fraternity, Lambda Theta Phi. Gus Garcia, a founding member, served as the fraternity's first president. As the first national Latin fraternity, it was created in the image of great Latin thinkers, such as Jose Marti, Simon Bolivar, and El Cid.

In addition to active chapters in New Jersey, Pennsylvania Connecticut, and Florida, the fraternity has chapters at Saint Peter's College and Stevens Institute of Technology in my district.

The fraternity's goals are to promote scholarship, Latin unity, respect for all cultures and brotherhood. Although the fraternity is only 20 years old, it represents 500 years of culture. I am privileged to be an honorary member of the fraternity. Although the fraternity was created at a time when there was disunity among

the Latin community, the concept of celebrating Latin culture became a unifying factor for members who had diverse interests. The fraternity believes ''En La Union Esta La Fuerza'' (In Unity There is Strength). Membership is open to all college males who wish to work together to reach the organization's goals.

The diverse membership has a social conscience and a commitment to the community. By working in neighborhoods, the fraternity hopes not only to provide service, but also to enhance the image of Latin culture and provide positive role models for the Latin community. Brothers have gone on to become accountants, attorneys, engineers, entrepreneurs, politicians, recording artists, scientists and leaders in various areas.

A few of the fraternity's activities include voter registration programs, citizenship drives, disaster relief, anti-drug rallies, and Hispanic college days, which introduce thousands of high school students to college.

Please join me today in honoring Lambda Theta Phi fraternity on its 20th anniversary as it continues to provide service to the community and guarantees the strongest in brotherhood while upholding the best in Latin culture.

CONFERENCE REPORT ON S. 440, NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SPEECH OF

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 18, 1995

Mr. BLILEY. Mr. Speaker, I rise in support of this legislation, and specifically the provision within this legislation addressing the Environmental Protection Agency's [EPA] implementation of the enhanced vehicle inspection and maintenance program [I&M] under sections 182, 184, and 187 of the Clean Air Act.

The 1990 Clean Air Act amendments required certain ozone and carbon monoxide nonattainment areas—as well as certain areas within ozone transport regions—to adopt enhanced vehicle inspection and maintenance programs. The act was intended to afford States maximum flexibility in designing their I&M programs. However, in several hearings conducted by the Commerce Committee's Oversight Subcommittee it has become apparent that EPA has taken the enhanced I&M program and attempted to force States into a one-size-fits-all approach. That approach, a centralized or test-only program that favors testing with IM240 equipment, has been resisted, and in some cases rejected, by States and by our constituents as too costly and too inconvenient. In addition, many States and outside experts question whether EPA's centralized approach is indeed more effective than a decentralized approach.

The amendments to the Clean Air Act contained in this bill are designed to require EPA to allow for more flexibility in the implementation of the enhanced I&M program. First, the provision prevents EPA from automatically assuming that decentralized or test-and-repair programs are approximately 50 percent less effective than centralized or test-only programs. Second, it would allow States an 18-month period in which States could configure their own I&M program, experimenting with various network and equipment types. Because it will be difficult to determine a priori exact emissions reductions achieved by such a program, requirements that States propose credits in good faith should be construed loosely. EPA would then be required to base emission reduction credits on the actual data from the I&M program, rather than basing credits on assumptions within a computer model. In developing this credit, the burden should be upon EPA to demonstrate that provisional credits proposed by the States are inappropriate. EPA is then required to adjust credits as appropriate as demonstrated by the program data, which could include actual emission tests results, remote sensing, or other relevant data.

The message of this legislation to EPA regarding the enhanced inspection and maintenance program is clear. Congress is not happy with the present course EPA has taken. This legislation should be viewed as a response to EPA's statements that it will continue to discount decentralized or test-and-repair I&M programs up to 50 percent based on model assumptions. Such statements run counter to the statutory language and intent of this provision which are to allow States, such as Virginia, an opportunity to demonstrate to EPA what credits for decentralized programs should be from actual program data.

IN SUPPORT OF H.R. 2525 AND H.R. 2519

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 28, 1995

Ms. PELOSI. Mr. Speaker, I rise to offer my support for both H.R. 2525, the Charitable Gift Annuity Relief Act, and H.R. 2519, the Philanthropy Protection Act. These bills offer much-needed clarity to our securities and antitrust laws and will encourage continued charitable giving by our Nation's non-profit organizations.

Charitable gift annuities and charitable trusts make it possible for donors to make contributions while still retaining some income from the gift. This legislation encourages this flexible arrangement and should be supported.

Mr. Speaker, the people of the United States are the most generous in the world. In 1995 alone, contributions to charity totaled $120 billion. These bills will ensure that this level of generosity continues. Vote ''Yes'' on H.R. 2519 and H.R. 2525.

FRAUD IN LOBBYING

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. LEVIN. Mr. Speaker, I am pleased to join Mr. DINGELL today as an original cosponsor of legislation to make it a Federal crime to misappropriate a person's name in connection with lobbying Congress. I want to commend Mr. DINGELL for bringing this important legislation to the floor.

During the recent debate on the telecommunications bill, Members of Congress were deluged by thousands of telegrams in opposition to the measure.

It turns out that most of the telegrams were sent without the knowledge or consent of our constituents. Their names and addresses were wrongfully expropriated by opponents of the telecommunications bill as part of a massive lobbying scam.

Before the extent of this fraud was uncovered, my office responded to 650 telegrams. I subsequently wrote these constituents a second letter, informing them that their names may have been used without their knowledge.

I received dozens of replies from constituents who were outraged that a lobbying group would use their names without permission. I would like to read just one of them to you:

SEPTEMBER 29, 1995.

Hon. SANDER LEVIN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN LEVIN: I found the attached letter at my father's home while sorting through his things following his recent death. He had written my name on the envelope, so I assume he wanted me to handle this matter for him.

The letter you sent was not addressed to my father, but to my brother. My brother died 13 years ago. I don't know where the list firm would have gotten his name. I personally had his name withdrawn from the voters rolls many years ago to avoid the somewhat painful mail being delivered to my parent's home.

I believe I can guarantee you that [my brother] did not authorize a telegram to be sent to you in support or opposition to any legislation

Good luck in your investigation.

Sincerely,

THOMAS H. SHIELDS.

Mr. Speaker, this telegram lobbying campaign was a blatant attempt to mislead the House of Representatives. Congress should take whatever steps are necessary to prevent this abuse from happening ever again.

That's why we're here today. This legislation makes this type of misrepresentation a Federal offense punishable by up to 1 year in prison, fines, or both.

Another one of my constituents hit the nail on the head. Referring to lobbying firms such as the one that orchestrated the telegram scam on the telecommunications bill, she wrote, ''I hope ya get the stinkers.'' This legislation is a good start.

HAYMARKET HOUSE'S CSAT GRANT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, Nov. 30, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I would like to announce that Haymarket House in my congressional district has recently been selected to receive a grant to provide residential substance abuse treatment to more than 20 women and their children by the Center for Substance Abuse Treatment [CSAT] Residential Women and Children [RWC] grant program.

Haymarket House currently provides comprehensive and integrated treatment services to approximately 13,000 clients each year, making it the largest drug abuse treatment

center in the State of Illinois. With the CSAT demonstration grant, Haymarket intends to provide 22 chemically dependent women and up to 31 drug-exposed children with a continuum of care.

The goals of Haymarket House's recovery recovery program are to reduce the recidivism rate among chemically dependent women and to enhance the maternal-child attachment and promote independent living.

One of the greatest barriers that high-risk women currently face when seeking substance abuse treatment is lack of child care. CSAT's grant will enable Haymarket House to address this problem by establishing a model recovery home providing drug abuse prevention and treatment, health services, child care, parent training, vocational education, and job placement. This integration helps treatment centers like Haymarket improve their prevention and treatment services so that drug addictions can be treated more quickly.

I commend Haymarket House for their innovative approach to substance abuse and encourage my colleagues to visit this facility in my congressional district to see for yourselves what a remarkably successful drug treatment program Haymarket House has established.

REMEMBER THE NIXON DOCTRINE

HON. Y. TIM HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. HUTCHINSON. Mr. Speaker, considering the high level of interest in the President's plan to deploy 20,000 American servicemen and servicewomen to Bosnia, I thought my colleagues might find the accompanying article of special interest.

It should be noted that Jim Webb, a former counsel on the Veterans' Affairs Committee, was a highly decorated marine in Vietnam, as Assistant Secretary of Defense, as well as Secretary of the Navy.

[From the New York Times, Nov. 28, 1995]

REMEMBER THE NIXON DOCTRINE

(By James Webb)

ARLINGTON, VA.—The Clinton Administration's insistence on putting 20,000 American troops into Bosnia should be seized on by national leaders, particularly those running for President, to force a long-overdue debate on the worldwide obligations of our military.

While the Balkan factions may be immersed in their struggle, and Europeans may feel threatened by it, for Americans it represents only one of many conflicts, real and potential, whose seriousness must be weighed, often against one another, before allowing a commitment of lives, resources and national energy.

Today, despite a few half-hearted attempts such as Gen. Colin Powell's ''superior force doctrine,'' no clear set of principles exists as a touchstone for debate on these tradeoffs. Nor have any leaders of either party offered terms which provide an understandable global logic as to when our military should be committed to action. In short, we still lack a national security strategy that fits the postcold war era.

More than ever before, the United States has become the nation of choice when crises occur, large and small. At the same time, the size and location of our military forces are in flux. It is important to make our interests known to our citizens, our allies and even our potential adversaries, not just in Bosnia but around the world, so that commitments can be measured by something other than the pressures of interest groups and manipulation by the press. Furthermore, with alliances increasingly justified by power relationships similar to those that dominated before World War I, our military must be assured that the stakes of its missions are worth dying for.

Failing to provide these assurances is to continue the unremitting case-by-case debates, hampering our foreign policy on the one hand and on the other treating our military forces in some cases as mere bargaining chips. As the past few years demonstrate, this also causes us to fritter away our national resolve while arguing about military backwaters like Somalia and Haiti.

Given the President's proposal and the failure to this point of defining American stakes in Bosnia as immediate or nation-threatening, the coming weeks will offer a new round of such debates. The President appears tempted to follow the constitutionally questionable (albeit effective) approach used by the Bush Administration in the Persian Gulf war: putting troops in an area where no American forces have been threatened and no treaties demand their presence, then gaining international agreement before placing the issue before Congress.

Mr. Clinton said their mission would be ''to supervise the separation of forces and to give them confidence that each side will live up to their agreements.'' This rationale reminds one of the ill-fated mission of the international force sent to Beirut in 1983. He has characterized the Bosnian mission as diplomatic in purpose, but promised, in his speech last night, to ''fight fire with fire and then some'' if American troops are threatened. This is a formula for confusion once a combat unit sent on a distinctly noncombat mission comes under repeated attack.

We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would ''continue to discourage the development of the necessary military strength Western European countries should provide for themselves.''

The Administration speaks of a ''reasonable time for withdrawal,'' which if too short might tempt the parties to wait out the so-called peacekeepers and if too long might tempt certain elements to drive them out with attacks causing high casualties.

Sorting out the Administration's answers to such hesitations will take a great deal of time, attention and emotion. And doing so in the absence of a clearly stated global policy will encourage other nations, particularly the new power centers in Asia, to view the United States as becoming less committed to addressing their own security concerns. Many of these concerns are far more serious to long-term international stability and American interests. These include the continued threat of war on the Korean peninsula, the importance of the United States as a powerbroker where historical Chinese, Japanese and Russian interests collide, and the need for military security to accompany trade and diplomacy in a dramatically changing region.

Asian cynicism gained further grist in the wake of the Administration's recent snubs of Japan: the President's cancellation of his summit meeting because of the budget crisis, and Secretary of State Warren Christopher's early return from a Japanese visit to watch over the Bosnian peace talks.

Asian leaders are becoming uneasy over an economically and militarily resurgent China that in recent years has become increasing more aggressive. A perception that the United States is not paying attention to or is not worried about such long-term threats could in itself cause a major realignment in Asia. One cannot exclude even Japan, whose strong bilateral relationship with the United States has been severely tested of late, from this possibility.

Those who aspire to the Presidency in 1996 should use the coming debate to articulate a world view that would demonstrate to the world, as well as to Americans, an understanding of the uses and limitations—in a sense the human budgeting of our military assets.

Richard Nixon was the last President to clearly define how and when the United States would commit forces overseas. In 1969, he declared that our military policy should follow three basic tenets:

Honor all treaty commitments in responding to those who invade the lands of our allies.

Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

These tenets, with some modification, are still the best foundation of our world leadership. They remove the United States from local conflicts and civil wars. The use of the American military to fulfill treaty obligations requires ratification by Congress, providing a hedge against the kind of Presidential discretion that might send forces into conflicts not in the national interest. Yet they provide clear authority for immediate action required to carry out policies that have been agreed upon by the government as a whole.

Given the changes in the world, an additional tenet would also be desirable: The United States should respond vigorously against cases of nuclear proliferation and state-sponsored terrorism.

These tenets would prevent the use of United States forces on commitments more appropriate to lesser powers while preserving our unique capabilities. Only the United States among the world's democracies can field large-scale maneuver forces, replete with strategic airlift, carrier battle groups and amphibious power projection.

Our military has no equal in countering conventional attacks on extremely short notice wherever the national interest dictates. Our bases in Japan give American forces the ability to react almost anywhere in the Pacific and Indian Oceans, just as the continued presence in Europe allows American units to react in Europe and the Middle East.

In proper form, this capability provides reassurance to potentially threatened nations everywhere. But despite the ease with which the American military seemingly operates on a daily basis, its assets are limited, as is the national willingness to put them at risk.

As the world moves toward new power centers and different security needs, it is more vital than ever that we state clearly the conditions under which American forces will be sent into harm's way. And we should be ever more chary of commitments, like the looming one in Bosnia, where combat units invite attack but are by the very nature of their mission not supposed to fight.

TRIBUTE TO THE LATE JAMES T. MARTIN

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. MFUME. Mr. Speaker, I rise today to salute one of our Capitol Police Officers, a decorated soldier and a constituent of mine.

James T. Martin of Catonsville died of cancer on November 27, 1995. He was born in Newberry, SC; the son of Ida L. Martin and the late Frank Martin. Mr. Martin left Newberry and enlisted in the U.S. Air Force in 1948 and retired as a master sergeant in 1969. While serving during the Korean war, Mr. Martin was decorated with the Soldiers Medal for Valor, the Korean Service Medal, the Good Conduct Medal and the United Nations Medal.

Upon his retirement from the U.S. Air Force, Mr. Martin joined the U.S. Capitol Police Force, a branch of the House of Representatives and completed his second career serving as a sergeant and retired after 22 years.

Mr. Martin was an active member of St. Josephs Monastery Paris and was engaged in a number of organizations, including the Glad Men of Song, the VFW and the American Legion.

Mr. Martin is survived by his wife Regina T. Martin, four daughters, Theresa, Bridghe, Eileen, and Patricia, one brother and three sisters. He is also survived by 3 granddaughters and 11 grandsons.

Because of his service and dedication to our country, to the House of Representatives and to his family, I stand today to pay tribute to James T. Martin.

TRIBUTE TO THE TRADE UNION LEADERSHIP COUNCIL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 30, 1995

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to the Trade Union Leadership Council [TULC] which was organized nearly 40 years ago by a small but determined group of African-American trade unionists in Detroit. These men and women banded together to fight the blatant racism that existed in unions as well as in management.

From its modest beginnings in 1957, TULC developed into a powerful political and social force that was nationally recognized and praised. It attacked the racist policies in the unions and it literally changed the complexion of union leadership; it forced companies to desegregate their work forces; it operated skilled trades apprenticeship programs aimed primarily at young blacks who had been excluded from such programs, and it became a force to be reckoned with in the field of politics.

In its heyday in the 1960's and 1970's, TULC had some 10,000 members. The organization was applauded for its emphasis on self help and self development. It often was harshly criticized by union and management chiefs for its insistence on job equality, but it withstood the criticism and forced open the doors of opportunity.

Those gains did not come easily. In the decades of the forties, fifties, and sixties, discrimination was rampant across the Nation. As late as the mid-1940's, more than a dozen unions still had white-only policies. Through the 1950's and until the 1960's, the powerful executive board of the United Auto Workers was lily white.

It was in this atmosphere that TULC was forged. Its 19 founding members included the late labor activists Horace Sheffield and Robert (Buddy) Battle III, both of whom rose to key positions in the UAW. Also among that group was a local 600 activist and democratic State Central Committee member named Elizabeth Jackson who would later become one of the most powerful women in the UAW. Hubert Holley, head of Detroit's bus drivers and John Brown, the current TULC president, were founding members as was my late father, John Conyers, Sr. I was one of the lawyers who drafted TULC's articles of incorporation.

Initially, TULC planned to focus on unions and to restrict its membership to union members. But, as Robert Battle explained years ago in an interview:

> * * * we found that we could not separate the problems of the unions from the community because basically the union people are the community when they are at home. So we lifted the bar then and made it a community organization. We figured that the problem of job discrimination and discrimination within the unions were problems that should be dealt with within the community as well as within labor. We dropped the bar and said that all you had to believe in was the struggle, the fight of all mankind.

The TULC members knew the problems in the unions, and they tackled them head on. The organization's leaders repeatedly and publicly challenged the AFL–CIO to eliminate segregation from the locals and to remove the constitutional color bars that were part of the AFL–CIO philosophy. In its monthly publication entitled ''The Vanguard,'' the TULC wrote an open letter in 1962 to AFL–CIO president George Meany. The letter warned Meany that African-American trade unionists would no longer tolerate the discriminatory practices of the AFL–CIO. ''Discrimination, no matter how it is packaged or who does the wrapping, remains discrimination'' the letter said. ''Negroes insist on an end to job discrimination now. Not when Mr. Meany and his righteous followers get around to it, not when the so-called grievance 'machinery' is perfected, not when the NAACP (or any such organization) fills staff positions with people strictly suitable to AFL–CIO tastes—but now.''

At the same time TULC was relentlessly pushing the AFL–CIO to change, the group was running classes to teach young people how to apply for and prepare for a job. Over the years, TULC continued on that two-tiered track—pushing unions, management, and government to increase opportunities and teaching people how to avail themselves of those opportunities.

The AFL–CIO wasn't TULC's only target. For years, TULC members were furious because the United Auto Workers' all powerful executive board was also all white. In 1959, Sheffield, Battle, and union activist Willoughby Abner set the stage for change when they forced the issue at the UAW's 17th Constitutional Convention in Atlanta. Sheffield told the gathering that the union leadership had promised some 16 years earlier to put an African-American on the executive board. He said blacks were tired of waiting.

In 1962, the color barrier was broken with the election of Nelson ''Jack'' Edwards, a region 1A staff representative, to the executive board. Although many thought Sheffield should have had that post, his outspoken criticism of the UAW leadership kept him from it.

TULC remained busy on the social and political fronts. In 1960, TULC rallied more than 1,400 people to form the National Negro American Labor Council. The late A. Philip Randolph was the first president. Around the same time, TULC was flexing its political muscle. TULC was instrumental in the election of African-Americans to government office and it successfully campaigned for the ouster of Louis Miriani, Detroit's incumbent mayor who was openly hostile to blacks.

TULC also campaigned vigorously to increase the minimum wage to a level where people earning it could afford to buy the products they produced. The organization also traveled the Midwest explaining to working people the dangers of ''right to work'' legislation.

On the job front, TULC forced many companies, including United Parcel and Wolpin Distributors, to hire their first black drivers. Also during the 1960's, TULC and the Building Trades Council jointly initiated an apprenticeship training program that became a national model for such efforts. By the mid-1970's, the program had recruited thousands of minority youths, and the majority of them were employed in the Detroit area.

Recognizing the need for educational enrichment programs for deprived youth, TULC established the Educational Foundation of all races. The foundation offered classes ranging from remedial reading to typing to job-seeking skills.

TULC also offered enrichment classes for preschoolers and helped 10 Detroit high schools establish sections on African-Americans in their school libraries.

John Brown, current TULC president, said that the founding members took a risk in forming TULC. ''Quite a few people resented us for doing this,'' Brown said. The criticism did not deter the group from attacking gross discrimination wherever they found it.

Today, only four of the original members are still alive, Elizabeth Jackson, John Brown, former State Representative Daisy Elliott, and retired city of Detroit employee Mickey Welch. Membership stands at over 2,500. TULC works with the Detroit Board of Education, and it makes regular contributions to local charities. It also sponsors weekly programs for senior citizens, and it continues to sponsor cultural enrichment programs for local youths.

The bold efforts of the Trade Union Leadership Council have enabled thousands of African-American men and women to progress through the ranks of both unions and management.

That small group of people who gathered nearly 40 years ago today to demand equality deserve our praise and our respect. Their noble efforts must not be forgotten.

CONFERENCE REPORT ON S. 440, NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 18, 1995

Mr. BARTON of Texas. Mr. Speaker, I rise in support of this legislation. With its passage begins the resolution of years of questionable implementation of the inspection and maintenance [I&M] program by EPA, required by sections 182, 184, and 187 of the Clean Air Act. The controversy began with the finalization of the 1992 rule. Within that rule was an assumption that decentralized or test-and-repair I&M programs were approximately 50 percent less effective than centralized or test-only programs. In addition, the final rule removed a provision within the proposed rule which would have given States a 2-year period to demonstrate the effectiveness of enhanced decentralized programs. Three years later, EPA has yet to convince States that such a discount is appropriate, and the I&M issue is as yet unresolved. This legislation begins to resolve this dispute by restoring a demonstration period in which States will be permitted to demonstrate appropriate credits.

Earlier this year, the Oversight and Investigation Subcommittee of the House Commerce Committee, which I chair, held two hearings on the inspection and maintenance issue. Those hearings called into question the basis for the so called 50-percent discount. At the time of the hearing, EPA stated that it relied on 15 years of vehicle audit and tampering data to justify this discount. However, evidence produced by the California I/M Review Committee and Dr. Doug Lawson of Desert Research Institute called into question whether this data supported the discount.

At the hearing, and in follow-up questions, however, EPA stated that the basis for the discount was not audit and tampering data, but from two indepth studies conducted in California. These indepth studies of California's decentralized program indicated that reductions were 20 percent for hydrocarbons [HC], 15 percent for carbon monoxide [CO], and 7 percent for nitrogen oxides [Nox], about half what they were expected to be, according to EPA—hence the 50-percent discount. But EPA estimates credits for a decentralized program are appropriate 6.5-percent reductions in HC, 12.6 for CO, and 1.5 percent for Nox, much less than the reductions found in California.

Outside studies of ''real world'' data also called into question EPA's system of credits. Two engineering professors from the University of Minnesota found that a centralized I&M program recently adopted in the Minneapolis/St. Paul region was achieving only a 1-percent reduction in CO. EPA had originally predicted the program would reduce CO emissions by 30 percent. They later revised that estimate to 9-percent reductions. If centralized testing is so effective, why would the centralized program be expected to achieve only a 9-percent reduction in CO, when decentralized programs in general are predicted to achieve a 12.6 percent reduction in CO. Finally, ''real world'' evidence taken from hundreds of thousands of remote sensing readings further indicate that whether a program is centralized or decentralized was relatively unimportant to the effectiveness of the program.

The provision in this bill therefore, asks EPA to go back to the drawing board. By restoring flexibility to the States, it is hoped that States will experiment with various I&M configurations, such as remote sensing. EPA should use data from State programs so measure the performance of centralized verses decentralized programs, and both types should be examined relative to the performance standard. In particular, I am hopeful that States and EPA will use this opportunity to refocus I&M on that small minority of vehicles that cause most of the pollution. Data indicates that as few as 10 percent of the vehicles cause over 50 percent of the pollution. Therefore, techniques that screen out gross polluters such as remote sensing, should be seriously considered.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S17831–S17874

Measures Introduced: Four bills were introduced, as follows: S. 1438–1441. **Pages S17865–66**

Partial-Birth Abortion Ban—Agreement: A unanimous-consent agreement was reached providing for consideration of H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions, on Monday, December 4, 1995. **Page S17872**

Nominations Received: Senate received the following nominations:

Luis D. Rovira, of Colorado, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001.

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1998. **Page S17874**

Measures Read First Time: **Pages S17872, S17874**

Communications: **Page S17865**

Executive Reports of Committees: **Page S17865**

Statements on Introduced Bills: **Pages S17866–70**

Additional Cosponsors: **Page S17870**

Authority for Committees: **Page S17870**

Additional Statements: **Pages S17870–72**

Adjournment: Senate convened at 10 a.m., and adjourned at 4:25 p.m., until 3 p.m., on Monday, December 4, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S17872.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 907, to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws, with an amendment in the nature of a substitute;

An original bill to provide for uniform management of livestock grazing on Federal lands; and

S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, Idaho.

NOMINATIONS

Committee on Finance: Committee ordered favorably reported the nominations of Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court, David A. Lipton, of Massachusetts, to be Deputy Under Secretary of Treasury for International Affairs, Darcy E. Bradbury, of New York, to be Assistant Secretary of Treasury for Financial Institutions, Melissa T. Skolfield, of Louisiana, to be Assistant Secretary of Health and Human Services for Public Affairs, and David C. Williams, of Illinois, to be Inspector General, Social Security Administration, Department of Health and Human Services,

Prior to this action, committee concluded hearings on all the aforementioned nominations, and the nomination of Jeffrey R. Shafer, of New Jersey, to be Under Secretary of Treasury for International Affairs, after the nominees testified and answered questions in their own behalf. Mr. Gale was introduced by Senator Moynihan, and Ms. Skolfield was introduced by Senators Bumpers and Pryor.

BILATERAL INVESTMENT TREATIES

Committee on Foreign Relations: Committee concluded hearings on the Investment Treaty with Albania (Treaty Doc. 104–19), Encouragement Reciprocal Investment Treaty with Republic of Belarus (Treaty Doc. 103–36), Investment Treaty with the Republic of Estonia (Treaty Doc. 103–38), Investment Treaty with Georgia (Treaty Doc. 104–13), Investment Treaty with Jamaica (Treaty Doc. 103–35), Investment Treaty with Latvia (Treaty Doc. 104–12), Investment Treaty with Mongolia (Treaty Doc. 104–10), Investment Treaty with Trinidad and Tobago (Treaty Doc. 104–14), and Investment Treaty with Ukraine (Treaty Doc. 103–37), after receiving testimony from Daniel K. Tarullo, Assistant Secretary of State for Economic and Business Affairs; Donald Abelson, Assistant United States Trade Representative for Investment; Robert D. Hormats, Goldman Sachs (International), New York, New York; and Daniel M. Price, Powell, Goldstein, Frazer & Murphy, and Stephen Canner, both of Washington, D.C., both on behalf of the United States Council for International Business.

SUBCOMMITTEE MEMBERSHIP

Committee on Governmental Affairs: Committee announced the following subcommittee assignments:

Permanent Subcommittee on Investigations: Senators Roth (Chairman), Stevens, Cohen, Thompson, Cochran, McCain, Smith, Brown, Nunn, Glenn, Levin, Pryor, Lieberman, Akaka, and Dorgan.

Subcommittee on Post Office and Civil Service: Senators Stevens (Chairman), Cochran, McCain, Smith, Pryor, Akaka, and Dorgan.

Subcommittee on Oversight of Government Management and the District of Columbia: Senators Cohen (Chairman), Thompson, Cochran, McCain, Brown, Levin, Pryor, Lieberman, and Akaka.

BUSINESS MEETING

Committee on the Judiciary: Committee began markup of S. 956, to divide the ninth judicial circuit of the United States into two circuits, but did not complete consideration of, and will meet again on Thursday, December 7.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Merrick B. Garland, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, John Thomas Marten, to be United States District Judge for the District of Kansas, Bruce D. Black, to be United States District Judge for the District of New Mexico, Patricia A. Gaughan, to be United States District Judge for the Northern District of Ohio, and Hugh Lawson, to be United States District Judge for the Middle District of Georgia, after the nominees testified and answered questions in their own behalf. Mr. Garland was introduced by Senators Sarbanes and Simon and Representative Morella, Mr. Marten was introduced by Senators Dole and Kassebaum, Mr. Black was introduced by Senator Domenici, Judge Gaughan was introduced by Senators DeWine and Glenn, and Mr. Lawson was introduced by Senator Nunn and Representative Chambliss.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

WHITEWATER

Special Committee To Investigate the Whitewater Development Corporation and Related Matters: Committee continued hearings to examine issues relative to the Whitewater Development Corporation, receiving testimony from Julia Yanda, Senior Counsel, Karen Carmichael, Senior Attorney, and April Breslaw, Counsel, all of the Professional Liability Section, Resolution Trust Corporation.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 2692–2701; 1 private bill, H.R. 2702; and 2 resolutions, H.J. Res. 129, and H. Res. 288 were introduced.

Pages H13869–70

Reports Filed: Reports were filed as follows:

H.R. 826, to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, amended (H. Rept. 104–371);

H.R. 308, to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a non-profit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development (H. Rept. 104–372);

H.R. 632, to enhance fairness in compensating owners of patents used by the United States (H. Rept. 104–373);

H.R. 1295, to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks (H. Rept. 104–374); and

H. Res. 287, providing for consideration of H.R. 1350, to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine (H. Rept. 104–375). **Page H13869**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Gillmor to act as Speaker pro tempore for today.

Page H13807

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 Commerce, House Oversight, International Relations, National Security, Resources, Science, and Transportation and Infrastructure.

Page H13813

Amtrak Reform and Privatization: By a yea-and-nay vote of 406 yeas to 4 nays, Roll No. 832, the House passed H.R. 1788, to reform the statutes relating to Amtrak. **Pages H13813–41**

Agreed to the committee amendment in the nature of a substitute, as modified by the rule.

Pages H13822–27

Agreed To:

The Shuster amendment that extends the exemption for Amtrak from the Americans with Disabilities Act until 1998 to apply to commuter authority facilities used jointly with Amtrak and transfers the title to magnetic levitation tract materials at the Transportation Technology Center near Pueblo, Colorado, to the State of Florida; **Pages H13822–27**

The Clement amendment that adds language regarding loan guidelines that clarifies loan policies to favor continuation of service on light density rail lines; sets the interest for guaranteed railroad loans at the Federal Treasury rate; modifies provisions concerning the loan repayment period; and permits assets being financed to be used as collateral; **Pages H13827–28**

The Traficant amendment that requires Amtrak to establish an outreach program to increase the number of domestic trackwork manufacturers that are awarded Amtrak contracts; and **Pages H13828–30**

The Shuster technical amendment. **Page H13839**

Rejected:

The Collins of Illinois amendment that sought to strike language in the bill placing a $250,000 liability limitation on noneconomic damages (rejected by a recorded vote of 164 ayes to 239 noes, Roll No. 830); **Pages H13830–35**

The Nadler amendment that sought to permit Amtrak to make track rights amendment with any rail freight carrier regardless of any existing legal or contractual provisions (rejected by a recorded vote of 161 ayes to 249 noes, Roll No. 831); and **Pages H13835–38**

The Hefley amendment that sought to strike language that would provide funding for construction activities on the James A. Farley Post Office in New York, New York. **Pages H13839–40**

Earlier, a point of order was sustained against the Reed amendment that sought to reduce Amtrak's administrative expenses in its headquarters and Northeast Corridor Strategic Business Unit by 5 percent. **Page H13838**

H. Res. 284, the rule under which the bill was considered, was agreed to earlier by a voice vote. **Pages H13813–16**

ICC Termination: House disagreed to the Senate amendment to H.R. 2539, to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation; and asked a conference. Appointed as conferees: From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Representatives Shuster, Clinger, Petri, Coble, Molinari, Oberstar, Rahall, and Lipinski.

As additional conferees from the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Representatives Hyde, Moorhead, and Conyers. **Page H13841**

Veto Message—Further Supplemental Appropriations: House agreed to the Livingston motion to refer to the Committees on Appropriations the President's veto message and H.J. Res. 115, making further continuing appropriations for the fiscal year 1996. **Pages H13841–42**

Late Report: Conferees received permission to have until midnight on Friday, December 1, to file a conference report on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996. **Page H13842**

Question of Privilege of the House: By a recorded vote of 218 ayes to 170 noes, with 9 voting "present", Roll No. 833, the House agreed to the Armey motion to table a certain privileged resolution. **Pages H13842–43**

Legislative Program: The Acting Majority Leader announced the legislative program for the week of December 4. Agreed to adjourn from Thursday to Monday. **Page H13843**

Meeting Hour: Agreed to meet at 12 noon on Monday, December 4. **Page H13843**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of December 6. **Pages H13843–44**

Late Report: Committee on Ways and Means received permission to have until midnight tonight to file a conference report on H.R. 2684, to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age. **Page H13844**

Technical Corrections in House Rules: House agreed to H. Res. 254, making technical corrections in the Rules of the House of Representatives. **Pages H13844–45**

Agreed to the Drier en bloc amendment that permits Members to receive State products, greeting cards, T-shirts and others items of minimal value. **Pages H13844–45**

Referral: One Senate-passed measure was referred to the appropriate House committee. **Page H13868**

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H13834–35, H13837–38, H13841, and H13842–43. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 7:07 p.m.

Committee Meetings

LAND DISPOSAL PROGRAM FLEXIBILITY ACT

Committee on Commerce: Subcommittee on Commerce, Trade, and Hazardous Materials approved for full Committee action amended H.R. 2036, Land Disposal Program Flexibility Act of 1995.

CAPITAL MARKETS DEREGULATION AND LIBERALIZATION ACT

Committee on Commerce: Subcommittee on Telecommunications and Finance continued hearings on H.R. 2131, Capital Markets Deregulation and Liberalization Act of 1995. Testimony was heard from Arthur Levitt. Jr., Chairman, SEC; and Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

Hearings continue December 5.

HOUSE INSPECTOR GENERAL—ADDITIONAL AUDITING

Committee on House Oversight: Continued discussions regarding H. Res. 192, providing for additional auditing by the House Inspector General. Testimony was heard from John W. Lainhart, IV, Inspector General, House of Representatives.

UNITED STATES POLICY TOWARDS BOSNIA

Committee on International Relations: Held a hearing on United States Policy Towards Bosnia. Testimony was heard from Warren M. Christopher, Secretary of State; and the following officials of the Department of Defense: William J. Perry, Secretary; and Gen. John M. Shalikashivili, USA, Chairman, Joint Chiefs of Staff.

UNITED STATES GROUND FORCES IN BOSNIA

Committee on National Security: Continued hearings on the proposed deployment of United States ground forces in Bosnia. Testimony was heard from Warren M. Christopher, Secretary of State; and the following officials of the Department of Defense: William J. Perry, Secretary; and Gen. John M. Shalikashvili, USA, Chairman, Joint Chiefs of Staff.

Hearings continue December 6.

POW/MIA

Committee on National Security: Subcommittee on Military Personnel continued hearings on the Department of Defense comprehensive review of POW/MIA cases. Testimony was heard from James W. Wold, Assistant Secretary, POW/MIA Affairs, Department of Defense.

FOREST TIMBER SALVAGE AND FOREST HEALTH

Committee on Resources: Subcommittee on National Parks, Forests and Lands held an oversight hearing on Forest Timber Salvage and Forest Health. Testimony was heard from Representatives Herger and Cooley; Jack Ward Thomas, Chief, Forest Service, USDA; and public witnesses.

MARITIME SECURITY ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1350, Maritime Security Act of 1995. The rule makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute. Each section will be considered as read. Before the consideration of any other amendment, the rule provides for consideration, without intervention of points of order, of an amendment offered only by the Chairman of the Committee on National Security or his designee, which is debatable for 20 minutes equally divided between a proponent and an opponent. The amendment shall not be subject to amendment or a demand for a division of the question. The rule provides priority in recognition to members who pre-print their amendments in the Congressional Record. Finally, the rule provides for one motion to recommit with or without instructions. Testimony was heard from Representatives Bateman and Taylor of Mississippi.

SHUTTLE SINGLE PRIME CONTRACT

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Shuttle Single Prime Contract: A Review of NASA's Determination and Findings. Testimony was heard from S. Daniel Goldin, Administrator, NASA.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

FAA'S GLOBAL POSITIONING SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on FAA's Global Positioning (Satellite Navigation) System. Testimony was heard from George Donohue, Associate Administrator, Research and Acquisitions, FAA, Department of Transportation; R. Noel Longuemare, Principle Deputy Under Secretary, Acquisition and Technology, Department of Defense; and public witnesses.

SENIOR CITIZENS RIGHT TO WORK ACT; MEDICARE AND MEDICAID COVERAGE DATA BANK REPEAL

Committee on Ways and Means: Ordered reported the following bills: H.R. 2684, amended, Senior Citizens' Right to Work Act of 1995; and H.R. 2685, to repeal the Medicare and Medicaid coverage data bank.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 1, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, to hold hearings to examine certain funding requirements involving United States interests in Bosnia, 2 p.m., SD–192.

Committee on Foreign Relations, to hold hearings to examine the peace process in the former Yugoslavia, 10 a.m., SD–419.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the Whitewater Development Corporation, 9:30 a.m., SH–216.

CONGRESSIONAL PROGRAM AHEAD

Week of December 4 through 9, 1995

Senate Chamber

On *Monday,* Senate will consider H.R. 1833, Partial-Birth Abortion Ban.

On *Tuesday,* Senate will consider the conference report on H.R. 1058, Securities Litigation Reform Act.

During the week, Senate expects to also consider the conference report on H.R. 2099, VA–HUD, legislation relative to Bosnia, further conference reports (when available), and any cleared legislative business.

(Senate will recess on Tuesday, December 5, 1995, from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: December 6, to hold hearings on the Bosnian Peace Agreement, the North Atlantic Council military plan and the proposed mission for U.S. military forces deployed with the implementation Force (IFOR), 10:15 a.m., SD–G50.

Committee on Energy and Natural Resources: December 6, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Finance: December 5, to hold hearings on the Organization for Economic Cooperation and Development (OECD) Shipbuilding Subsidies Agreement, 10 a.m., SD–215.

Committee on Governmental Affairs: December 5, to hold hearings on S. 88, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans, 9:30 a.m., SD–342.

December 6, Full Committee, to hold hearings on S. 356, to amend title 4, United States Code, to declare English as the official language of the Government of the United States, 9:30 a.m., SD–342.

December 7, Full Committee, to hold hearings on S. 94, to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases, 9:30 a.m., SD–342.

Committee on the Judiciary: December 5, Subcommittee on Administrative Oversight and the Courts, to hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child, 10 a.m., SD–226.

December 7, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources: December 6, to hold joint hearings with the Committee on Small Business on certain issues relating to modifications to the Occupational Safety and Health Act of 1970, 9:30 a.m., SD–106.

Committee on Rules and Administration: December 7, to hold hearings to examine how to manage Senate technology in the information age, 9:30 a.m., SR–301.

Committee on Small Business: December 6, to hold joint hearings with the Committee on Labor and Human Resources on certain issues relating to modifications to the Occupational Safety and Health Act of 1970, 9:30 a.m., SD–106.

Committee on Indian Affairs: December 6, to hold oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601), 9:30 a.m., SR–485.

House Chamber

Monday, No legislative business is scheduled,

Tuesday and the balance of the week, House will consider the following 9 Suspensions:

1. H.R. 33, Stuttgart National Aquaculture Research Center Act of 1995;
2. H.R. 1253, Renaming San Francisco Bay National Wildlife Refuge as The Don Edwards San Francisco Bay National Wildlife Refuge;
3. H.R. 255, Designating the James Lawrence King Federal Justice Building;
4. H.R. 395, Designating the Bruce R. Thompson U.S. Courthouse and Federal Building;
5. H.R. 653, Designating the Thurgood Marshall U.S. Courthouse;
6. H.R. 840, Designating the Walter B. Jones Federal Building and U.S. Courthouse;
7. H.R. 869, Designating the Thomas D. Lambros Federal Building and U.S. Courthouse;
8. H.R. 965, Designating the Romano L. Mazzoli Federal Building; and
9. H.R. 1804, Designating the Judge Isaac C. Parker Federal Building,

Consideration of H.R. 1350, Maritime Security Act of 1995 (subject to a rule being granted),

Consideration of the conference report to H.R. 2076, Commerce-State-Justice Appropriations Act for fiscal year 1996 (subject to a rule being granted),

Consideration of the conference report to H.R. 2099, VA–HUD Appropriations Act for fiscal year 1996 (subject to a rule being granted),

Consideration of the conference report to H.R. 1058, The Securities Litigation Reform Act (subject to a rule being granted),

Consideration of the conference report to H.R. 1868, Foreign Operations Appropriations Act for fiscal year 1996 (subject to a rule being granted),

Consideration of the conference report to H.R. 1977, Interior Appropriations for fiscal year 1996 (subject to a rule being granted),

Consideration of the conference report to H.R. 2546, District of Columbia Appropriations Act for fiscal year 1996 (subject to a rule being granted), and

Consideration of H.R. 2668, Social Security Earnings Limit Increase (subject to a rule being granted).

House Committees

Committee on Agriculture, December 6, Subcommittee on Department Operations, Nutrition, and Foreign Agriculture, hearing to review the USDA's Office of Risk Assessment and Cost-Benefit Analysis, 2 p.m., 1300 Longworth.

December 7, Subcommittee on Resource Conservation, Research, and Forestry, hearing on the Status of the Federal Agricultural Mortgage Corporation (Farmer Mac) and H.R. 2130, Farmer Mac Reform Act of 1995, 12:30 p.m., 1300 Longworth.

Committee on Appropriations, December 5, to consider revised 602(b) subdivision for fiscal year 1996, 11 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, December 5, Subcommittee on Financial Institutions and Consumer Credit, hearing regarding foreign bank supervision and the Daiwa Bank, 10 a.m., 2128 Rayburn.

Committee on Commerce, December 5, Subcommittee on Oversight and Investigations, to continue hearings on Allegations of FDA Abuses of Authority, 10 a.m., 2322 Rayburn.

December 5, Subcommittee on Telecommunications and Finance, to continue hearings on H.R. 2131, Capital Markets Deregulation and Liberalization Act of 1995, 10 a.m., 2154 Rayburn.

December 6, Subcommittee on Energy and Power, oversight hearing on the Pacific Northwest Power System, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, December 5 and 6, Subcommittee on Oversight and Investigations, hearings on Parents, Schools and Values, 1 p.m., on December 5 and 9:30 a.m., on December 6, 2175 Rayburn.

Committee on Government Reform and Oversight, December 6, Subcommittee on Civil Service, hearing on Government Shutdown: What's Essential, 9 a.m. 2154 Rayburn.

December 6, Subcommittee on the District of Columbia, hearing on H.R. 2661, District of Columbia Fiscal Protection Act of 1995, 10 a.m., 2247 Rayburn.

Committee on International Relations, December 7, hearing on Democracy, Rule of Law and Police Training Assistance, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, December 6, Subcommittee on Crime, oversight hearing in the ''COPS'' Program, authorized by the Public Safety Partnership and Community Policing Act of 1994 (Title I of the Violent Crime Control and Law Enforcement Act of 1994) 9:30 a.m., 2237 Rayburn.

December 7, Subcommittee on Commercial and Administrative Law, hearing on H.R. 2604, Bankruptcy Judgeship Act of 1995, 10 a.m., 2141 Rayburn.

December 7, Subcommittee on the Constitution, hearing on H.R. 2128, Equal Opportunity Act of 1995, 10 a.m., 2237 Rayburn.

December 7, Subcommittee on Courts and Intellectual Property, hearing on H.R. 2511, Anticounterfeiting Consumer Protection Act of 1995, 10 a.m., B–352 Rayburn.

December 7, Subcommittee on Immigration and Claims, oversight hearing on agricultural guest worker programs, 10 a.m., 2226 Rayburn.

Committee on National Security, December 6, to continue hearings on the proposed deployment of United States ground forces to Bosnia, 9:30 a.m, 2118 Rayburn.

December 6, Subcommittee on Military Research and Development and Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources, joint hearing on the disposal of radioactive material and other toxic waste in oceans and tributaries, 1:30 p.m., 2118 Rayburn.

Committee on Resources, December 7, Subcommittee on National Parks, Forests and Lands, to consider pending business, 10 a.m., 1324 Longworth.

December 8, full Committee, hearing on H.R. 2677, National Parks and National Wildlife Refuge Systems Freedom Act of 1995, 10 a.m., 1324 Longworth.

Committee on Science, December 6, Subcommittee on Energy and Environment, hearing on Superfund Research and Development: The Role of R&D in a Reformed Superfund, 10 a.m., 2318 Rayburn.

December 7, Subcommittee on Technology, hearing on An Industry Perspective of FAA R&D Programs, 9:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, December 5, Subcommittee on Water Resources and Environment, hearing on H.R. 1856, Natural Disaster Protection Partnership Act of 1995, 2 p.m., 2167 Rayburn.

December 7, Subcommittee on Aviation, hearing on Public Aircraft and Special Purpose Aircraft, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, December 7, Subcommittee on Education, Training, Employment and Housing, oversight hearing on education programs for veterans, 9 a.m., 334 Cannon.

Committee on Ways and Means, December 6, Subcommittee on Human Resources, hearing on current welfare reform success stories, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, December 5, executive, hearing on Intelligence Support to United States peacekeeping forces in Bosnia, 2:30 p.m., H–495, Capitol.

Next Meeting of the SENATE

3 p.m., Monday, December 4

Senate Chamber

Program for Monday: After the recognition of one Senator for a speech and the transaction of any morning business (not to extend beyond 4 p.m.), Senate will begin consideration of H.R. 1833, Partial-Birth Abortion Ban.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, December 4

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

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