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House of Representatives

The House met at 12:30 p.m., and was called to order by the Speaker pro tempore [Mr. COBLE].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 4, 1996.

I hereby designate the Honorable HOWARD COBLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

GINGRICH-DOLE MEDICARE PLAN AND DEMOCRATIC ALTERNATIVE

Mr. PALLONE. Mr. Speaker, this weekend on NBC's ''Meet the Press,'' House Speaker NEWT GINGRICH went on the attack on Medicare once again, and now he claims that the President and the Democrats in Congress are deliberately misleading the American people about his plan; that is, the Republican plan, so-called plan to save Medicare. I would like to tell my colleagues that nothing could be further from the truth. Last year the American people overwhelmingly rejected the Republican plan to cut $270 billion from Medicare to pay for tax breaks primarily for the wealthy, and the Speaker knows the public opinion is not on his side, so he is trying to confuse the American people by making extreme attacks on Democrats' integrity rather than addressing the Medicare issue correctly.

I guess we should not be surprised because it was Speaker GINGRICH who last year said it was his goal to see Medicare, and I quote, ''wither on the vine.'' The bottom line, Mr. Speaker, is that the Republicans want to use the budget, this budget that they passed a few weeks ago and is now in conference with the Senate, as the vehicle for transforming Medicare in a very radical way.

My position is, and I believe it is that of most Democrats, if changes in Medicare are to come they should not be made in the context of the budget, they should not be a vehicle to make cuts in Medicare that would be used for other priorities, such as tax breaks for the wealthy or increased defense spending or whatever other initiatives the Republicans plan for the budget.

Now, we know this Wednesday the Medicare trustees are going to come out with their annual report and already we are hearing that the Speaker and the Republican leadership are going to use this report, which will show again that Medicare does need some changes in order for it not to become insolvent 5 or 6 years from now, but the bottom line is that the Republican leadership plan to save Medicare is not an effort to make some adjustments in Medicare so that it remains solvent and so that the money is available to continue the program as it currently exists. Rather, they want to make major radical structural changes in the Medicare program that will reduce the quality of care, will reduce senior's ability to choose their own doctors or hospitals and basically force most senior citizens in either managed care programs where they do not have choices or alternatively make them pay more out of pocket for the services that they get.

I wanted to point out in the time I have remaining here what I would call a number of key issues that I think reveal the true colors of the Gingrich-Dole Medicare plan. First, the Republican leadership claims that Medicare is going broke and they are saving it. Well, last year they knew they were cutting Medicare before the Medicare trustees' report came out. The trustees' report was used and will be used again this year to masquerade their true motives, which is to cut Medicare for tax cuts for the wealthy.

Second, it is likely that the Medicare trustees will report that the part A trust fund will become insolvent, they are claiming, I think, we expect the report to say that the insolvency projection is about 5 years from now. Well, Democrats are interested in shoring up the Medicare trust fund and have voted for plans that achieve this goal.

President Clinton has proposed a plan that will extend the life of the Medicare program, if you will, for at least another 10 years. So this notion that somehow the Republicans are saving Medicare is simply false. The Democrats have put forward proposals that would save Medicare and prevent solvency but not make basic structural changes in the Medicare program.

Third, the GOP claim they are merely slowing the rate of growth of Medicare with their drastic cuts. Well, let us be honest about it. When the Gingrich-Dole rate of growth does not keep pace with the increasing medical costs, then seniors will either pay more or see reduced services and second class health care.

This was Speaker GINGRICH's main point over the weekend on ''Meet the Press.'' He claimed, oh, we are just slowing the growth of Medicare, we are

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not making cuts. Well, if the growth does not keep up with inflation how in the world are average senior citizens going to get quality care or the same level of services they get now?

Fourth, the GOP claims the Gingrich-Dole Medicare plan offers choices. In fact, they are taking away senior choices. Their plan will co-op senior citizens into managed care plans or HMO's, forcing them to give up their choice of doctors.

And lastly, I wanted to mention, Mr. Speaker, how the Gingrich-Dole plan differs from the Democratic alternatives. In addition to the steep cuts, the Gingrich-Dole plan makes radical structural changes to Medicare. For instance, it calls for steeper cuts to hospitals, compounded with extreme Medicaid cuts, and hospitals will simply close.

Additionally, the Gingrich-Dole plan will allow doctors remaining in the traditional Medicare to charge seniors more in out-of-pockets costs. The protection existing now when you go to the doctor, he cannot charge you more than 15 percent. That is gone. Now they can charge whatever they want.

And, last, concerning the controversial medical accounts, the MSA's, or I call them the wealthy-healthy accounts, the nonpartisan Congressional Budget Office found any plan to incorporate the wealthy-healthy accounts will actually hasten Medicare's insolvency. It will cost the trustees over $3 billion. That is certainly no way to save Medicare.

WHAT GENDER GAP? LIBERAL MEDIA SPIN

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

Mr. STEARNS. Mr. Speaker, I would say to the gentleman from New Jersey [Mr. PALLONE], the former Governor of Colorado has been speaking over the weekend to the Perot party. He indicated he supported President Clinton in 1992 but he can no longer support President Clinton because the Democrats and the President are demagoging the issue on Medicare. There are indeed no cuts. In fact, the amount of money that is going to Medicare is going up every year; it is going up almost 7.3 percent.

That being said, Mr. Speaker, I am here to talk about the gender gap and how women identify with this as a political issue. Now this gender gap is touted by the National Organization of Women as being in their favor. It is mentioned in the Presidential election that one candidate has a gender gap problem among voters. What does this all really mean?

Well, Concerned Women for America recently hired the Wirthlin Group to conduct a survey, which directly challenges the stereotypical view of the gender gap drawing women to the liberal position on controversial social issues.

Its conducted survey found when asking their party affiliation, it did show 40 percent of the women out of this 1,000 people that they asked, 40 percent of the women identified themselves as Democrat, 29 percent as Republican and 25 percent as Independent. The Democrats appear to have an advantage because the gender gap assumes women voters hold liberal positions on many issues. This assumption would appear to create a risk for candidates who take a conservative position on issues.

In terms of political philosophy, however, 53 percent of all the women surveyed identified themselves as conservative; that is, women who identified themselves as Democrats were also identifying themselves as conservatives. This clearly shows party affiliation does not automatically translate into liberal ideology nor an outright rejection of conservatism.

While the NOW organization is often accepted as the standard position for women voters, this organization actually emphasizes the gender gap by promoting the notion that women's issues such as abortion are the sole determinant for women voters. Well, this is not true. Only 36 percent of the women surveyed have a formidable and favorable impression of NOW which portrays itself as a voice of American women.

The survey also found out that only 1 percent of women listing abortion as their key issue of all the issues. When asked about abortion, 55 percent of women were pro-life, contrasting the views of NOW who are strongly pro-abortion. An even larger majority, 66 percent, favor adoption for tax credit, using tax credits. These findings indeed support a gender gap in favor of conservative voters.

Women identified a decline in family values as the single most important issue. The NOW group proposes a generally liberal position with regard to family views, particularly dealing with homosexual rights and welfare reform. Welfare reform pits 66 percent of women against the views of liberals and the NOW group and in favor of reforms such as family caps.

The Wirthlin study depicts the gender gap as really not a gap at all. Rather, there has been a lack of effective leadership to articulate the conservative position to women. On abortion, adoption, family values, welfare reform, and homosexuality rights women are just frankly conservative and frankly share the Republican view. The media has played a large part in discouraging conservative candidates by concluding conservative social policies alienate women voters. This poll shows just the opposite, and what we have, frankly, Mr. Speaker, is a liberal spin on the issue of the gender gap.

Liberal politicians are already detecting this, though, They realize the conservative positions are the way to go and to promote ideas. Conservatives during the Reagan era were able to attract millions of registered Democrat voters largely on the strength of Reagan's social conservatism. As conservative leaders, we have the ability to attract these voters, including these so-called women's issues. The gender gap is removed.

Mr. Speaker, the gender gap is a figment of the liberals and the media's imagination. For once the issues are clearly explained by the overwhelming majority of women today of all political persuasions accepting the conservative approach to abortion, adoption, family values, welfare reform, and homosexual rights. Today's women are basically conservative.

WHAT THE GENDER GAP IS ALL ABOUT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am delighted to be following the prior gentleman onto the floor, because I want to talk a bit about the gender gap and how I think they still just do not get it.

America's women are engaging in a gender gap because they are very concerned that the Government does not understand what has happened to their families, and American women are very family based. That was the whole purpose of this Stand for Children organization this weekend, where hundreds of thousands of people and organizations came together to say things have changed so drastically for America's families, but the Government does not understand it, the corporations do not understand it, institutions do not understand it. And if we do not suddenly start understanding what this is about, we are looking at real disaster.

Let me just point out a bit why I think things have changed so much. I graduated from high school in 1958. I want to read to you what came from my high school book on home economics about how I should be a good wife.

No. 1, it said: When your husband comes home, have dinner ready. Plan ahead the night before a delicious meal. Men like to be fed right as they come through the door, and they will feel very comforted if they know that they can always count on that.

No. 2, prepare yourself at least 15 minutes before your husband is coming home. Be sure you are refreshed. Touch up your makeup, put a ribbon in your hair, clear away the clutter in the house, get the children cleaned up. Remember, they are little treasures and they must look like little treasures. Minimize all noise. Turn off all machines in the house and be there at the door to greet him and welcome him home from the very, very difficult day he has had at work.

Do not greet him with problems. Do not greet him with complaints. Do not

complain if he is late for dinner. Listen to him. Let him talk first. Make the evening his.

Now, Mr. Speaker, you show me an American home where you can practice this today and I am going to move there. My husband and I have never been able to do this. He has wanted that kind of wife, I have wanted to be that kind of wife. We cannot afford it, nor can anyone else in America today, except the extremely wealthy, because we are in a global economy.

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While America's families used to be little islands of tranquillity, what has happened to us today is they are like the Bermuda Triangle. We have a government, we have Members on the other side of the aisle who vote against family medical leave, against helping with child care, against helping with elder care, against, against, against, against trying to increase the amount of deductions for children, on and on and on. Yet they claim they are pro-family. But what they are saying is, your family is your problem, the Government should not do anything about it.

The problem is no one has time to be a family anymore because they are working so hard. The average American family feels like one of those squirrels in a wheel. They run faster and faster every year, their tongue is hanging out, and they never get out of the bottom of the wheel. The Government keeps telling them, greet your husband at the door, make sure his dinner is on the table and the children are clean.

Please. That is what is driving the gender gap.

All the work and family issues continue to get ignored because we have got a higher economic level here who very often does not understand the stress being put on America's families. So when you look at the rest of the Western World, they are way ahead of us. When you look at what people were trying to say here this weekend, they were saying: Government, get a clue; corporations, get a clue; institutions, get a clue.

We must find a way where America's families again can be that little more tranquil island. They will probably never be able to go back to the 1950's. But for heaven's sake, they cannot survive under the tremendous pressures that they are now under where you see single-parent families trying to be both mother, father, provider, and everything else, dual-parent families working at a gazillion jobs running around trying to do everything just to keep the mortgage paid and hardly recognize each other when they finally do get to be in the house at the same time.

America's families today have to keep pictures of the family members pasted by the door so, if people like that come to the door, they know who to let in because they are not around enough. That is what the gender gap is about. We have not understood it at all in this body. I know. It took me 9 years to get family medical leave passed. It is not nearly enough.

Mr. Speaker, we have got people who want to roll it back tomorrow. We have never been able to get many of the other things done. When we get that done, we will not have a gender gap. Let us get on with it.

INTERNAL REVENUE CODE GUIDELINES

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

Mr. SKAGGS. Mr. Speaker, I want to address my colleagues today about an action I took at the end of last week in requesting the chairman of the Committee on Ways and Means of the House and the chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Committee on Government Reform and Oversight to hold hearings to look into some very troubling transactions that have recently been reported in an article in the Miami Herald.

Mr. Speaker, let me try to set the context for this by reading a bit from a recent publication of the Internal Revenue Service that starts out saying that charities, 501(c)(3) organizations, should be careful that their efforts to educate voters stay within Internal Revenue Service Guidelines. Quoting more particularly: ''Organizations exempt from Federal income tax as organizations described in section 501(c)(3) of the Internal Revenue Code are prohibited by the terms of their exemption from participating or intervening directly or indirectly in any political campaign on behalf of or in opposition to any candidate for public office.'' It elaborates on that saying that they cannot endorse any candidate, make any donations, engage in fundraising, whatever.

What events raise questions under this statement of the law governing these 501(c)(3) organizations? Mr. Speaker, this is a copy of a letter, as we can see, on letterhead titled Senator BOB DOLE, majority leader, which starts out as follows: ''Dear friend, I want you to join me in an historic campaign to rein in the Federal Government in order to set free the spirit of the American people.'' It goes on, somewhat later on this first page: ''President Clinton and the liberal big government advocates would like you and all Americans to believe the public is turning against our efforts.''

It goes on for two or three pages before one learns that this is a letter paid for and soliciting funds in behalf of the Citizens Against Government Waste, an organization organized under section 501(c)(3) of the Internal Revenue Code and therefore subject to exactly the prohibition stated in the Internal Revenue Service advisory earlier this year.

Mr. Speaker, this was brought to my attention through an article in the Miami Herald which I would ask to include in the RECORD along with copies of the letters in question that I quoted from. Clearly that kind of letter being submitted in behalf of an individual who is running for President of the United States making the kind of arguments that are very relevant to his campaign for President of the United States but being paid for under the auspices of a tax-exempt 501(c)(3) organization raise some very, very serious questions. They evidently were designed to stimulate support for the Presidential campaign of Senator DOLE and also concluded suggestions that recipients of the letter make contributions to the organizations that paid for the letter.

We are told that the sponsoring organizations, which also included the Heritage Foundation, then turned around and provided the names and addresses of persons who contributed in response to these letters, to the Presidential campaign of Senator DOLE so that presumably they could be used for solicitations by his campaign. The Internal Revenue Code explicitly prohibits 501(c)(3) organizations from engaging in just this kind of political activity directly or indirectly in support of or in opposition to a candidate's campaign.

The Miami Herald article that I refer to also makes it clear that neither the 501(c)(3) organizations' expenditures in preparing and distributing the letters nor the lists of contributors that were then provided by these organizations to the Dole for President campaign have been reported as contributions to the Dole campaign. If the figures are correct, these mailings to some 10 million Americans cost nearly $1 million. The value of the contributor lists are worth possibly $40,000 or more. But here was no reporting either under the FEC laws and again no explanation was made as to how this could occur in compliance with the clear prohibitions in the Internal Revenue Code against this kind of campaign activity by 501(c)(3)s.

It raises a whole range of questions which I believe appropriate committees of the House ought to look into regarding the coordination between the Presidential campaigns and these nonprofit organizations who benefited by the mailings, how much they cost, how the lists were developed, whether or not it was all coordinated with the Dole campaign.

I hope my colleagues will take the action as I requested and conduct a thorough investigation of this matter.

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

[From the Miami Herald, May 25, 1996]

DOLE CAMPAIGN GETS HELP FROM NONPROFITS HE AIDED

(By Frank Greve)

WASHINGTON.—Bob Dole, shortly after he announced last year that he was running for

president, sent millions of Americans letters urging them to contribute to the Heritage Foundation. And to Citizens Against Government Waste. And to a half-dozen other right-of-center groups.

Dole's advocacy could get his campaign into trouble with the Federal Election Commission. It also could get tax-exempt groups he helped into hot water with the Internal Revenue Service.

That's because tax-exempt groups can't participate in partisan politics, Dole can't take help from them, and the letters he wrote for them helped his campaign raise money.

Here's how it worked: The nonprofits paid for the letters, which promoted both Dole and their cause. The nonprofits kept the donations, but passed on to the Dole campaign, free of charge, the name of every contributor he inspired. Those hot prospects—maybe 200,000 of them—subsequently got letters from Dole asking them to contribute to his campaign.

Dole has not reported these mailing lists as contributions, arguing that they were part of a barter not covered by federal election law. The lists could be worth $40,000 or more, according to direct-mail specialists. Under Federal Election Commission law, campaigners can't take anything from federally chartered nonprofits. Mailing lists are explicitly banned.

Nor have the tax-exempt groups acknowledged any political help to Dole. IRS law, reiterated in a public warning last month, forbids their participation in ''any activities that may be beneficial or detrimental to any candidate.''

Both Dole and the nonprofits argue that their deals were a simple swap: a politician's fund-raising help for the names of donors attracted.

''We are clearly within our rights to have engaged in this practice,'' Christina Martin, deputy press secretary for the Dole campaign, said. ''We don't think there are any problems, but if there are, they lie with the nonprofits and the IRS, not the Dole campaign.''

In fact, other presidential candidates, including Ronald Reagan, have traded endorsements for mailing lists in the past. But times may be changing, particularly at the IRS.

Tax-exempt groups that participate in politics in any way are ''going to get in trouble,'' Marcus Owens, director of the tax service's Exempt Organizations Division, warned in an interview, noting that he had a record high of more than 30 such cases pending.

A RECENT CRACKDOWN

Just last month, Owens and the IRS cracked down on tax-exempt groups that advocated electing or unseating particular candidates. That had been a staple motivator in fund-raising appeals of many groups.

Without referring to Dole's deals in particular, Owens said trades involving mailing lists ''could very well be viewed as political intervention, because a mailing list is a very valuable item for a political campaign.''

''The IRS is shooting straight at the heart of a rather common practice,'' said Frances Hill, a University of Miami law professor who concentrates on exempt organizations. ''Having a candidate sign a fund-raising letter for a [tax-exempt organization] during a campaign is not something I would advise.''

For Dole's presidential drive, the initial letters on the groups' behalf may have been more valuable than the contributor lists they generated.

''I want you to join me in an historic campaign to rein in the federal government in order to set free the spirit of the American people,'' Dole began in a typical appeal, this one on behalf of Citizens Against Government Waste, a Washington-based foe of pork-barrel spending.

''President Clinton and the liberal, big-government advocates,'' Dole continued, are undermining his budget-balancing efforts, ''laying the groundwork for future tax increases.''

Not until Page 3 of the four-page appeal does Dole mention Citizens Against Government Waste as his important ally and urge a contribution to the group.

Appeals like these enabled Dole to arouse—free—millions of activists essential to his voter base. Postage along cost the nonprofits $80,000 per million-letters. An estimated 10 million letters were sent.

The Citizens Against Government Waste appeal, using envelopes and stationery with Dole's name on it in ornate script, was highly successful, reported Thomas Schatz, the group's president.

He added that giving the donor list derived to the endorser is a ''standard practice'' in the direct-mail industry. The transaction was merely ''a trade,'' Schatz added, and it served his group well.

Exchanges of endorsements for mailing lists are ''purely a business decision,'' according to John Von Kannon, treasurer of the Heritage Foundation, a Washington think tank. Heritage gained as much or more from Dole's signature as Dole gained from the mailing list, Von Kannon said, so no campaign contribution was made.

''There's law as written and law as enforced,'' stressed lawyer William Lehrfeld, an adviser to Washington's conservative nonprofits. Politicians and nonprofits have consorted together for as long as priests have fought abortion and campaigners have sought pulpit endorsements, Lehrfeld contended. The only real question, he added, is where the IRS chooses to draw the line.

IRS rulings lag years behind current practices, so it's impossible to know exactly what the agency's recent warnings mean. While declining to address Dole's dealings directly, Owens raised some questions about them.

Among them were the timing of Dole's appeals, the degree of political content in them, and whether participating groups were prepared to offer to other politicians the mailing lists Dole helped create.

RULING AWAITED

The Federal Election Commission also moves slowly and has not yet ruled on a case involving an exchange of endorsements and mailing lists, according to spokesman Ian Stirton. Until such a ruling is made, the commission's interpretation will not be known.

The Clinton campaign has ''absolutely not'' engaged in the practice, according to Hal Malchow, head of Clinton's direct-mail effort. Nor did the 1992 campaign use mailing lists from tax-exempt groups, said Ann Lewis, deputy manager of the Clinton campaign.

Among Democrats, Sen. Edward Kennedy of Massachusetts recently endorsed a direct-mail appeal for Handgun Control Inc. with the expectation of obtaining the donor list. Kennedy intends to pay for the names, his office and the nonprofit said when a reporter raised the issue.

DEAR FRIEND: I want you to join me in an historic campaign to rein in the federal government in order to set free the spirit of the American people.

I want to wage a bold effort to slash the waste out of the federal government and balance the budget. But I need your help.

As a starting point in this critical process, I have already called for and started working toward the elimination of the Departments of Housing and Urban Development, Commerce, and Energy.

Clearly, these are three of the most ineffective, burdensome and wasteful departments of government. What's more, the states can do a much better job of administering welfare than bureaucrats here in Washington.

The tens of billions of dollars per year saved by eliminating these unnecessary and meddlesome departments will amount to a good down payment on balancing the budget.

But we must go much, much further!

We must cut many additional billions of dollars in waste and slow the growth of government if we are to balance the budget and save our children and grandchildren from a future in which the lion's share of their earnings will go to pay off our debts.

One of the best ways you can join and help me in this war on wasteful spending and the deficit is by answering the very important Survey I have enclosed for you.

This National Survey to Slash Wasteful Spending & the Deficit is a powerful way you can make your opinions known in Washington right now.

What's more, this Survey will demonstrate that support for cutting wasteful spending is growing stronger every day.

President Clinton and the liberal, big-government advocates would like you and all Americans to believe the public is turning against our efforts to balance the budget and cut wasteful government.

Your Survey will help me prove them wrong! Please take a moment now to answer and return your Survey.

I cannot overemphasize how critical it is for you to personally participate in this nationwide Survey. Please answer today!

If you fail to publicly support this new waste-cutting campaign, I fear that our current effort to slash the size, cost and power of wasteful government may fail and the deficit will skyrocket well beyond its current $200 billion a year level. Here's why I say that.

Have you noticed recently that the big-government advocates want you and all Americans to believe that cutting spending is ''hurting children and helping rich people?''

These are not isolated cases of fair-minded opposition to one or another specific cuts in government waste.

This is a concerted campaign to stop all efforts to cut wasteful government spending by portraying all government spending as ''sacred'' and the waste-cutters as ''heartless.''

It is a campaign waged by big-government advocates who live off of government waste and refuse to recognize the terrible damage which 40 years of wasteful, runaway deficit spending has done to America.

You and I and all the budget-cutters in Congress are, in fact, facing nothing short of an all-out political battle.

We face a battle between those of us who want to avert a deficit crisis by cutting wasteful government spending and those who view all government spending as ''sacred,'' care little about the deficit and are laying the groundwork for future tax increases.

Let me give you just one example.

Did you notice how, with the active help of President Clinton, the big-government advocates have tried to portray the new Congress' efforts to reduce only the growth rate of spending on school lunches as an actual cut in the program?

The new Congress proposed spending more on school lunches than ever before in American history.

Yet, the advocates of big government are trying to convince the American people that we would deny food to starving children.

It is untrue. It is distorted. It is pure political propaganda.

Their goal is to convince the American people that cutting spending simply can't be done—that it's too painful.

They are once again trying to build their case which says that America has this massive national debt not because Washington spends too much money, but because YOU don't pay enough in taxes.

Your Survey will help to counter this propaganda campaign by showing that you're too smart for their scare tactics.

Your Survey will demonstrate that you want common sense cuts in government waste because you know that the deficit produced by this wasteful spending will devastate every American's future.

Your Survey will show that you understand and are deeply concerned that right now every child born in America will pay $187,000 over their lifetime just to pay the interest on the debt we've already accumulated. That means they will pay $3,500 in taxes every year of their working lives just to pay this interest on our debt.

Your Survey will show me and the new Congress which wasteful spending you want cut first in our drive to protect the taxpayers and our children's future by balancing the budget.

And your Survey will bolster the convictions of the members of Congress who are being attacked the most because the big government advocates are hoping to defeat them in the next election.

I urge you to show your support for our cuts in wasteful government and tell us which reforms you think are the most urgent by answering your Survey today. Your Survey answers will be tabulated and the results will be aggressively publicized both here in Washington and to opinion leaders and the news media throughout the country.

And when you return your Survey, I must ask you to also make a special contribution to the organization which is not only sponsoring this vital national Survey, but is the leading organization in the fight against deficit-producing government waste.

One of the most important groups in fighting wasteful government spending is Citizens Against Government Waste (CAGW), a private, nonprofit organization.

Establishing in 1984, CAGW began as an organization solely devoted to fighting for the implementation of Ronald Reagan's Grace Commission recommendations.

Since then, CAGW has been credited with leading the way in helping to cut over $250 billion in government spending. Today, CAGW researches and identifies the most blatant waste in government and shows how it can be eliminated.

CAGW has a long and successful record of winning major cuts in wasteful spending without sacrificing America's defenses. My colleagues and I for years have applauded CAGW for providing valuable information needed to cut wasteful government.

But CAGW's greatest contribution has been how they have rallied the American people in opposition to government waste and the deficit. The big government advocates laughed at CAGW, when years ago they began an aggressive campaign to show the American people how the deficit and government waste were jeopardizing their futures.

Last November, many of those who used to laugh at CAGW were swept out of office! In fact, CAGW was a leading force in the popular revolt against big, wasteful, deficit-ridden government.

But now we need CAGW and you, as a CAGW Charter Member, to wage this new campaign to demonstrate widespread support for the deeper cuts in wasteful government spending and balancing the budget, and to help counter the outrageous charge that cutting the deficit-producing waste will ''hurt children and help rich people.''

The only way CAGW can wage such an aggressive campaign is if you will send a Charter Membership contribution of $25, $35, $50 or more when you return your Survey.

When you join CAGW, you will make it possible for CAGW to tabulate and report your Survey results to leaders of the budget-cutting efforts on Capitol Hill. Also, your membership contribution will enable CAGW to expand this campaign to generate a truly nationwide outpouring of support for smaller, leaner government.

And most importantly, your contribution will provide the critical dollars CAGW needs to help my colleagues and me counter the outrageous charges of being ''cruel and heartless'' budget-cutters.

The best way we can counter the charges against our waste-cutting efforts is by overwhelming the big-government advocates with detailed examples of how they are wasting our tax dollars and how they are endangering the future of our children and grandchildren.

Unfortunately, my budget-cutting colleagues and I simply don't have the resources to single-handedly counter the intense and misleading propaganda from the advocates of big government. We are counting on you to help us by joining and supporting CAGW's efforts. Please make every effort to send a membership contribution of $25, $35, $50, or more when you return your Survey.

The road ahead will only get tougher. Those who live off and depend on government waste will fight harder and harder. If we are to continue slashing wasteful spending and the deficit, we must have your support as a CAGW member in rallying the American people to our cause.

But the success of CAGW's efforts all depends on your decision to return your Survey and send a generous membership contribution today.

This is one of those special times in history when you can help decide the outcome of a critical national debate. Will we be able to make the cuts in wasteful government spending which are necessary to save our children's future or will big-government advocates stop us?

With your contribution and your Survey, you can help ensure that our efforts to continue cutting waste will not be blocked by the narrow, selfish special interest groups. Please respond today and be as generous as you can. My colleagues and I are counting on you.

Sincerely,

Senator BOB DOLE.

P.S. The next few months will be critical in our battle to slash wasteful government spending. If we are to succeed, we need your support today. Please answer your Survey right away and return it with your most generous contribution to CAGW possible. My colleagues and I want and need to hear from you. Please answer today.

DEAR — —: As your Senate Majority Leader, I want to get Washington off your back and out of your pocket.

I want to take power from Washington and put it back in your hands.

I want the federal government to focus on the jobs it does best, such as defending the nation, conducting foreign relations, and putting criminals in jail.

This message—these clear ideas—is the engine of political change in America today. It put Congress in conservative hands for the first time in forty years.

And working with my close friends at The Heritage Foundation (who have spent two decades trying to cut government) I want to change how Washington taxes, spends and regulates.

Families, not bureaucrats, should control what their children are taught.

Billions can be saved and service improved by rethinking, cutting and merging the 14 Cabinet Department as they exist today.

I want to start by getting rid of the departments of Education, Housing and Urban Development, Energy, and Commerce.

And as a Heritage member you can help me by reading the enclosed fact sheet I have prepared with the help of Heritage's respected policy experts.

It offers real leadership. Real help for our country.

Why start with these four?

Because they are examples of what's gone wrong in Washington. Their missions are either duplicated elsewhere, obsolete, or should never have been in federal hands in the first place. Yet they cost $70 billion and employ 74,000 bureaucrats.

America is better off without them. See for yourself.

71 other government bodies already duplicate functions of the Department of Commerce—yet we spend $3.6 billion on it alone each year.

HUD spends more than $200 million annually on programs that breed despair by trapping poor Americans in crime ridden slums—not because there are no better options, but because the housing authorities don't want to change.

The Department of Energy's budget has increased by 155% since its creation in 1977 despite the lack of any threat to America's energy supplies.

The Department of Education has a new $65 billion program that could dictate everything from how schools can discipline kids to the salaries of assistant coaches. This department was created as a political payback to the teachers' unions by Jimmy Carter's White House. Since then, our children's test scores have plummeted and control has been taken from parents and communities.

Your fact sheet tells you what else is wrong with these four cabinet departments, what can be fixed, what should be tossed out, how the job can be done better and at less cost to you.

Take a few minutes to read it and tell me what you think by filling out the nine question survey enclosed with my letter.

Your answers will be tabulated by The Heritage Foundation and given to me, every other member of Congress, the White House and the news media.

I will use the results—and your support—to keep the political heat turned up in Washington. Because, unlike the rest of America, much of official Washington really doesn't want change.

Already, Bill Clinton and the special interests who profit from the current system (like the National Education Association) are fighting pitched battles to protect the turf that has made too many of them rich and powerful.

President Clinton, the ''New Democrat'' who campaigned as a reformer, has become the spokesman for the status quo.

But I am committed to giving you the reforms you want and America needs.

The liberals spent the last 30 years tinkering, spending and writing laws to create a ''Great Society'' but all we've gotten is debt and despair.

Their thirst for special interest legislation cracks and fragments our cultural unity. Rather than ''One nation under God'' we have become a nation of unconnected special interest groups.

This is what Heritage and I are working to fix.

That's why I hope you will take a few minutes to read your fact sheet and let me know if you support getting rid of these departments entirely.

It's simple. Just complete the survey and mail it to my attention at The Heritage Foundation.

Why have I chosen The Heritage Foundation?

Because I trust they are honest. I have counted upon their accurate and well documented work for the last 22 years.

As a member, you know Heritage believes in free enterprise, limited government, traditional values and a strong national defense. These are the answers to our problems.

Heritage was a driving force behind the success of my friend Ronald Reagan's two terms in office. They are real hawks when it comes to protecting your freedoms.

Heritage does the hard work of looking at government, evaluating what it does and what it really costs. Their work is closely watched and quoted by all of the major networks and news organizations—which is no small feat when you know the press is mostly run by lifelong liberals.

When you send back your survey, please include a contribution to The Heritage Foundation to help them continue this painstaking work that we in Congress rely on so heavily.

Ed Foulner, Heritage's president, has told me that you have given $25 to the Foundation.

I congratulate you on your generosity, and I urge you to give another $25, or even $75, to Heritage for this vital work.

As you know, The Heritage Foundation lives by the free market system they advocate. Heritage accepts no government funds and relies on voluntary gifts to support their work.

So please take a moment to read our fact sheet on shutting down the Departments of Education, HUD, Energy and Commerce forever. Tell us what you think by completing the survey and mailing it back today. In advance, I thank you for your support.

Sincerely,

BOB DOLE,
Senate Majority Leader.

P.S. I want to change how Washington taxes, spends and regulates.

But with Bill Clinton in the White House, true reform will not come easily. It requires all who want it to work together.

That's why I am working with The Heritage Foundation to restore our future by limiting government to its core functions such as national defense and fighting crime.

I want to start by cutting the Department of Education, Housing and Urban Development, Energy, and Commerce. This saves billions of your tax dollars immediately.

How do you feel about this?

Tell me today. Please complete the enclosed survey and return it to me at The Heritage Foundation. And your gift of $25 or $75 to help Heritage with this vital work is greatly appreciated. Thank you.

WOMEN'S PENSION EQUITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 5 minutes.

Ms. FURSE. Mr. Speaker, life history is important. The history of a Member of Congress can give insight into a problem in our society. This is just such an occasion.

I think I can safely say that my work history has been very similar to that of the majority of American women. I was a mother. I was a homemaker. I worked in my community for community change. I was a volunteer. I worked in a nonprofit. When I was divorced, my lawyer did not do what he should have done, which was make sure that the pension of my spouse was something that I would have been provided.

I continued to work in nonprofits and community organizations. It was not until I came to Congress that I ever got a job where there was a pension attached, and even that I cannot vest in. Well, Mr. Speaker, that is the situation for a majority of women, elderly women like myself in this country.

I am honored to be able to do something to fix this situation. Mr. Speaker, together with my colleague, the gentlewoman from New York, Mrs. NITA LOWEY, I have introduced the Women's Pension Equity Act. Some 60 percent of seniors are women, but they make up 75 percent of the elderly poor. Women are far more likely than men to live out their older lives in poverty, making those older years anything but golden. In my own State, I am sad to say that only 37 percent of the women in Oregon participate in a pension plan.

We need to make steps to fix this, take steps, that is what the Women's Pension Equity Act does.

Women in America need our help. They live longer than men and are five times as likely to be widowed than widowers over the age of 40. In the last 20 years, the number of women over the age of 45 who are divorced has risen dramatically. And 20 percent of older women have no other source of income than Social Security. It is a sad fact, Mr. Speaker, but elderly women are twice as likely as men to be poor. So that is why we need these pension reforms.

According to the AARP, only 23 percent of divorced women over the age 62 had pension plans of any type. My life history is just like that. Nearly 50 percent of married private pension recipients have a plan that will not continue to pay benefits in the event of a spouse's death.

There is a crack in our safety net, and it is women who are falling through it. The Women's Pension Equity Act will correct these inequities. My bill is modeled after the bill introduced by Senator CAROL MOSELEY-BRAUN. It will reform pension law to help protect senior women. First it will make much needed improvements in private pension law to help protect women in divorce proceedings and to simplify spousal consent rules for survivor annuities.

Mr. Speaker, it will make important changes to improve pension coverage for widows or divorced widows under the Federal Civil Service Retirement System as well as the military retirement system. And lastly, the legislation would improve coverage for divorced women under the Railroad Retirement Board.

Mr. Speaker, we must reverse the status quo, which dictates that, if you are old and a woman, you are poor. This legislation is about reforming the pension system to protect the economic security of elderly women. Women have worked hard their entire lives, serving their families, their careers, their communities, and they deserve nothing less than the best. I urge my colleagues to support this legislation and work for its swift passage in the House.

IT IS TIME TO LOOK AT THE JONES ACT

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

Mr. UNDERWOOD. Mr. Speaker, I rise to commend Chairman HOWARD COBLE, chairman of the Subcommittee on Coast Guard and Maritime Transportation, for scheduling a hearing to review our maritime policy. In particular, this hearing will take a close look at the Jones Act, which requires that goods between American ports be shipped on American vessels.

The Jones Act might make sense for some mainland communities, but it does not make sense for Guam, 8,000 miles away from the west coast. Unfortunately for Guam, the defenders of the Jones Act form a unique coalition of labor and corporate interests who have every intention of fighting to preserve their corporate pork and their captive markets.

We need to study this issue carefully and, while we recognize a national need for a strong merchant marine, this objective should not be accomplished at the expense of small island communities or the American consumer. At the very least, Congress should examine the changing regulatory environment and the movement to free trade. We should consider which regulatory regime makes sense for the offshore domestic trades—complete deregulation, with full competition, or a regulated environment, with protections for the consumer against shipping carrier rate abuses.

Guam's position is that the Jones Act should not apply to territories outside the U.S. Customs Zone—and Guam is the only U.S. territory located outside the U.S. Customs Zone subject to the Jones Act. American Samoa, the Virgin Islands, and our good neighbor, the Commonwealth of the Northern Marianas, are all exempt from the Jones Act. Guam seeks an exemption from the Jones Act consistent with the treatment of other U.S. Territories outside the U.S. Customs Zone.

I welcome the hearing on June 12 on this issue and I thank Chairman COBLE for inviting the Governor of Guam to help make our case before the committee.

My intern asked who the Jones Act is named for—well, it's not the John Paul

Jones who said ''Don't give up the ship,'' it's the other Jones who might have said ''Don't give up the shipping subsidy.''

□ 1300

REV. RANDY ALBANO

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

Mr. BENTSEN. Mr. Speaker, today I rise to recognize the Reverend Randy Albano, who works in my district assisting seafarers throughout the world who travel to the Port of Houston, in their personal and spiritual needs. Father Albano recently brought to light the vicious murder of three Romanian stowaways beaten and thrown overboard from a ship off the coast of Spain and, through his contacts, was able to assure the safety of the vessel's crew members in bringing the responsible parties to justice.

Father Albano, working out of the Barbours Cut Seafarers' Center in LaPorte, TX, intervened with the Canadian Government on behalf of eight Filipino seamen who wrote to him that they had witnessed their officers murder three Romanian stowaways. Two of the Romanians were set adrift on a small makeshift raft after they were discovered, and the raft subsequently fell apart in the high seas, and the third Romanian was stabbed to death on the deck of the ship and then cast overboard.

The Filipino crewmen, fearing for their lives, contacted Father Albano for guidance. He referred the matter to the Canadian Government, which detained the captain in Halifax, NS.

I have contacted the Canadian Ambassador to express my concern that the Filipino seamen be granted refugee status and that the captain and officers of the ship be prosecuted for these unspeakable crimes.

I would especially like to express my deep appreciation for Father Albano for the important work that he does and also to the Barbours Cut Seafarers' Center and its many civic volunteers from LaPorte, including Lou Lawler. Father Albano, and the volunteers at the Seafarers' Center in Barbours Cut have done so much to ensure safe travel on the high seas and to improve working conditions and the quality of life for seafarers.

Once again, Father Albano has courageously helped to ensure that the rule of law and basic respect for humanity are observed on the high seas.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess have expired, the House was called to order by the Speaker pro tempore [Mr. UPTON] at 2 p.m.

PRAYER

Rabbi Edward Davis, Young Israel Temple, Hollywood, FL, offered the following prayer:

Avinu Shebashamayim, Our Heavenly Father, we seek Your blessing for wisdom every day of our lives. Recognizing our limitations, we find it necessary to ask You for Your guidance. There are times when we feel incapable of solving our problems. Yet our vision is global and optimistic. We feel confident that with Your assistance we will be successful in creating and maintaining a safe and secure environment for our neighborhoods, our country, and our world. Bestow Your blessing upon the Members of this House. Grant them good health, family enrichment, financial security, and the wisdom to decide issues with prudence and compassion. These men and women make decisions that effect us all. May America be rewarded by our faith in them; and may our faith in You, O God, be strong. 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 pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY 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.

STAND FOR CHILDREN

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

Mr. BOEHNER. Mr. Speaker, my colleagues, this weekend in Washington, there was a march. It was entitled ''Stand for Children.'' And I could not agree more that we should put politics aside and give our children a better nation than what we had inherited. If the President this year is willing to act and not just talk, I think that we can do this.

In my hand is the world's most expensive credit card. It is a credit card that has accumulated 5 trillion dollars' worth of debt and accumulating budget deficits of $150 to $200 billion a year. This a voting card for a Member of Congress. This is the most unconscionable thing that any government could do to its children, because the adults in our country will not pay this. It will be our children and theirs who get to pay off this massive debt.

Mr. Speaker, we can pass legislation this year that will balance the budget while at the same time providing $500 more for parents with dependent children at home, lowering the average cost of a college loan by $2,100, saving families over $100 a month on their mortgage, and will provide real opportunities for children when they get out of school and look for jobs. All we have to do is balance the budget.

If the President really does feel the pain of kids today, he should put politics aside and begin to act.

MEDICARE CUTS PROPOSED

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

Mr. PALLONE. Mr. Speaker, tomorrow the Medicare trustees are going to issue their annual report to Congress and to the American people, and we already know that the Republican leadership is going to take advantage of this to try to suggest that the trustees' report justifies their severe and extreme changes in the Medicare Program for senior citizens.

I would suggest that the Democrats in the House of Representatives last year, with an amendment that was brought forward by the gentleman from Florida [Mr. GIBBONS] and this year in the budget that was proposed by the President that we voted on, suggested minor changes or cuts, if you will, in the Medicare Program that would keep the Medicare Program solvent well into the next century.

The extreme cuts and changes in Medicare that the Republicans are proposing are not needed. The Medicare trustees' report should not be an excuse to justify, if you will, the changes that the Republican leadership is proposed in Medicare. Rather, we should be getting together to make those minor cuts, if you will, to save the program and keep it solvent on a bipartisan basis.

A BALANCED BUDGET

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

Mr. BALLENGER. Mr. Speaker, no one doubts the importance of a balanced budget to America's families. But what we are doubting is President Clinton's commitment.

Well, the Senate vote this week on a balanced budget amendment is his chance to actually prove his commitment to a balanced budget. All he has to do is use his widely acclaimed oratorical skills, and lead the Somersault Six down the path to a balanced budget.

These Somersault Six are six Senators of his own party who had previously voted in favor of the amendment, but then switched their vote last

year in order to defeat the amendment. They are the sole obstacle to delivering a balanced budget to the American people.

We call on the President to show leadership and do the right thing for our children and grandchildren. If the President really believes that big Government and wasteful Washington spending are a thing of the past, he shouldn't be afraid to legally require a balanced Washington budget.

CHILDREN DID NOT RUN UP THE DEBT

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

Mrs. SCHROEDER. Mr. Speaker, I rally thank the wonderful citizens around America who came this weekend to stand for children. We have heard some speeches this morning about how the best thing we can do for children is not run up a debt. That is absolutely right. We should not run up a debt. But let us also remind people that children did not run up the debt that is already there.

Mr. Speaker, we should not try to balance the debt on the backs of children, because children are going to be the ones that inherit this debt and are going to have to pay it off. The things that we desperately need for children are to make sure that they have the educational skills that they can get out and compete globally in the 21st century and make enough money so they can pay this off and get this country going the right way.

So to cut student loans, to cut aid to education, to cut after-school programs and summer programs, to cut math and science programs are all terribly shortsighted. Those who cause the debt should pay for the debt, not the children.

FEDERAL DEPOSIT INSURANCE FUNDS AND REGULATORY RELIEF ACT OF 1996

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

Mr. BEREUTER. Mr. Speaker, earlier today, this Member introduced the Federal Deposit Insurance Funds and Regulatory Relief Act of 1996, which constitutes a comprehensive plan to: First, fully capitalize the Savings Association insurance fund; second, guarantee payment of interest on Financing Corporation bonds; third, merge the bank and thrift charters; fourth, merge the bank insurance fund and the Savings Association insurance fund into a new deposit insurance fund; and fifth, provide solid regulatory relief to all financial institutions.

Mr. Speaker, this Member will be circulating a ''Dear Colleague'' letter explaining the provisions in the bill and he invites his colleagues to join in cosponsoring this comprehensive legislation.

FIGHT THE ATTACK ON AGRICULTURE

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

Mr. BARRETT of Nebraska. Mr. Speaker, the House Agriculture Appropriations Subcommittee's bill is a slap in the face to rural America. Last week the subcommittee approved a bill that would provide $581 million less in budget authority for agriculture programs for fiscal year 1997.

The subcommittee's bill demonstrates the blatant lack of understanding many in Congress have for the 1996 farm bill and for America's farmers.

The Agriculture Committee worked for more than a year on a farm bill that would meet the needs of farmers, and our obligations in balancing the budget. We created a program of fixed, but declining payments to transition farmers from dependence on the government, to market-based production. The subcommittee's bill invalidates the farm bill and these contracts.

Today, I'm speaking especially to all of my colleagues from rural districts. Let's drop this partisanship. As aggies we must work together to fight, once again, this attack on agriculture.

THE WARNING BY DR. BILLY GRAHAM

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

Mr. DUNCAN. Mr. Speaker, a few weeks ago, Dr. Billy Graham received a well-deserved Congressional Medal of Honor here in the Capitol.

In his acceptance speech, he said that our Nation had ''confused liberty with license'' and that we are now ''a society poised on the brink of self-destruction.''

I am a little more optimistic than Dr. Graham, but unfortunately, almost no one would say that he had no reason or justification for his statements.

Let me quickly note three recent incidents which would cause Dr. Graham further concern.

First, a Federal judge ruled yesterday that a rural Mississippi school had violated the Constitution by allowing prayers over the intercom and classes about the Bible.

Second, the top legal adviser for the Governor of Florida said a school prayer bill was illegal because ''we are officially now mandated to be a country with no formal recognition of God.''

Third, a Maryland school superintendent revoked an invitation to U.S. Supreme Court Justice Clarence Thomas because he happens to be both black and conservative.

Another high official in Prince George's County, where this occurred, called it ''the epitome of intolerance and bigotry.''

These things would not have happened in this country just a few years ago.

We should think very seriously about the warning by Dr. Billy Graham.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 5, 1996.

AUTHORIZATION OF MAJOR FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES FOR DEPARTMENT OF VETERANS AFFAIRS, FISCAL YEAR 1997

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3376) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes, as amended.

The Clerk read as follows:

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

TITLE I—CONSTRUCTION AUTHORIZATION

SEC. 101. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) AMBULATORY CARE ADDITION PROJECTS.—The Secretary of Veterans Affairs may carry out the following ambulatory care addition major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Addition of ambulatory care facilities for mental health enhancements at the Department of Veterans Affairs medical center in Dallas, Texas, $19,900,000.

(2) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Brockton, Massachusetts, $13,500,000.

(3) Addition of ambulatory care facilities for outpatient improvements at the Department of Veterans Affairs medical center in Shreveport, Louisiana, $25,000,000.

(4) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Lyons, New Jersey, $21,100,000.

(5) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tomah, Wisconsin, $12,700,000.

(6) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Asheville, North Carolina, in the amount of $28,800,000.

(7) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Temple, Texas, in the amount of $9,800,000.

(8) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tucson, Arizona, in the amount of $35,500,000.

(b) ENVIRONMENTAL IMPROVEMENT PROJECTS.—The Secretary of Veterans Affairs may carry out the following environmental improvement major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Environmental improvements for the renovation of nursing home facilities at the

Department of Veterans Affairs medical center in Lebanon, Pennsylvania, in the amount of $9,500,000.

(2) Environmental improvements at the Department of Veterans Affairs medical center in Marion, Illinois, in the amount of $11,500,000.

(3) Environmental improvements to modernize patient wards at the Department of Veterans Affairs medical center in Atlanta, Georgia, $28,200,000.

(4) Environmental improvements for the replacement of a psychiatric bed building at the Department of Veterans Affairs medical center in Battle Creek, Michigan, $22,900,000.

(5) Environmental improvements for ward renovation for patient privacy at the Department of Veterans Affairs medical center in Omaha, Nebraska, $7,700,000.

(6) Environmental improvements at the Department of Veterans Affairs medical center in Pittsburgh, Pennsylvania, $17,400,000.

(7) Environmental improvements for the renovation of various buildings at the Department of Veterans Affairs medical center in Waco, Texas, $26,000,000.

(8) Environmental improvements for the replacement of psychiatric beds at the Department of Veterans Affairs medical center in Marion, Indiana, in the amount of $17,300,000.

(9) Environmental improvements for the renovation of psychiatric wards at the Department of Veterans Affairs medical center in Perry Point, Maryland, in the amount of $15,100,000.

(10) Environmental enhancement at the Department of Veterans Affairs medical center in Salisbury, North Carolina, in the amount of $18,200,000.

(c) SEISMIC CORRECTION PROJECTS.—The Secretary of Veterans Affairs may carry out the following seismic correction major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Palo Alto, California, in the amount of $36,000,000.

(2) Seismic corrections at the Department of Veterans Affairs medical center in Long Beach, California, in the amount of $20,200,000.

(3) Seismic corrections at the Department of Veterans Affairs medical center in San Francisco, California, $26,000,000.

SEC. 102. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Allentown, Pennsylvania, in an amount not to exceed $2,159,000.

(2) Lease of a satellite outpatient clinic in Beaumont, Texas, in an amount not to exceed $1,940,000.

(3) Lease of a satellite outpatient clinic in Boston, Massachusetts, in an amount not to exceed $2,358,000.

(4) Lease of a parking facility in Cleveland, Ohio, in an amount not to exceed $1,300,000.

(5) Lease of a satellite outpatient clinic and Veterans Benefits Administration field office in San Antonio, Texas, in an amount not to exceed $2,256,000.

(6) Lease of a satellite outpatient clinic in Toledo, Ohio, in an amount not to exceed $2,223,000.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997—

(1) for the Construction, Major Projects, account, $422,300,000 for the projects authorized in section 101; and

(2) for the Medical Care account, $12,236,000 for the leases authorized in section 102.

(b) LIMITATION.—The projects authorized in section 101 may only be carried out using—

(1) funds appropriated for fiscal year 1997 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1997 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1997 for a category of activity not specific to a project.

SEC. 104. REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the health care needs of veterans in east central Florida. In preparing the report, the Secretary shall consider the needs of such veterans for psychiatric and long-term care. The Secretary shall include in the report the Secretary's views, based on the Secretary's determination of such needs, as to the best means of meeting such needs using the amounts appropriated pursuant to the authorization of appropriations in this Act and Public Law 103–452 for projects to meet the health care needs of such veterans. The Secretary may, subject to the availability of appropriations for such purpose, use an independent contractor to assist in the determination of such health care needs.

(b) LIMITATION.—The Secretary may not obligate any funds, other than for design work, for the conversion of the former Orlando Naval Training Center Hospital in Orlando, Florida (now under the jurisdiction of the Secretary of Veterans Affairs), to a nursing home care unit until 45 days after the date on which the report required by subsection (a) is submitted.

TITLE II—STRATEGIC PLANNING FOR HEALTH CARE RESOURCES

SEC. 201. STRATEGIC PLANNING.

Section 8107 of title 38, United States Code, is amended—

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

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsections:

''(a) In order to promote effective planning for the efficient provision of care to eligible veterans, the Secretary, based on the analysis and recommendations of the Under Secretary for Health, shall submit to each committee, not later than January 31 of each year, a report regarding long-range health planning of the Department.

''(b) Each report under subsection (a) shall include the following:

''(1) A five-year strategic plan for the provision of care under chapter 17 of this title to eligible veterans through coordinated networks of medical facilities operating within prescribed geographic service-delivery areas, such plan to include provision of services for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) through distinct programs or facilities of the Department dedicated to the specialized needs of those veterans.

''(2) A description of how planning for the networks will be coordinated.

''(3) A profile regarding each such network of medical facilities which identifies—

''(A) the mission of each existing or proposed medical facility in the network;

''(B) any planned change in the mission for any such facility and the rationale for such planned change;

''(C) the population of veterans to be served by the network and anticipated changes over a five-year period and a ten-year period, respectively, in that population and in the health-care needs of that population;

''(D) information relevant to assessing progress toward the goal of achieving relative equivalency in the level of resources per patient distributed to each network, such information to include the plans for and progress toward lowering the cost of care-delivery in the network (by means such as changes in the mix in the network of physicians, nurses, physician assistants, and advance practice nurses);

''(E) the capacity of non-Federal facilities in the network to provide acute, long-term, and specialized treatment and rehabilitative services (described in section 7305 of this title), and determinations regarding the extent to which services to be provided in each service-delivery area and each facility in such area should be provided directly through facilities of the Department or through contract or other arrangements, including arrangements authorized under sections 8111 and 8153 of this title; and

''(F) a five-year plan for construction, replacement, or alteration projects in support of the approved mission of each facility in the network and a description of how those projects will improve access to care, or quality of care, for patients served in the network.

''(4) A status report for each facility on progress toward—

''(A) instituting planned mission changes identified under paragraph (3)(B);

''(B) implementing principles of managed care of eligible veterans; and

''(C) developing and instituting cost-effective alternatives to provision of institutional care.''; and

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

''(d)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project. The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

''(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

''(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.''.

SEC. 202. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) of title 38, United States Code, is amended—

(1) by striking out ''shall include—'' and inserting in lieu thereof ''shall include the following:'';

(2) in paragraph (1)—

(A) by striking out ''a detailed'' and inserting in lieu thereof ''A detailed''; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out ''an estimate'' and inserting in lieu thereof ''An estimate''; and

(B) by striking out ''; and'' and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out ''an estimate'' and inserting in lieu thereof ''An estimate''; and

(5) by adding at the end the following new paragraphs:

''(4) Demographic data applicable to the project, including information on projected changes in the population of veterans to be served by the project over a five-year period and a ten-year period.

''(5) Current and projected workload and utilization data.

''(6) Current and projected operating costs of the facility, to include both recurring and non-recurring costs.

''(7) The priority score assigned to the project under the Department's prioritization methodology and, if the project is being proposed for funding ahead of a project with a higher score, a specific explanation of the factors other than the priority that were considered and the basis on which the project is proposed for funding ahead of projects with higher priority scores.

''(8) A listing of each alternative to construction of the facility that has been considered.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 203. CONSTRUCTION AUTHORIZATION REQUIREMENTS.

(a) DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3)(A) of section 8104(a) of title 38, United States Code, is amended by striking out ''$3,000,000'' and inserting ''$5,000,000''.

(b) APPLICABILITY OF CONSTRUCTION AUTHORIZATION REQUIREMENT.—(1) Subsection (b) of section 301 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1984) is repealed.

(2) The amendments made by subsection (a) of such section shall apply with respect to any major medical facility project or any major medical facility lease of the Department of Veterans Affairs, regardless of when funds are first appropriated for that project or lease, except that in the case of a project for which funds were first appropriated before October 9, 1992, such amendments shall not apply with respect to amounts appropriated for that project for a fiscal year before fiscal year 1998.

(c) LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.—Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f) The Secretary may not obligate funds in an amount in excess of $500,000 from the Advance Planning Fund of the Department toward design or development of a major medical facility project until—

''(1) the Secretary submits to the committees a report on the proposed obligation; and

''(2) a period of 30 days has passed after the date on which the report is received by the committees.''.

SEC. 204. TERMINOLOGY CHANGES.

(a) DEFINITION OF ''CONSTRUCT''.—Section 8101(2) of title 38, United States Code, is amended—

(1) by striking out ''working drawings'' and inserting in lieu thereof ''construction documents''; and

(2) by striking out ''preliminary plans'' and inserting in lieu thereof ''design development''.

(b) PARKING FACILITIES.—Section 8109(h)(3)(B) of such title is amended by striking out ''working drawings'' and inserting in lieu thereof ''construction documents''.

SEC. 205. VETERANS HEALTH ADMINISTRATION HEADQUARTERS.

(a) REPEAL OF STATUTORY SPECIFICATION OF ORGANIZATIONAL SERVICES.—The text of section 7305 of title 38, United States Code, is amended to read as follows:

''(a) The Veterans Health Administration shall include the Office of the Under Secretary for Health and such professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

''(b) In organizing, and appointing persons to positions in, the Office, the Under Secretary shall ensure that the Office is staffed so as to provide the Under Secretary with appropriate expertise, including expertise in—

''(1) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, spinal cord dysfunction, mental illness, and geriatrics and long-term care); and

''(2) appropriate clinical care disciplines.''.

(b) OFFICE OF THE UNDER SECRETARY.—Section 7306 of such title is amended—

(1) in subsection (a)—

(A) by striking out ''and who shall be a qualified doctor of medicine'' in paragraph (2);

(B) by striking out paragraphs (5), (6), and (7); and

(C) by redesignating the succeeding two paragraphs as paragraphs (5) and (6), respectively; and

(2) in subsection (b)—

(A) by striking out ''subsection (a)(3)'' and all that follows through ''two may be'' and inserting in lieu thereof ''subsection (a)(3), not more than two may be'';

(B) by striking out the semicolon after ''dental medicines'' and inserting in lieu thereof a period; and

(C) by striking out paragraphs (2) and (3).

TITLE III—OTHER MATTERS

SEC. 301. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JACKSON, MISSISSIPPI.

(a) NAME.—The Department of Veterans Affairs medical center in Jackson, Mississippi, shall be known and designated as the ''G. V. Sonny Montgomery Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the G. V. Sonny Montgomery Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997, or the first day on which G. V. Sonny Montgomery otherwise ceases to be a Member of the House of Representatives.

SEC 302. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TENNESSEE.

(a) NAME.—The Mountain Home Department of Veterans Affairs medical center in Johnson City, Tennessee, shall after the date of the enactment of this Act be known and designated as the ''James H. Quillen Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James H. Quillen Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997, or the first day on which James H. Quillen otherwise ceases to be a Member of the House of Representatives.

SEC. 303. NAME OF DEPARTMENT OF VETERANS AFFAIRS NURSING CARE CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs nursing care center at the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the ''H. John Heinz, III Department of Veterans Affairs Nursing Care Center''. Any reference to such nursing care center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the H. John Heinz, III Department of Veterans Affairs Nursing Care Center.

SEC. 304. RESTORATION OF AUTHORITY FOR ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS RESEARCH CORPORATIONS.

Section 7368 of title 38, United States Code, is amended by striking out ''December 31, 1992'' and inserting in lieu thereof ''December 31, 2000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3376, as amended.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, this bill authorizes $422 million in VA major medical facility construction for fiscal year 1997.

I want to thank the ranking member of the committee, my good friend, SONNY MONTGOMERY, for his work on this measure. I also want to thank TIM HUTCHINSON, chairman of the Hospitals and Health Care Subcommittee, and CHET EDWARDS, the subcommittee's ranking member, for their bipartisan approach to this bill.

Last year, a separate VA construction authorization bill was not acted on by the House. The final omnibus appropriations bill for fiscal year 1996 only partially funded the projects approved by the Committee on Veterans' Affairs. Approximately, $200 million remained unauthorized and unappropriated after final action on the fiscal year 1996 legislation. H.R. 3376 includes that $200 million project list and adds further projects to combine the remaining portion of last year's bill into a fiscal year 1997 construction bill.

I want to point out to Members that this bill does not construct new hospitals, or additional new inpatient bed capacity.

The projects in this bill fall into three main categories, ambulatory

care additions, patient environment improvements, and seismic corrections. These 21 projects come from the top of VA's priority list in each category. Over 200 projects were scored and evaluated by the VA for the 1997 budget cycle.

The ambulatory care additions will help the VA shift more rapidly to outpatient care as the private sector has. The patient environment improvement projects renovate and replace existing, but substandard, inpatient capacity. And, the seismic correction projects will help VA facilities better withstand earthquakes in areas most prone to experience them.

The bill also makes important improvements in the VA's strategic planning process for future evaluation of construction priorities. TIM HUTCHINSON will say more about the bill in his explanation; however, I want to point out another very important part of the bill. Title 3 of H.R. 3376 renames three VA facilities after very deserving individuals, the Honorable G.V. SONNY MONTGOMERY, the Honorable JAMES H. QUILLEN, and the Honorable H. John Heinz III.

I would like to take the time to lead off the comments about naming the VA medical center in Jackson, MS after my closest friend in the House, SONNY MONTGOMERY. To say that taking this action enjoys unanimous support would actually be quite an understatement. Not taking this action would be one of the gravest omissions the 104th Congress could possibly make.

Naming this VA facility after SONNY is fitting recognition to his commitment and devotion to our Nation's veterans during 30 years of service in the House of Representatives. His record of leadership and accomplishment as chairman of the House Committee on Veterans' Affairs, and as a senior member of the Armed Services, now National Security Committee, are unparalleled. He has rightfully been called Mr. Veteran, and I doubt his standing among our Nation's veterans will ever be eclipsed. I am proud to cosponsor this naming bill and to have the privilege, as chairman of the Committee on Veterans' Affairs, to bring this measure to the floor in honor of this great American.

Mr. Speaker, H.R. 3376 also renames the VA medical center in Johnson City, TN after another true friend of our Nation's veterans, JIMMY QUILLEN. The distinguished gentleman from Tennessee is retiring after 34 years as a member of this body, during which he has dedicated himself to improving access to health care for the citizens of his district and State. Those efforts have included the veterans of Tennessee and all veterans throughout the country. His support for improving care and expanding the facilities at the Johnson City, VA medical center are well known.

I strongly believe JIMMY QUILLEN's service to veterans warrants this action honoring his efforts on their behalf, and was proud to introduce H.R. 3320, which is incorporated in the bill before us today. H.R. 3320 was cosponsored on a bipartisan basis by the entire Tennessee delegation and by every Member of the House Veterans' Affairs Committee. I want to express my personal thanks to another Member of the Tennessee delegation, JOHN DUNCAN, for his assistance and hard work on this bill.

Mr. Speaker, the third naming provision in the bill honors the late Senator from Pennsylvania, the Honorable John Heinz. Senator Heinz served the people of his State for 20 years in outstanding fashion. His tragic death in a plane crash in 1991, prematurely ended the congressional service of this Air Force veteran.

His long time support for our Nation's veterans warrants the action we take today, which will change the name of the Aspinwall VA Nursing Care Center, to the H. John Heinz, III Department of Veterans Affairs Nursing Care Center. I want to thank Representative MIKE DOYLE, a Member of the Veterans' Affairs Committee for introducing the original bill, H.R. 2760, which was sponsored by the entire Pennsylvania delegation.

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Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON] for an explanation of his bill.

Mr. HUTCHINSON. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I urge my colleagues to support H.R. 3376, bipartisan legislation which authorizes major facility projects and major medical facility leases for the Department of Veterans Affairs health care system, as well as a number of other important provisions which ensure effective strategic planning and management of the Veterans Health Administration.

I would like to thank Chairman STUMP, along with the ranking member, SONNY MONTGOMERY, and my subcommittee colleague, CHET EDWARDS, for their efforts to meld this bill into an effective piece of legislation which addresses the highest priority facility construction needs within the VA system.

H.R. 3376 authorizes the appropriation of $422.3 million for 21 projects which includes the construction of 8 outpatient clinics, renovation of 10 priority patient environment projects, and the correction of major seismic problems at 3 California medical centers. The legislation also authorizes $12.2 million for six major medical facility leases. I would like to strongly reiterate that this legislation does not add one hospital bed to the system but instead puts the focus on needed improvements for patient privacy, safety, and renovation of the valuable infrastructure of aging and often historic mental health facilities. Since 1969, the VA health care system has closed over 54,000 beds to adjust to the changes in health care and this legislation seeks to assist the VA in its continued transition from a hospital-based system into a health care system.

I would like to highlight a very significant provision in this bill which requires the VA to develop a 5-year strategic plan for its health care system. Within the development of the plan, the VA is required to address such factors as veteran population trends, resource distribution, cost of patient care, the capacity of non-Federal providers within their geographic planning networks, the missions of each facility within the network, and specifically, the distribution of the important specialized services on both the network and national levels. Effective planning will make the VA a more effective and efficient provider of quality health services able to better serve veterans by placing services where veterans need them.

Over the years, many of my colleagues and their veteran constituents have voiced concerns about the unequal distribution of VA resources. This bill represents a significant step in creating parity for veterans by requiring VA to compare expenditures of veterans by geographic networks and then shifting resources to follow the veteran.

In strengthening strategic planning the bill also requires that as part of the annual authorization process the VA provide a report on the top 20 major medical construction projects, the relative of each project by category, and a description of the factors that account for the rank of each project. In this era of public accountability, it is critical that each major expenditure speak to the highest priority needs of veterans.

The bill also raises the threshold for major construction projects from the current level of $3 to $5 million. It would also limit the scope of the so-called grandfather clause and require that major projects be authorized annually to ensure facility need and accountability in the major construction program.

The bill removes the requirement that the Veterans Health Administration be organized along certain clinical specialties and allows the Under Secretary greater flexibility in the organization of the headquarters staff.

Last and most importantly, this bill honors three great Americans by naming VA facilities after them. They are G.V. Sonny Montgomery Veterans Affairs Medical Center, Jackson, MS; the James H. Quillen Veterans Affairs Medical Center, in Johnson City, TN and the H. John Heinz III Veterans Affairs Nursing Care Center, Aspinwall, PA.

The rapidly changing health care environment, coupled with our joint responsibility to the veteran and the taxpayer, are satisfied by the provisions of this legislation. I strongly urge its passage.

Mr. Speaker, I want to especially give my personal tribute to the gentleman from Mississippi, G.V. SONNY

MONTGOMERY, a true friend of veterans and no one more deserving of this recognition and this honor. My predecessor, a long-time member of the Committee on Veterans' Affairs, John Paul Hammerschmidt, regarded SONNY as his dearest and closest friend in all of Congress, if not all the world. I share that same affection and am glad to pay that honor to him today and to support this legislation.

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

I certainly want to begin by thanking the chairman of the committee, the gentleman from Arizona, the Honorable BOB STUMP, for bringing this bill to the floor and for the very, very kind words that the chairman has given me and the gentleman from Tennessee, JIMMY QUILLEN, and former Senator John Heinz.

I want to point out, Mr. Speaker, that under the leadership of BOB STUMP, our committee is bipartisan. We work together, we have no problems, and, naturally, I would say this is a good bill being brought to the floor today.

I also want to thank the chairman of the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas, the Honorable TIM HUTCHINSON, and I am certainly glad that he has considered running for the House again and leaving the Senate alone. I think that was the right decision.

Also thanks to the gentleman from Texas, the Honorable CHET EDWARDS, for working together, as I mentioned, in a bipartisan manner for this legislation.

The construction authorization bill, H.R. 3376, is very important in that many VA hospitals were built more than 50 years ago, Mr. Speaker, and they were not designed for the way health care is provided today. Too many of these old patient care buildings have never been upgraded. As a result, it is difficult to care for some of the veterans with psychiatric problems, the problems with infection control, and situations really exist that interfere with good treatment.

As many of my colleagues are aware, the VA is making many changes in its health care system. And the gentleman from Arizona, Chairman STUMP, and I think it is for the best in making these changes.

Last week the Washington Post ran a very long article written by Bill McAllister about the VA's increased emphasis on primary care and its struggle to update its facilities. Millions of veterans continue to rely on the VA care. So we need to authorize construction projects to fix these old buildings up and make our patient care more convenient.

The projects included in this bill are at the very top of the VA priority list. Rather than adding more hospital beds or, as has been said earlier, building more hospitals, these projects expand outpatient capacity and renovation of existing hospital space so that the VA can provide care in a humane and safe environment and increase the number of veterans that they can see on a daily basis.

Now, Mr. Speaker, the Congress has a record of being very responsive to veterans needs. From 1988 to 1995 the Congress appropriated an average of $436 million per year for VA major construction, with most of this money going for medical construction. With these funds, the VA was able to replace, to modernize a number of our 171 hospitals that we have across the country, and to open the state-of-the-art outpatient centers.

However, last year, the VA only got $136 million in medical construction funds. The amount recommended by the appropriation subcommittee for the coming fiscal year is more than that, but it is still $200 million less than it should be.

Last week the house appropriated over $300 million for construction for military medical treatment facilities. And, Mr. Speaker, they do not have half, even a third, of the medical facilities we have for the VA. We have just not provided enough money to keep these veterans' facilities in decent shape.

In addition, the veterans populations is shifting, and we need to try to meet that increased demand, especially through opening more outpatients clinics. What we are trying to do is maybe get away from the big hospitals and have outpatient clinics where we can take care of more of the veterans.

VA had a backlog of high-priority medical construction projects which total out at about $3 billion. If we continue at the current pace of funding these projects, some of these hospitals will be a pile of rubble before we get around to finding the money to renovate them. I hope we can fund more funds for the outpatient clinics and other projects that our committee is recommending in this legislation. We need to fund all of the projects in this bill if we are going to keep our word to the veterans.

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

Mr. Speaker, I am pleased that a construction authorization bill is at last being brought to the floor. This bill represents a good-faith, truly bipartisan approach to identifying the most needed major medical construction work within the VA health care system. I commend BOB STUMP, the chairman of the Veterans' Affairs Committee for his leadership in developing and marking up this bill. I also want to thank the chairman of the Subcommittee on Hospitals and Health Care, the Honorable TIM HUTCHINSON, and the ranking member, the Honorable CHET EDWARDS, for their work on this bill.

In addition to authorizing major medical construction projects for fiscal year 1997, this bill would make statutory changes aimed at improving the construction planning process. Among these, the bill would require VA to develop a strategic planning process and to provide Congress annually a detailed report on its planning, to include its construction plans. It would also require VA to provide the Committees on Veterans' Affairs with an annual report identifying by category the construction projects which represent its highest priorities for funding. Such reporting would assist the committees in developing construction authorization legislation. In that regard, one section of the bill, which would repeal a grandfather clause, exempting certain construction projects from the authorization requirement, has prompted a technical question.

My friend, VIC FAZIO, has asked me to clarify the impact that repeal would have on the proposed fiscal year 1997 funding of construction work on a replacement VA medical center at Travis Air Force Base. In adopting a construction authorization requirement, the Congress in Public Law 102–405 grandfathered construction projects for which funds had been appropriated before the law's enactment, in effect providing that the construction authorization requirement would not apply to those projects. It is my understanding that the VA's general counsel has concluded, based on Congress having provided specific funding for the advance planning and design phases of a Martinez replacement hospital prior to the enactment of Public Law 102–504, that VA may, under the grandfather clause, obligate moneys appropriated for constructing a replacement hospital at Travis Air Force Base. Under H.R. 3376, the repeal of the grandfather clause would first have application with respect to amounts appropriated for fiscal year 1998. Accordingly, should Congress appropriate fiscal year 1997 funds for the Travis project, nothing in H.R. 3376 would bar VA from obligating those fiscal year 1997 funds.

Mr. Speaker, H.R. 3376 does raise some important issues, beyond the specific projects it authorizes. VA is making needed reforms in its medical care system, but its physical plant needs work too. In many places around the country, VA must provide care in aging facilities that need major renovation. Veterans continue to rely on VA care, so we can't just let VA hospitals deteriorate. We need to bring old buildings up to acceptable patient-care and privacy standards, and strengthen inpatient facilities that are vulnerable to earthquakes. We also need to give VA the means to lower the cost of care by funding construction that would allow VA to replace hospital wards with new space in which to provide outpatient care. These are high priority needs, and the VA has a large backlog of such priority construction projects totaling $3 billion. But veterans across the country wait, year after year, in hope that Congress will provide the funds needed to address such problems at their local VA hospital.

Members need to know, however, that the fiscal year 1997 VA-HUD appropriations bill marked up last week by the Subcommittee on VA, HUD, and Independent Agencies will provide funding for only a few of the projects which H.R. 3376 would authorize. With only $189 million targeted to major medical construction projects under the marked up bill, the level of funding is simply inadequate, both with respect to the volume of needed construction and in relation to funding levels in prior Congresses. From 1988 to 1995, for example, the Congress appropriated an annual average of $436 million for VA major construction, with most of this money going for medical construction. With the substantially reduced levels of VA construction funding in this Congress,

the upshot is that critically needed projects will face years of delay.

It is particularly important, therefore, that those limited funds dedicated to major medical construction for veterans are targeted to the most compelling of VA's needs. For that reason, it is very disappointing to find moneys earmarked under the proposed fiscal year 1997 appropriation for projects which VA itself does not support or for which there is no compelling priority.

With the very limited major medical construction funding proposed in the subcommittee's bill, and apparent differences over what constitute construction priorities, there is little prospect of making any significant dent in VA's huge construction backlog. It is illuminating, however, to examine the kinds of projects which the Veterans' Affairs Committee determined to have the most compelling need for funding and which will go unfunded for another year. They include situations in which:

Patients referred to a specialty VA psychiatric treatment center are hospitalized in buildings constructed in the 1920's which lack adequate ventilation, air conditioning, handicapped facilities, and elevators, and which do not provide a suitable environment for patients with acute psychiatric behavior. To be replaced with construction of a new psychiatric care building at a cost of $24.3 million—Battle Creek, MI.

Structural problems in the design of 50-year-old patient care buildings, which also do not meet fire, life-safety, and disabled-access requirements, at a major medical facility render them especially vulnerable to an earthquake. Requiring correction at cost of $20.2 million—Long, Beach, CA.

VA treats veterans in a 1940-vintage building with such inadequate space that outpatient care areas are congested, chaotic, lack a designated emergency room, and provide inadequate patient privacy. Requiring construction of an ambulatory care addition at a cost of $12.7 million—Tomah, WI.

Veterans are hospitalized for psychiatric problems under cramped conditions in a 1930's-vintage building constructed for tuberculosis patients at a major VA center. Requiring construction of a mental health addition at a cost of $19.7 million—Dallas, TX.

The space within which a 40-year-old major urban medical facility can provide ambulatory care is 62 percent deficient of its real needs resulting in inadequate number of treatment rooms, undue delays in scheduling appointments, treatment rooms scattered over three floors, insufficient waiting areas, and critical shortage of storage space, in addition to noncompliance with standards governing ventilation and handicapped access. Requiring construction of an ambulatory care addition and hospital renovations at a cost of $13.5 million—Brockton, MA.

Patient wards in a more than 30-year-old major metropolitan hospital suffer from severe space, functional and technical deficiencies including lack of sufficient fire sprinklers, infection-control problems associated with lack of private toilet and shower facilities, inadequate facilities for female patients, and lack of handicapped accessibility. Requiring ward modernization at a cost of $29.5 million—Atlanta, GA.

In my view, Mr. Speaker, these are compelling needs, and it is distressing that sufficient funds are not being allocated to meet them. Veterans will find this difficult to understand in light of the subcommittee's reversal on a project it rejected last year. The subcommittee reported last year that it could not fund the proposed replacement hospital at Travis Air Force Base ''because of the budgetary situation—both present and anticipated in the future'', and instead fiscal year 1996 funds were appropriated for an outpatient clinic at Travis. The subcommittee has now reversed course and has proposed partial funding of the Travis hospital construction project.

If the gloomy budget situation which appeared to have doomed the Travis project last year has in fact brightened sufficiently to permit an about-face, then it surely must mean there is sufficient flexibility to fund some of the compelling projects I have cited above.

Given the state of the infrastructure at many of VA's medical centers, veterans will be troubled by appropriations' subcommittee's decisions to fund major construction for a second year at levels more than $200 million below prior-year funding. If the appropriations' subcommittee's recommendations were to be adopted, major medical construction funding for the two sessions of the 104th Congress would total only $336 million, in contrast with a total of $869 million appropriated for VA major medical construction during the 103d Congress.

Veterans will rightly question the depths of these cuts. It is not enough to increase VA medical care funding; veterans should not be asked to receive care in substandard half-century old VA facilities or to wait patiently as needed renovations are deferred year after year. There is clearly no Federal-wide plan to slash construction spending. The fiscal year 1997 military construction appropriations bill, for example, provides more than $300 million for military hospital and medical projects; yet the number of DOD tertiary care treatment facilities is far smaller than the number of VA tertiary care facilities. Our commitment to America's veterans requires that we treat them with dignity. We fail in that duty when we tolerate their receiving care in facilities which no longer meet safety codes, are overcrowded, or deny them the degree of privacy we would want for ourselves.

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

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to be the original sponsor of the request to name the Veterans' Hospital in Johnson City, TN, after our colleague, the gentleman from Tennessee [Mr. QUILLEN].

I am very grateful to the outstanding chairman of the Veterans' Affairs Committee for including this provision in his legislation which we are taking up today. It is primarily due to the gentleman from Arizona, Chairman STUMP, that this action has moved through the process so expeditiously.

Congressman JIMMY QUILLEN was first elected to the House in 1962. He served for 8 years prior to that in the Tennessee State house.

For 42 years, he has been elected, every 2 years, to a legislative office by the people of upper east Tennessee. He has never lost an election, primarily because he served his people well, and he never got too big for his britches or let his position go to his head.

He has now achieved the record for the longest continuous service of any Tennessean ever to serve in Congress. Congressman QUILLEN is certainly a living legend. He came up the hard way, 1 of 10 children, in what was considered poverty even many years ago. As he has said, he was poor, but did not know it, because he came from a good and loving family.

He has achieved great success, both in business and in politics. At one time he was the youngest newspaper publisher in the State of Tennessee, and he started one of the most successful insurance agencies in our State. JIMMY QUILLEN served this Nation with honor in the U.S. Navy. He has always had a special place in his heart for our country's veterans, and he has fought hard to protect and support the Veterans' Hospital in Johnson City.

On a personal note, for almost 32 of the 34 years, JIMMY QUILLEN has been in Congress, he has served alongside someone named Duncan, first my father, and now me. He was one of my father's closest friends, and they worked together for almost 24 years.

I am now in my 8th year in the House, and during that time, as several people have noticed, JIMMY QUILLEN has treated me almost like a son. He has been so kind and helpful to me, as he has been to countless thousands in his district and throughout this Nation.

I can think of no honor more well-deserved, no honor more fitting and appropriate, than to name the Veterans' Hospital at Johnson City after a truly great American, Congressman JAMES H. QUILLEN.

Mr. Speaker, while I am up, I would like to also commend the gentleman from Arizona, Chairman STUMP, as the chairman of the Committee on Veterans' Affairs, for naming the medical facility in Jackson, MS, after another great American Congressman, the gentleman from Mississippi, SONNY MONTGOMERY, one of the finest and one of the most popular Members in this Congress.

He has achieved a record that not many people could match in his 30 years of service in this Congress. Another close friend of our family, Congressman SONNY MONTGOMERY, is one of the finest men that any of us could ever meet, and I am pleased that that facility will be named after Congressman MONTGOMERY.

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Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I commend particularly the gentleman from Arizona, Chairman STUMP, and the gentleman from Mississippi, former Chairman MONTGOMERY, for this excellent bill that they have encouraged their colleagues to report to the floor.

Along with many other worthy projects in this legislation, over $20 million is authorized for seismic corrections in the Long Beach Veterans Administration Medical Center. The Long Beach VA Medical Center has earned a well-deserved reputation for providing a top-notch and first class diverse range of services not only to veterans in Long Beach, but also to veterans throughout southern California.

One of the VA's largest single division tertiary care medical centers, the Long Beach VA Medical Center has achieved national prominence in the field of spinal cord injury and the rehabilitation of paraplegics and quadriplegics. Long Beach's VA Medical Center has also been a leader in health care innovation and in cost containment. The entire VA medical system has benefited from a cost accounting package developed at the Long Beach center.

The Center's efforts to improve efficiency serve as an example to hospitals throughout the United States. The seismic corrections funding authorized in H.R. 3376 will allow the Center to continue its state-of-the-art research and the excellent care it provides to its patients.

I urge all my colleagues to vote in favor of the VA construction authorization bill not because the Long Beach VA Medical Center is in it, but for the many other very worthy centers which are being upgraded.

Mr. STUMP. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Speaker, the tribute paid today by the speakers thus far to our colleagues JIMMY QUILLEN and SONNY MONTGOMERY are well deserved and ones in which I join because they, too, have been personal friends and longstanding servants of this House as well as their own constituencies.

I want to rise now to add to their names one other hero who has been mentioned here today, John Heinz, after whom one of the facilities contained in this bill will be named. John Heinz at the very moment of his death was literally killed in the line of duty, was concerning himself on a trip to further the interests of his investigation into Medicare fraud and other health care abuses, all in the genre of the issues in which he was involved from the very first day he began to serve in this very House before he went to the U.S. Senate. He was a hero to many Pennsylvanians, to all Pennsylvanians and to all those who remember him who are now Members of this Congress.

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

Mr. Speaker, last week the appropriations Subcommittee on VA, HUD and Independent Agencies marked up its bill for the coming fiscal year. There are substantial differences between the spending priorities they arrived at and what is in this bill. Hopefully we can reach a consensus on construction as well as other areas of the appropriation bills that do not match up with the priorities on the Committee on Veterans' Affairs.

Mr. Speaker, I urge passage of H.R. 3376.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I rise to thank the gentleman from Tennessee and the gentleman from Pennsylvania for their very, very kind remarks about JIMMY QUILLEN and John Heinz and myself. We think we did the best we could on this legislation, and I encourage my colleagues to support it.

The gentleman from Arkansas mentioned his predecessor John Paul Hammerschmidt, who is a good friend of mine. Mr. Hammerschmidt and I served for a number of years together on the Veterans' Committee, including three Congresses during which he served as the ranking minority member while I served as chairman. Mr. Hammerschmidt was an outstanding member of this committee and the House of Representatives. All of the veterans' organizations admired him and praised his service on behalf of veterans, and he gave me wise counsel on numerous occasions during our service together on the Veterans' Committee.

I also want to thank the gentleman from Tennessee [Mr. DUNCAN] for his remarks. As he said, his family and mine are very close friends.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of this bill. The Veterans Health Administration is a model of our national commitment to honor our debts. It must be preserved. For that to happen, it must be allowed to change with the rest of the health care industry. One of the most significant changes in our Nation's health care delivery in recent years has been the movement to increased reliance on ambulatory care. For the VHA to keep pace with this welcome change, requires capital improvement. This bill today addresses some of those needs.

Specifically the Veterans' Affairs Committee approved a $21.1 million grant for Lyons Medical Center in Lyons, NJ. The grant provides funding for an ambulatory care unit.

This is great news for New Jersey vets. The Lyons' ambulatory care unit will take us into the next century as a state-of-the-art health care facility. It's an improvement that is long overdue.

In the past, the veterans' hospital would require overnight stays for minor surgery that would have been outpatient surgery elsewhere. The ambulatory care unit will allow veterans to go in and out of the hospital in one day, eliminating the added burden of overnight stays.

With the recent merger of Lyons and East Orange VA Medical Centers, this is truly a sign that Lyons is a well-respected and much-needed facility. This grant ensures that Lyons will continue to offer state-of-the-art health care and will keep its important place in the VA health care delivery system of New Jersey.

Finally Mr. Speaker, I also rise to congratulate Mr. MONTGOMERY, a true gentleman and leader when it comes to fighting for veterans. It has always been a pleasure to work for veterans as a member of the House Veterans' Affairs Committee. Over the years it has always been clear that a unique bipartisan spirit has prevailed there. That spirit has arisen from the shared commitment of the vast majority of the members of the committee to honor our obligations to our veterans first. Mr. MONTGOMERY, by his tireless service to the committee has nurtured that bipartisan spirit. Our success has been largely attributable to his fine service and leadership here and we will miss him.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 3376. In particular, I am pleased that the bill authorizes $15.1 million for major renovations at the Perry Point Medical Center in Maryland.

The project will focus on renovating and reconfiguring the patient rooms in the psychiatric nursing units in order to improve patient privacy. Two of the buildings involved in the project were built in 1935 and this project will meet disability accessibility requirements and upgrade and modernize the facility's utilities. Additionally, this legislation will instruct the Veterans' Administration to meet space planning criteria and standards set by the Joint Commission on Accreditation of Health Care Organizations.

The Perry Point VA Medical Center provides excellent extended and psychiatric care to veterans throughout the State of Maryland as well as the mid-Atlantic region who have served our Nation so ably in the name of freedom and democracy. Perry Point, along with the VA medical center at Baltimore and the other facilities included in the Chesapeake network, provide specialty services to tens of thousands of veterans each year.

Mr. Speaker, it gives me great pleasure to rise with my colleagues in support of this measure which embodies a bipartisan commitment to providing the best services for our Nation's veterans.

Veterans from throughout the Fifth Congressional District and the State of Maryland will be better served as a result of this legislation and the ensuing improvements at the Perry Point VA Medical Center and I am pleased to rise with my colleagues today in support of H.R. 3376.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3376 VA Major Construction Authorization and Major Medical Leases Act.

In recent years the health care industry has been de-emphasizing hospitals in favor of outpatient care facilities. Modern medicine has successfully demonstrated that many medical services are more efficiently performed on an outpatient basis.

This legislation will help the VA adjust to these new dynamics as it encourages a trend toward more ambulatory care construction projects.

With the recent opening of a clinic in Rockland County, my district has firsthand experience in observing the benefits of outpatient care.

Mr. Speaker, this legislation will benefit veterans by providing care in a more efficient manner which is also flexible enough to meet their future needs.

Mr. EVERETT. Mr. Speaker, as a member of the House Committee on Veterans' Affairs and chairman of the Compensation, Pension, Insurance and Memorial Affairs subcommittee, I am happy to rise today in support of H.R. 3376 authorizing major medical facility projects

and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997.

H.R. 3376 demonstrates strong bipartisan support for carrying out this country's unfailing commitment to our veterans. Recognizing the inevitable shift from expensive inpatient care to more cost effective primary and outpatient care, this legislation authorizes spending for the VA's medical facilities construction projects. The committee's action continues to stress the importance of providing services for veterans in an environment that is not only more convenient and more cost effective, but improves the quality of care through increased access to routine outpatient treatment and preventative health services.

I would especially like to recognize the foresight of the committee for the inclusion of directive report language authorizing the Secretary to establish an ambulatory care access point in Dothan, AL. The days of large vertically integrated hospitals as the primary mode of health care delivery are gone. Rather, in order to provide more effective and quality health care, the VA must be more flexible in bringing VA services to the veteran.

Such projects, like the much-needed community-based access point in Dothan, AL, are small in scale and do not require committee authorization or further appropriation of funds. However, the need for these small scaled projects is compelling given the lack of access to veteran's health care in many rural areas across the country. Currently, the more than 38,350 veterans reside within a 50-mile radius of Dothan are forced to travel 100 miles or more to the nearest VA medical center. The long and sometimes difficult trip back home after treatment is often impossible and warrants overnight lodging.

The establishment of a community-based access point in Dothan will provide routine, preventative and emergency outpatient medical services to the veterans in the southeast region of Alabama without requiring the construction of a large and costly inpatient facility. The quality of care for veterans in my district and in the surrounding areas of Alabama, Georgia, and Florida will improve significantly, while the cost for caring for these veterans will, most likely, prove more effective.

Mr. Speaker, in closing, because the other body failed to take up the fiscal year 1996 construction authorization, it is incumbent upon the upper Chamber that they consider this legislation so that our veterans are not deprived of the care they deserve.

I thank my friend, Mr. HUTCHINSON, chairman of the Hospitals and Health Care Subcommittee, and I thank my good friend, Chairman STUMP, for fostering greater opportunities for veterans in many regions of the country where it is prohibitive for veterans to travel to the nearest VA facility for care.

I stand in acknowledgment of their leadership on behalf of our nation's veterans and, I urge my colleagues to support this important legislation.

Mr. DOYLE. Mr. Speaker, I rise in favor of H.R. 3376, a bill of great importance to our Nation's veterans.

I want to begin by thanking Chairman STUMP for the leadership he has shown. In politics, there is never going to be an unanimity, but he has done a great job in addressing any issues that have arisen in our committee. He has gone out of his way to make sure that every member of the committee, regardless of party affiliation, has had an opportunity to help shape our legislative product. As a freshman in the minority, I want to say that the House Veterans' Affairs Committee should serve as a model to other chairmen as how to run a committee.

Also, I want to express my most heartfelt appreciation for the opportunity to work alongside the man they call Mr. Veteran—SONNY MONTGOMERY. I just want to say to SONNY that it has been an honor to serve alongside you, and I consider it an awesome privilege to have been your colleague on the Veterans' Affairs Committee.

In this bill, we are naming the VA medical center in Jackson, MI, after the former chairman—and I just want to let the chairman know that while members might come and go from this Chamber, that a good name lasts forever. I think it is safe to say that the name of SONNY MONTGOMERY is a good name.

There are many reasons to support this bill. Of all our commitments to those who served in our Nation's armed forces, none is more important than the guarantee of health care. For those Members who do not think there is a difference between the medical needs of veterans and those of the general public, I invite you to take a tour of a VA hospital with me. I guarantee that you will come away with a much different view of veterans' medical care. We must realize that private hospitals would never provide the type of patient care that is provided by VA hospitals as they could never make it profitable.

The underpinning of the VA health care system is maintaining the physical facilities needed to provide adequate service. Even in this difficult budgetary climate, veterans medical facilities construction must remain a high priority. Thus, I urge members to support this bill, and to support appropriations in this area when the VA–HUD bill comes to the floor later this Spring.

There are two parts of H.R. 3376 I want to highlight.

First, this bill has incorporated H.R. 2760, my bill to name the nursing care facility at the VA hospital in Aspinwall, PA, after the late Senator John Heinz.

The Heinz family is one of the most notable in Pennsylvania, and Senator Heinz' commitment to public service was a tremendous example to many of us in western Pennsylvania. Unfortunately, he was taken from us too soon when his plane crashed outside Philadelphia 5½ years ago.

During his time in Congress, John Heinz had many accomplishments, too many to try to list. However, as far as the people in and around Pittsburgh are concerned, one of his greatest contributions to our community was his leadership in the making the Aspinwall Veterans Hospital a reality.

Some may think that it is hyperbole to say that the construction of a veterans hospital is a great event to a region as populous as Pittsburgh. Those people obviously do not know a lot about Pittsburgh.

Ever since I can remember, my life has focused on veterans' issues, and their role in the Pittsburgh community. As I have often mentioned in this committee, I would not be here today if it wasn't for the benefits my family received from the VA in return for my father's service. These benefits were not without a steep price, because of the wounds my father received in combat, his life was made shorter than it should be.

My family and I are not unique. Throughout southwestern Pennsylvania, young men and women have served in our Nation's Armed Forces at a greater rate than almost anywhere. They and their families have counted on the VA to be there for them, and the VA has almost always been there. As those who served in World War II and Korea grew older, and their numbers were augmented by those who went to Vietnam, the needs for veterans services, especially health care, grew considerably in western Pennsylvania.

It was Senator Heinz, a native of Pittsburgh, who recognized that veterans in our area were being underserved, and that the situation would only get worse without decisive action. From his seat on the Senate Appropriations Subcommittee on Veterans Affairs, Housing, and Independent Agencies, he made the construction of the hospital in Aspinwall his No. 1 priority.

Today, throughout Pennsylvania, Ohio, Maryland, and West Virginia, countless veterans are having their health care needs met thanks to the efforts of John Heinz. I think it is only fitting that he receive this posthumous tribute to his good work. And I am not alone in this belief, as H.R. 2760 was cosponsored by all of my 20 colleagues in the Pennsylvania delegation, including Congressmen MASCARA and FOX who serve with us on this committee.

This legislation is supported by the Pennsylvania chapters of all the congressionally chartered Veterans Service Organizations. I have letters here from each of them, which I will include for the RECORD at the appropriate point.

I want to thank the American Legion of Pennsylvania and, in particular, Department Adjutant Stanley Reinhardt for bringing this idea to my attention.

I also want to express my support for the authorization for environmental improvements at the University Drive VA Hospital, located in the Oakland section of the city of Pittsburgh.

Mr. Speaker, I could describe in graphic detail the conditions that currently exist at these wards at University Drive, but I do not believe that it is appropriate subject matter for the floor of the House of Representatives. I hope it will suffice to say that this action is needed to allow each nursing unit at University Drive to meet current VA standards for life-safety, patient privacy, and handicapped accessibility. Also, there is a need to meet the needs resulting from the increasing number of female veterans requiring care.

The main building of University Drive was constructed in 1954, and has gone unchanged since. With the passage of time, this has produced numerous space, functional, and technical deficiencies in meeting the specifications of today's health care standards.

The importance of University Drive goes well beyond the boundaries of the City of Pittsburgh. It is the tertiary care, medical/surgical referral facility for the 65-county Western Pennsylvania Network, and is the National DVA Referral Center for Liver Transplantation. This project is essential to maintaining this hospital's capability to meet the needs of the 380,000 veterans in Allegheny County, as well as those throughout Pennsylvania, Ohio, Maryland, and West Virginia who rely on the services provided by University Drive.

As a supporter of the constitutional balanced budget amendment that passed the

House last year, I understand that we need to be extremely scrupulous in how we spend money. Even when there is a clear need that could be funded, we must determine whether or not something has to be funded. Keeping that admonition in mind, I hasten to point out that in the DVA internal rating for major construction projects, the University Drive project scored 19.8—out of a highest possible score of 19.8. For your consideration, I have attached a copy of this analysis. There is no way in which this project could have been rated any higher of a priority.

In conclusion, this bill is in the best interests of the people of Pennsylvania and the Nation as a whole, and I urge Members to support it.

Mr. McCOLLUM. Mr. Speaker, I rise in strong support of H.R. 3376, and commend Chairmen STUMP and HUTCHINSON for their efforts to bring this bill to the floor.

This bill represents another step toward addressing the disparity that has impacted many of Florida's veterans. Although the overall veterans population is declining, Florida's increases daily as more and more veterans move into the Sunshine State. Florida has the highest concentration of elderly veterans of any State, the second highest number of veterans of all ages, and the third highest concentration of wartime veterans. Last fiscal year, despite the fact that Florida facilities received the highest number of applications for medical care by service-connected veterans in the Nation, we continued to receive fewer funds than California, New York, and Texas—each with less demands on their systems.

Despite our leading veterans population, Florida has continued to receive far less than its fair share of funding for VA medical services. As a result, veterans that can receive care in other parts of the country that do not have such high veteran-to-facility ratios can find themselves turned away from more crowded facilities in Florida. These disparities must end.

This House has taken steps to address shortfalls in veterans medical care, by proposing a 13 percent increase in funding for VA medical care in fiscal year 1996, and moving forward on our plan to spend $339 million more on veterans health care over 7 years than the President has proposed. This construction bill represents the next step by the new Republican Congress to honor our Nation's commitment to its veterans.

Most important to veterans in my community, the bill directs the Secretary of Veterans Affairs to study the best means of meeting the health care needs of veterans in east central Florida. There has been considerable controversy about what needs exist, and how to best meet them. One option may be to operate the former Orlando Naval Training Center Hospital as a veterans medical facility. The first floor of this five-story facility is already serving the 200,000 veterans in its service area as an outpatient clinic, drawing veterans from across east central Florida. The additional floors contain some of the most advanced impatient care facilities—including intensive care units, critical operating rooms, inpatient beds, and an efficient food delivery service—in any private, public, or veterans hospital in Florida. Incredibly, Secretary Brown has proposed to destroy these facilities, and spend money to fill the space with nursing home beds.

I do not dispute the need for additional long-term care in Florida, and will support various efforts to make this option available to our veterans. As stated, our State has the highest number of elderly veterans in the country. But spending scarce health care dollars to effectively destroy a fully functional, state-of-the-art hospital—especially when such facilities are so needed in east central Florida—makes absolutely no sense, especially when a completely separate nursing home facility could be built without sacrificing the hospital for almost the same amount of money.

The committee has directed that this report must examine the need to include acute inpatient services, such as those provided by the Orlando facility, as well as psychiatric and long-term services. It is my hope that the report required by this legislation will illustrate other options to best meet the health care needs of veterans in east central Florida.

Last year, this Congress approved funding to construct another badly needed outpatient clinic in Brevard County. This means that after years of delay, Brevard County veterans will finally be able to receive needed ambulatory care close to home. I commend this Congress' action, and specifically praise the efforts of my colleague, Congressman DAVE WELDON, for finally succeeding in bringing additional veterans health care facilities to east central Florida.

Relief is on the way for veterans in Florida, and this legislation certainly moves us forward in that struggle. New facilities are being built, older ones are being re-engineered to meet new needs, and wide gaps in service-areas may finally be filled as a result of this committee's past efforts and future plans. I commend the committee and this House for working to repay the debt of our Nation owes its veterans, and helping to correct some of the imbalances that have left veterans in Florida in need of such greater attention.

Ms. MILLENDER-McDONALD. Mr. Speaker, I want to thank Mr. MONTGOMERY for the time to speak today and for your leadership, as well as that of Chairman STUMP, in seeing this bill through the legislative process.

Mr. Speaker, colleagues, this bill addresses some urgent needs among our Nation's veterans' medical facilities and I rise in strong support of the legislation and urge its swift approval.

The $434 million authorized by this legislation is perhaps some of the most important money that we will be discussing on this floor, for it will be spent ensuring that the men and women who put their lives on the line for our Nation will be adequately taken care of once they have left service.

This money renovates, upgrades and, where needed, expands current Department of Veterans Affairs medical facilities to ensure that the needs of our former servicemen and women are met.

One project of particular importance to me and my constituents in the 37th Congressional District is the seismic upgrading of the VA medical center in Long Beach, CA.

This bill provides $20.2 million to allow the Department of Veterans Affairs to bring three of the buildings at the Long Beach facility up to code in terms of earthquake safety, fire safety, mechanical and electrical safety, and compliance with the Americans with Disabilities Act.

The buildings receiving these improvements are all over 50 years old and in serious need of repair.

Specifically, the three buildings to be improved house important operational and various support services critical to monitoring the health and welfare of our veterans.

Without these repairs the buildings, all of which were built in 1943, are in grave danger. The facilities are very close to the Newport-Inglewood Fault Zone, which is considered active and capable of generating an earthquake of magnitude 7.0.

The VA has testified that there is no other medical facility in Long Beach large enough to meet the VA's needs, and it is expected that the major functions of this Medical Center will remain the same under the proposed Veterans Integrated Service Network.

In short, this is an important facility to the veterans residing in the Long Beach area and it is therefore incumbent upon us to ensure that it meets the basic safety codes of the area.

It is for this reason that these seismic repairs were included in the President's fiscal year 1997 budget request and that the Department of Veterans' Affairs Undersecretary for Health, Mr. Kenneth Kizer, testified in support of these repairs as recently as March.

Without these repairs, we are placing the lives of our Nation's veterans, as well as the lives of those who serve them, in grave danger.

I would submit to my colleagues that our veterans deserve better than this, and I am pleased to see that the committee agrees with this assessment.

I look forward to working with you, Congressman MONTGOMERY, and with Chairman STUMP, to see that the wisdom of the committee is followed and that the veterans who use the Long Beach facilities are not placed in harm's way.

In closing, I would like to commend the committee for deciding to name the medical center in Jackson, MS after our esteemed colleague from Meridian, Mr. MONTGOMERY. Although I have only had the honor of serving with him for a little over a month, I appreciate the work that he has done for our veterans and share the committee's view that it is befitting to bestow such an honor in naming a veteran's medical center in his honor in his home State.

So, once again, I rise in support of this important legislation and I urge my colleagues to do the same.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3376, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANDATORY FEDERAL PRISON DRUG TREATMENT ACT OF 1996

Mr. HEINEMAN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2650) to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders, as amended.

The Clerk read as follows:

H.R. 2650

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mandatory Federal Prison Drug Treatment Act of 1996''.

SEC. 2. ELIMINATION OF SENTENCING INEQUITIES FOR DRUG OFFENDERS.

(a) IN GENERAL.—Subparagraph (B) of section 3621(e)(2) of title 18, United States Code, is amended to read as follows:

''(B) ADMINISTRATION OF TREATMENT PROGRAMS.—The Attorney General shall ensure through the use of all appropriate and available incentives and sanctions that eligible prisoners undergo a program of substance abuse treatment.''.

(b) CONFORMING AMENDMENT.—The heading for paragraph (2) of section 3621(e) of title 18, United States Code, is amended by striking ''INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM'' and inserting ''TREATMENT REQUIREMENT''.

(c) ELIGIBILITY.—Clause (ii) of section 3621(e)(5)(B) of title 18, United States Code, is amended to read as follows:

''(ii) within 24 months of the date of release, or is otherwise designated by the Bureau of Prisons for participation in a residential substance abuse treatment program; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. HEINEMAN] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEINEMAN].

GENERAL LEAVE

Mr. HEINEMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2650, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, on November 16, 1995, I introduced H.R. 2650, the Mandatory Federal Prison Drug Treatment Act, to restore equity in the way the Federal Bureau of Prisons [BOP] administers its very successful drug treatment program.

This legislation is simple, yet intuitive. Instead of rewarding addicted inmates at the expense of clean inmates, the Mandatory Federal Prison Drug Treatment Act provides a proper incentive to recovering addicts to get treatment without providing them with advantage over other inmates who have not been addicted to narcotics.

On June 8, 1995 the Crime Subcommittee held a hearing concerning the Federal Bureau of Prisons. At that hearing, Kathleen Hawk, the Director of the Federal Bureau of Prisons testified that currently, the BOP can allow drug abusers to get out of prison a year earlier than their clean counterparts simply by completing a drug treatment program. This inequity is not based on past criminal history. Rather, these unequal sentences are the result of one inmate's drug addiction.

Unfortunately, as now constituted, the BOP can reward a drug addict by taking a year off his sentence after completion of a drug treatment program. This is poor policy as well as simply unfair.

H.R. 2650 eliminates the ability of BOP to release an addicted inmate a year early if he completes a drug treatment program. To provide an incentive to get addicted prisoners into treatment, H.R. 2650 requires the Attorney General to ensure that BOP utilizes all positive incentives and sanctions available to get prisoners into an appropriate drug treatment program.

Thus, the Mandatory Federal Prison Drug Treatment Act preserves drug treatment programs in Federal prisons while providing incentives for addicts to get clean. H.R. 2650 provides BOP with the flexibility it needs to utilize a variety of incentives and sanctions for inmates at different security levels.

During the past few weeks, I have worked closely with the Bureau of Prisons and Department of Justice to ensure that the individuals who implement this legislation are in favor of it. While everyone agrees that Congress should eliminate the sentencing inequity which allows BOP to, in effect, reward an addicted inmate for being an addict, BOP was concerned that the original version of H.R. 2650 would unduly tie their hands in the administration of their drug treatment programs.

After extensive consultation, I incorporated DOJ's suggestions and the legislation now requires the Attorney General to ensure that BOP use all available sanctions and incentives to persuade eligible prisoners to participate in a drug treatment program. The bill provides BOP the needed flexibility to utilize a variety of sanctions for inmates at differing security levels. What are they? Preferred housing, half way house placement, employment in jail.

I am pleased to report that DOJ and BOP support enactment of H.R. 2650 and would like to submit the DOJ letter of support for H.R. 2650. Mr. Speaker, this is reasonable, bipartisan legislation which fixes a mistake enacted in the 1994 crime bill. This legislation strengthens the BOP's ability to get an addicted inmate in treatment and at the same time eliminates the sentencing disparity which allowed addicted inmates to get out a year early. I urge my colleagues to support this simple and important legislation.

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

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

Mr. Speaker, the gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary, could not be here today.

Mr. Speaker, I include for the RECORD his statement in support of the bill.

Mr. CONYERS. Mr. Speaker, I support this bill which requires prisoners eligible for drug treatment to successfully complete drug treatment programs and remain drug free after the program's completion to receive good time credit.

Current law unfairly favors drug-abusing offenders—who may receive up to a year off their prison terms by undergoing treatment—in comparison with nondrug abusing offenders who have no comparable opportunity for early release.

This bill provides that good time credit would not vest for an eligible prisoner unless the prisoner successfully completes a substance abuse treatment program and remains drug-free thereafter. Good time credit would accumulate, as it would for any prisoner, but it would not vest and could be revoked at any time prior to release if the prisoner did not receive treatment for drug abuse or if the offender failed to remain drug-free.

The incentives in the current law are misguided. Current law actually allows prisoners with drug problems to reduce their sentences more than prisoners who have no substance abuse problems. I support this bill because it rectifies this incentive problem while still encouraging prisoners with substance abuse problems to receive treatment.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

Mr. HEINEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from North Carolina for yielding time to me.

Mr. HEINEMAN has pretty accurately portrayed what this bill will do. Under current law, as he pointed out, the Bureau of Prisons may grant a nonviolent addicted prisoner as much as a 1-year early release if that inmate completes a residential drug treatment program. In other words, I think an argument could be made that the law discriminates in favor of criminals who enter prison with a drug habit.

Representative HEINEMAN's bill corrects this problem by eliminating the bureau's discretionary authority to act in this manner. In addition, H.R. 2650 requires the Attorney General to ensure that the Bureau of Prisons uses necessary incentives and sanctions to compel inmate participation in drug treatment programs.

Examples would include reduction in good time credits and preferred housing or job assignments. Representative HEINEMAN's bill enables the Bureau of Prisons to use a variety of these sanctions and incentives at varying and differing security levels.

Finally, Mr. Speaker, present law restricts drug rehabilitation assistance to those inmates who request such help. H.R. 2650 changes this requirement or alters it by confining treatment to inmates who are within 24 months of release, thereby hopefully maximizing each program's effects.

I applaud Representative HEINEMAN's work on this issue. His legislation serves the interest not only of society, it seems to me, but the inmate as well. In many instances, rewarding inmates for activity they should have avoided in the first place appears to perhaps be a misplaced priority.

I think Representative HEINEMAN's bill is pursuing the proper course, and I thank the gentleman from North Carolina for having yielded the time to me.

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

Mr. Speaker, H.R. 2650, the Mandatory Federal Prison Drug Treatment Act, restores equity in the way the Federal Bureau of Prisons administers its very successful drug treatment program. H.R. 2650 is an example of bipartisan legislation at its best. I have worked closely with the Department of Justice, and the Democrats on the Judiciary Committee, including the ranking minority member of the Crime Subcommittee, CHARLES SCHUMER, who enthusiastically supports this legislation.

As a 38-year law enforcement veteran, I know the importance of tough and effective drug treatment for nonviolent offenders and the dangerous precedent set by rewarding drug addicts for simply being drug addicts.

H.R. 2650 does away with a loophole in the 1994 crime bill which allowed the Bureau of Prisons to release drug addicts a year earlier than their clean counterparts. The Mandatory Federal Prison Drug Treatment Act also strengthens the ability of the Bureau of Prisons to get addicted prisoners into treatment.

Thus, the Mandatory Federal Prison Drug Treatment Act preserves drug treatment programs in Federal prisons while providing a better policy for addicts to get clean. H.R. 2650 provides the Bureau of Prisons with the flexibility it needs to utilize a variety of sanctions for inmates at different security levels.

H.R. 2650 strengthens the Bureau of Prison's ability to employ a variety of incentives and sanctions to motivate inmates to participate in drug treatment programs and thus will maximize the effect of the program and the number of inmates receiving treatment. H.R. 2650 is emblematic of how tough law enforcement can be combined with effective treatment programs for nonviolent offenders to provide maximum results.

Mr. Speaker, I would again like to thank my colleagues from both sides of the aisle for their support of this sensible legislation. I also want to thank our leadership and the staff of the Judiciary Committee for expediting consideration of this important and bipartisan measure.

Mr. HOKE. Mr. Speaker, as an original cosponsor of H.R. 2650 and as a member of the committee that heard testimony on it, I rise in strong support of the legislation.

This bill eliminates the sentencing inequity which now allows the Federal Bureau of Prisons to reward a convicted felon simply for being a drug addict. The current state of our prison policy on this issue is downright appalling. Many of our constituents probably do not realize that drug addicts are eligible for early release from prison if they complete drug treatment programs while serving time. In other words, if a drug addict abides by the law while serving his sentence by forgoing illegal drug use, he will receive preferential treatment over other prisoners who are drug-free and serving the same sentence.

What signal are we sending to our young people by giving such preferential treatment to drug abusers? Our society has not done a very good job instilling basic moral values in our future generations, in large measure because we have ignored the real-life consequences of our activity here in Washington. Despite the tremendous amount of money that has been spent on drug prevention programs, substance abuse is on the rise. And what kind of role models do drug-addicted athletes make? It is time for Congress to take a stand, and use its bully pulpit to discourage drug use. While this legislation is narrowly drawn to address one aspect of our drug control strategy, it is a good first step.

Supporters of the current system argue that the early release mechanism is used as an incentive for addicts to seek help. But there are other ''carrots'' and ''sticks'' that may be used to achieve this same goal. For example, inmates might be granted preferred housing or job assignments. The bill requires the Bureau of Prisons to use all such incentives and sanctions to get prisoners into drug treatment programs.

This legislation recognizes that incentives can be powerful tools, but does not sacrifice the integrity of the prison sentence in the process. I commend the gentleman from North Carolina for introducing this bill and I am proud to support it.

Mr. DAVIS. Mr. Speaker, I rise today in strong support of H.R. 2650, the Mandatory Federal Prison Drug Treatment Act which was introduced by the gentleman from North Carolina, Congressman FRED HEINEMAN.

H.R. 2650 is a commonsense bill that would eliminate the sentencing inequity which currently allows the Federal Bureau of Prisons to in practice reward a drug addicted inmate for being a drug addict.

Under the 1994 crime bill, a disparity in sentencing was created that favors prisoners who attend drug treatment by giving them a 1-year credit toward the term of their sentence. Thus, those individuals who enter prison with a drug problem can currently be released earlier than a similarly sentenced individual who has no drug addition. Mr. Speaker, I believe that this provision of the 1994 crime bill is just another example of a well intentioned Federal law that has unintended practical consequences.

Congressman HEINEMAN's legislation does not modify the Bureau of Prisons successful drug treatment program currently in place. The bill would retain all incentives for completing drug treatment besides the credit toward early release. These incentives include giving inmates preferred jobs and housing assignments.

Instead, H.R. 2650 requires the Bureau of Prisons to provide proper incentives for addicted inmates to get treatment. Mr. Speaker, there is no reason why an inmate convicted for a crime should get 1 year taken off his sentence just because he is a drug addict, while a similarly convicted inmate who is not an addict must serve a full sentence.

Therefore, I urge the House to support this bipartisan legislation.

Mr. HEINEMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEINEMAN] that the House suspend the rules and pass the bill, H.R. 2650, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1445

ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2511) to control and prevent commercial counterfeiting, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2511

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anticounterfeiting Consumer Protection Act of 1996''.

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to United States consumers;

(4) eliminates United States jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting '', section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live music performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)'' after ''sections 2314 and 2315 (relating to interstate transportation of stolen property)''.

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''a motion picture or other audiovisual work,'' and inserting ''a computer program or documentation or packaging for a computer program, or a copy of a motion picture or other audiovisual work, and whoever, in any of the circumstances described in subsection (c) of this section, knowingly traffics in counterfeit documentation or packaging for a computer program,'';

(2) in subsection (b)(3) by inserting ''computer program','' after ''motion picture',''; and

(3) in subsection (c)—

(A) by striking ''or'' at the end of paragraph (2);

(B) in paragraph (3)—

(i) by inserting ''a copy of a copyrighted computer program or copyrighted documentation or packaging for a computer program,'' after ''enclose,''; and

(ii) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (3) the following:

''(4) the counterfeited documentation or packaging for a computer program is copyrighted.''.

(b) CONFORMING AMENDMENTS.—(1) The section caption for section 2318 of title 18, United States Code, is amended to read as follows:

§ 2318. Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging".

(2) The item relating to section 2318 in the table of sections for chapter 113 of such title is amended to read as follows:

''2318. Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging.''.

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following:

''(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18):

''(1) The number of open investigations.

''(2) The number of cases referred by the United States Customs Service.

''(3) The number of cases referred by other agencies or sources.

''(4) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.''.

SEC. 6. SEIZURE OF COUNTERFEIT GOODS

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: ''The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.''.

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

''(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in connection with the sale, offering for sale, or distribution of goods or services in the amount of—

''(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

''(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.''.

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking ''as the case may be;'' and all that follows through the end and inserting ''as the case may be.''.

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting ''destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may'' after ''shall, after forfeiture,'';

(2) by inserting ''or'' at the end of paragraph (2);

(3) by striking '', or'' at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

''(f) CIVIL PENALTIES.—(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

''(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

''(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

''(4) The imposition of a fine under this subsection shall be within the discretion of the Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.''.

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''vessel or aircraft'' before ''manifest'';

(2) by amending subparagraph (D) to read as follows:

''(D) The name of the vessel, aircraft, or carrier.'';

(3) by amending subparagraph (E) to read as follows:

''(E) The seaport or airport of loading.'';

(4) by amending subparagraph (F) to read as follows:

''(F) The seaport or airport of discharge.''; and

(5) by adding after subparagraph (G) the following new subparagraph:

''(H) The trademarks appearing on the goods or packages.''.

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking ''Entries'' and inserting ''(1) Entries''; and

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

''(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1124), or any other applicable law, including a trademark appearing on the goods or packaging.''.

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; or''; and

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

''(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

''(B) a phonorecord or copy in violation of section 2319 of title 18;

''(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

''(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).''.

SEC. 14. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to carry out the amendments made by sections 9, 10, 11, 12, and 13 of this Act.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2511.

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

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself 3 minutes.

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

Mr. MOORHEAD. Mr. Speaker, I would like to commend my friend and colleague from Virginia, Mr. GOODLATTE, for his leadership in drafting and introducing this bill, which is cosponsored by Chairman HYDE, Ranking Minority Member CONYERS, Representative COBLE, a valued senior member on the subcommittee, myself, and several other Members. I also want to thank the gentlewoman from Colorado, PAT SCHROEDER, for her support in processing this legislation.

Two amendments to H.R. 2511 were adopted by the Subcommittee on Courts and Intellectual Property, and the bill was unanimously approved by both the subcommittee and the full Judiciary Committee. A companion bill in the other body, S. 1136, passed by voice vote on December 13, 1995.

Current law recognizes that a problem of criminal trademark and copyright counterfeiting exists, but it does not do enough to deter and prosecute counterfeiters. Criminal counterfeiting has risen to a new level. In 1982, the cost of piracy to U.S. industries was approximately $5.5 billion. Today, American businesses lost 35 times that amount, more than $200 billion per year.

The combination of high profits and low risk of prosecution has made trademark and copyright counterfeiting a favorite activity of organized crime syndicates. Law enforcement agents from the U.S. Customs Service testified that combating criminal activity connected to counterfeiting is starting to look like attacking the drug trafficking problem. Last year, those same customs agents coordinated raids in New York and Los Angeles that netted $27 million in counterfeit merchandise and supported indictments of 43 members of a Korean crime syndicate.

The price of counterfeiting goes well beyond lost revenues and damaged business reputations: it can cost lives. Fatal automobile, airplane, and helicopter crashes have been associated with faulty counterfeit machine parts. Name brand prescription and over-the-counter drugs have also been counterfeited. Millions of bogus pills containing inferior, or even harmful, ingredients have been distributed to unsuspecting consumers purchasing medicine.

Searle discovered the distribution of more than 1 million bogus birth control pills after several women complained of unusual bleeding. Tylenol, Advil, Tagament, Ceclor, and Zantac are all other famous name brand pharmaceuticals that are reported to have been counterfeited. One witness testified that toy makers are concerned that cheap knock-offs present choking hazards and may contain toxic paints or dyes.

H.R. 2511 proposes key amendments to both criminal and civil laws in response to the growing threat of criminal counterfeiting. It improves the ability of law enforcement officers to detect and arrest counterfeiters. It also allows for the meaningful prosecution of all levels of a criminal organization involved in counterfeiting.

Finally, this bill ensures that seized counterfeit goods are destroyed rather than returned to the importer for reshipment to another port of entry.

I am unaware of any opposition to H.R. 2511, and I urge its adoption.

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

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

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I join the subcommittee chairman in supporting H.R. 2511. This bill strengthens criminal and civil laws and remedies relating to copyright and trademark counterfeiting.

Our subcommittee has worked hard to ensure that intellectual property is accorded a high level of protection. As we seek to persuade other countries around the world to provide strong protection for copyrights, trademarks, and patents, it is critical that we demonstrate through our own legal system the high value that we place on intellectual property.

Because there is an enormous potential for profit in illegal counterfeiting, the civil and criminal remedies must be strong if we are to deter counterfeiting. As the committee report notes, between 5 and 8 percent of all goods and services sold worldwide are counterfeit. In some industries, the problem is enormous; the computer software industry, for example, estimates that for every five software programs that are legally sold, two illegally pirated copies are also sold.

As the gentleman from California has pointed out, the problem goes beyond the monetary loss and damage to reputation suffered by the copyright or trademark owner. Counterfeit goods also can pose a serious threat to consumers. Many of my colleagues may recall, for example, the substandard infant formula, falsely labeled with a well-known brand, that was distributed last year in the United States. In another case, more than a million bogus birth control pills were distributed falsely bearing the mark of a pharmaceutical company; the company did not discover the counterfeits until women complained of pain and unusual bleeding.

By making trafficking in counterfeit goods or services a predicate offense subject to RICO, by strengthening provisions relating to the seizure and destruction of counterfeited goods, and by providing for judicially determined statutory damages for trademark owners, this bill will make it easier to combat commercial counterfeiting.

The administration supports this bill, and I urge my colleagues to support this bill strengthening the ability of trademark and copyright owners to protect their property rights, and that is what this bill does.

Mr. Speaker, I thank everybody on the committee for doing this, and I think it has been in the long tradition of this committee to move these in a very bipartisan, nonconfrontational fashion because we understand how terribly important it is for the United States to stand firm on the globe in protecting these trademarks and to be moving forward and protecting copyrights. This country produces a very high percentage of it, it is a high percentage of our trade internationally, and I again thank the subcommittee chairman for his strong leadership on all of this.

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

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], chairman of the full Committee on the Judiciary of the House.

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

Mr. HYDE. Mr. Speaker, I surely am not going to take all that time. I have nothing new to add that has not already been said. This is a fine piece of legislation. It will cure or move toward cure of a very serious problem, that of counterfeiting, and so I will ask that my remarks, which are truncated and comprehensive, be included in the RECORD.

But, I do want to congratulate the chairman of the subcommittee, the gentleman from California, CARLOS MOORHEAD, and the ranking member, the gentlewoman from Colorado, Mrs. PATRICIA SCHROEDER, on her excellent counsel, the gentleman from Virginia, Mr. GOODLATTE, who initiated this legislation. And I think the staff, certainly our staff, Tom Mooney, John Dudas, Mitch Glazier, Joe Wolfe, and Betty Wheeler, all deserve special thanks as well.

Mr. Speaker, I strongly support H.R. 2511, the Anticounterfeiting Consumer Protection Act of 1996. Soon we will consider the renewal of most-favored-nation status for China. This timely legislation highlights one of the growing problems we have with that country: counterfeit goods. The Chinese continue to counterfeit the goods of legitimate American companies at an alarming rate.

Just 2 weeks ago, the administration issued a finding that China was not satisfactorily implementing the Agreement on Enforcement of Intellectual Property Rights and Market Access, signed in March 1995. In making its finding, the administration said the following:

> Critical deficiencies are present in China's implementation of measures to address piracy at the production and wholesale distribution level. Piracy remains particularly rampant in Guangdong province. Manufacturers and distributors, primarily located in southern China, continue to produce pirated CD's, LD's, and CD–ROM's in massive quantities. Due to lax enforcement at the point of production and at the border, exports of pirated computer software, movies, sound recordings, and other products have grown substantially over the past year. Products pirated in China have flooded Southeast Asia, Russia, and the other Commonwealth of

Independent States [CIS] countries. Latin America and European markets have also been targeted, and the U.S. Customs Service has seized pirated CD's and CD–ROM's entering the United States from China.

According to recent newspaper articles, the Chinese may have as many as 31 government-licensed plants turning out pirated CD's and CD–ROM's. To make matters worse, many believe that some or all of these plants are run by the Chinese military or government officials. According to these articles, the International Intellectual Property Alliance, which represents the record and motion picture industry, estimates that in 1995, the United States lost $6.9 billion in exports because of counterfeit movies, records, books, and software. About $2.3 billion were lost to the Chinese. The Pharmaceutical Manufacturers' Association estimates that its losses from pirated drug patents exceed $3 billion. Millions more are lost to counterfeit auto parts, athletic shoes, and apparel.

Unfortunately, the probe is not limited to the Chinese. Organized crime operations sell counterfeit goods as a way to launder the money from their other criminal activities. By doing so, the Chinese, the Mob, and countless other criminals steal billions of dollars' worth of intellectual property that American companies and individuals have developed at great expense.

For far too long, we have tended to look upon the counterfeiting of goods as a rather trivial crime. That must stop. The sale of counterfeit goods has numerous serious consequences.

First, we must consider who is selling these goods: the Chinese communist government, the Mob, and common criminals. These are not people that Americans want to finance.

Second, counterfeit goods amount to nothing more than the theft of intellectual property. If we do not vigorously protect intellectual property, we destroy the incentive to create.

Third, counterfeit goods are frequently dangerous, and they can cause serious injury. The current issue of Business Week reports that substandard airplane parts contributed to at least 166 airplane crashes from 1973 to 1993. Last September, the New York Times reported that the FDA has uncovered at least 10 operations in 8 States producing substandard infant formula that has caused sickness in babies using it.

Finally, by injuring legitimate American companies, counterfeit goods destroy American jobs. If we want to protect our American jobs, we must stop the importation of the phony compact discs and computer programs that the Chinese would foist upon us.

Because of all these serious consequences, I strongly support H.R. 2511. It will give new tools to the legitimate American companies who want to fight off the counterfeiters. It will place counterfeiting activities within the RICO statute, exactly the place where such organized criminal activity belongs. With all of the RICO remedies in hand, law enforcement officials and the private companies will be able to hit the counterfeiters in their pocketbooks.

H.R. 2511 will also give the Government new tools when it seizes counterfeit goods at the border. Amazingly, up until now, our law allowed counterfeiters who got caught at the border to re-export the goods to another country. Obviously then, there was little cost to getting caught. H.R. 2511 insures that we will never engage in that simple-minded practice again. Rather, under H.R. 2511, counterfeit goods seized at the border will either be destroyed or, if the legitimate trademark owner consents, given to charity.

For all these reasons, Mr. Speaker, I commend the distinguished chairman of the Subcommittee on Courts and Intellectual Property, Mr. MOORHEAD, and the ranking member, Mrs. SCHROEDER, for their important work in bringing this bipartisan legislation to the floor. I urge all of my colleagues to vote in favor of H.R. 2511.

Mr. MOORHEAD. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. GOODLATTE], the sponsor of this legislation.

Mr. GOODLATTE. Mr. Speaker, as the lead sponsor of H.R. 2511 I am proud that this House is taking a decisive step to make it tougher for product counterfeiters to prey on American business and American consumers and cost American workers their jobs.

Counterfeit products cost U.S. businesses an estimated $200 billion annually. An estimated 5 percent of products sold worldwide are phony. Fortune Magazine has called it the crime of the 21st century. That is because counterfeiting is a highly lucrative, but relatively low-risk crime with only handslap penalties if caught.

New technology has made it much easier for counterfeiters to pursue their trade. Computers and digital technology have made it a cinch to copy audiotapes, video, and software, and unlike analog copies, the thousandth digital copy is just as clean and clear as the first. Scanners and laser printers have made it easy to replicate labels, logos, and even the holograms that software producers afix to their products to prove authenticity.

For years we have overlooked counterfeiters, assuming that product counterfeiting meant $2 fake watches and was a victimless crime. But the evidence is mounting that counterfeiting is a very dangerous crime that can threaten the health and safety of us all.

Last year the Federal Aviation Administration grounded 6,000 piston-powered aircraft to check for phoney crankshaft bolts that could cause crashes. The cover story in this week's Business Week is on bogus airplane parts and cites the explosion last June of the No. 2 engine on a ValuJet plane as an example. Business Week reports that the explosion was caused by an engine that had been overhauled and later sold to ValuJet by a repair station in Turkey that lacked FAA approval. It further reports that investigators found that the engine contained a cracked and corroded compressor disk which had been plated over during the overhaul and was thus undetectable.

Counterfeit airplane parts actually caused a deadly crash of a Norwegian plane that killed 55 people.

In April 1995, the Food and Drug Administration released a ''Consumer Alert'' warning parents against using counterfeit-labeled Similac with iron ''Ready to Feed'' liquid formula in 8-ounce plastic cans with a fictitious code number and expiration date. The fake infant formula, found in 16 States, reportedly caused illnesses ranging from rashes to seizures in many babies who consumed the substandard product.

A counterfeit brake pad caused an automobile crash that killed a mother and her child. In 1990 more than 30 raids were conducted in 15 States as a result of a crackdown on auto parts counterfeiting.

Rampant piracy of the intellectual property of American businesses has strained United States-China relations, bringing us to the brink of a trade war and requiring a reconsideration of whether China should receive most-favored-nation trade benefits.

The question Congress must ask is whether China will agree to abide by the basic rules that govern international trade, or will Chinese officials continue to condone piracy? Remember that China is our fifth largest trading partner and very well may be on its way to becoming the world's largest economy. If China refuses to play by the rules and continues at best, to ignore piracy, or at worst, to encourage it, the losses for American companies will be staggering.

For example, Chinese officials, after much prodding by Microsoft Corp. agreed to investigate the Jin Die Science and Technology Development Co. in southern China. When they raided the company, Chinese officials found 5,700 computer disks containing thousands of dollars each in Microsoft software, illegally mass-produced on sophisticated machinery. According to the Washington Post, during this raid the Chinese confiscated the counterfeit software disks, but U.S. executives who were at the raid claim they also saw Jin Die's machines producing video discs containing movies such as ''Waterworld'' and ''Ace Ventura II.'' The Chinese authorities did nothing to stop the pirating of these American movies.

H.R. 2511 will make it easier to ensure that the constant flow of counterfeits, arriving in the United States from countries like China can be confiscated and taken out of the stream of commerce. It also ensures that the American businesses who suffer commercial damage from counterfeit products may be awarded either actual or statutory damages.

Because of the lure of enormous profits compared to the relatively low risk of being arrested, prosecuted, and sent to jail, it has not taken long for organized crime to get involved in counterfeiting operations. These operations have become highly sophisticated, well-financed, mobile, and international in scope.

In March 1995, more than 10.5 million dollars' worth of counterfeit software was found during a raid in California that also turned up semiautomatic

weapons, handguns, and military explosives. Newspaper stories report that those who were arrested are under investigation for their link to organized crime, a link that may reach from China, Hong Kong, and Taiwan to southern California's immigrant neighborhoods.

These criminal networks have distribution systems as diverse as any modern corporation. Counterfeiters know that although criminal penalties exist on the books, criminal actions are rarely initiated against counterfeiters. As for private enforcement actions, trademark and copyright owners are consistently frustrated by an inability to recover any meaningful damages.

This legislation takes strong steps to attack this problem.

The Anticounterfeiting Consumer Protection Act will help law enforcement officials contend with the sophisticated nature of modern counterfeiting. First, it increases criminal penalties by making trafficking in counterfeit goods or services a RICO offense, consequently providing for increased jail time, criminal fines, and asset forfeiture.

Second, the legislation allows greater involvement by all levels of Federal law enforcement in fighting counterfeiting, including enhanced authority to seize counterfeit goods and the tools of the counterfeiters' trade.

Third, it makes it more difficult for these goods to re-enter the stream of commerce once they have been seized.

Fourth, our bill also adds teeth to existing statutes and provides stronger civil remedies, including civil fines pegged to the value of genuine goods and statutory damage awards of up to $1,000,000 per mark.

The Anticounterfeiting Consumer Protection Act will provide law enforcement officials with the tools they need to fight back, and to protect American business and the health and safety of American consumers. The time has come to make sure that our fight against counterfeiting is as sophisticated and modern as the crime itself.

Finally, I want to thank all of the members of the Judiciary Committee who have supported this important legislation. Chairman HYDE, Chairman MOORHEAD, ranking minority member CONYERS, Congresswoman SCHROEDER have all contributed to this effort. I greatly appreciate their hard work on behalf of American consumers and businesses.

I urge all to support this legislation.

□ 1500

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

Mr. Speaker, I would like to thank two more staff people who worked very, very hard on this legislation, and that would be Elizabeth Frazee and Betty Wheeler. They also, I think, worked very hard on this, and we wanted to make sure everyone was included in the chairman's very generous thank yous.

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

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, first of all, I want to compliment the author of this legislation, the gentleman from Virginia [Mr. GOODLATTE], the chairman, the gentleman from California [Mr. MOORHEAD], and the ranking member, the gentlewoman from Colorado [Mrs. SCHROEDER], for their leadership on this issue.

Trademark counterfeiting costs this Nation over $200 million annually. That is more than the annual budget deficit in this country. Counterfeiting has grown from about $5.5 million in costs in 1982 to that $200 billion figure today. I once again applaud the authors of this amendment and the bipartisan way in which we have moved forward passage today.

The industry estimates that sales of counterfeit software exceed 40 percent of total industry revenues. Almost two of five cartridges that include a piece of software that are sold are counterfeit. Counterfeit software also costs companies more than revenues and it costs this Nation more than just jobs. It costs companies their reputation, because often substandard products with inferior quality enter the marketplace mislabeled with the originating company. What consumers do is they cannot take a chance on this, so they will buy other products that they figure are not mislabeled. The better companies end up, as a result of that, losing sales, losing jobs, losing revenues.

Mr. Speaker, this legislation I think is going to make a significant contribution toward curbing these abuses. It is going to make this a RICO offense. It is going to increase fines and jail time for offenders. It is going to speed the seizure of goods, in many cases. It is going to increase penalties and civil fines of up to $1 million per mark. It is going to allow greater enforcement coordination by State and local law enforcement officials working toward this.

This is, I think, an increasing area of concern for those in the software industry, and I think this legislation is going to make tremendous headway toward curbing these abuses in the future. I am proud to be a cosponsor of this, and once again congratulate my colleagues in bringing this to the floor today.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 2511, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2511, the bill just passed.

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

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, S. 1136, to control and prevent commercial counterfeiting, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I would ask the gentleman from California [Mr. MOORHEAD], if he could explain the purpose of his unanimous-consent request.

Mr. MOORHEAD. Mr. Speaker, the purpose of this request is to send the bill back to the Senate with an amendment consisting of the text of the House-passed bill, and to ask for a conference.

Mrs. SCHROEDER. Mr. Speaker, based on that, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1136

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anticounterfeiting Consumer Protection Act of 1995''.

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting '', section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)'' after ''sections 2314 and 2315 (relating to interstate transportation of stolen property)''.

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''a computer program or computer program documentation or packaging or'' after ''copy of'';

(2) in subsection (b)(3), by inserting '''computer program,''' after '''motion picture,'''; and

(3) in subsection (c)(3), by inserting ''a copy of a computer program or computer program documentation or packaging,'' after ''enclose,''.

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18), an accounting of—

''(1) the number of open investigations;

''(2) the number of cases referred by the United States Customs Service;

''(3) the number of cases referred by other agencies or sources; and

''(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18.''.

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: ''The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.''.

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

''(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

''(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

''(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.''.

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking ''as the case may be;'' and all that follows through the end and inserting ''as the case may be.''.

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting ''destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may'' after ''shall, after forfeiture,'';

(2) by inserting ''or'' at the end of paragraph (2);

(3) by striking '', or'' at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

''(f)(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

''(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

''(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

''(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.''.

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagarph (A), by inserting ''vessel or aircraft'' before ''manifest'';

(2) by amending subparagraph (D) to read as follows:

''(D) The name of the vessel, aircraft, or carrier.'';

(3) by amending subparagraph (E) to read as follows:

''(E) The seaport or airport of loading.''; and

(4) by amending subparagraph (F) to read as follows:

''(F) The seaport or airport of discharge.''.

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking ''Entries'' and inserting ''(1) Entries''; and

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

''(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.''.

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; or''; and

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

''(6)(A) A counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

''(B) a phonorecord or copy in violation of section 2319 of title 18; or

''(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).''.

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

MOTION OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MOORHEAD moves to strike out all after the enacting clause of S. 1136 and to insert in lieu thereof the text of H.R. 2511, as passed by the House.

The motion was agreed to.

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

APPOINTMENT OF CONFEREES

Mr. MOORHEAD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Pursuant to rule XX and by direction of the Committee on the Judiciary, Mr. MOORHEAD moves that the House insist on its amendment to the bill S. 1136 and request a conference thereon with the Senate.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HYDE, MOORHEAD, GOODLATTE, CONYERS, and Mrs. SCHROEDER.

There was no objection.

A similar House bill (H.R. 2511) was laid on the table.

COPYRIGHT CLARIFICATIONS ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1861) to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code, as amended.

The Clerk read as follows:

H.R. 1861

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Copyright Clarifications Act of 1996''.

SEC. 2. SATELLITE HOME VIEWER ACT.

The Satellite Home Viewer Act of 1994 (Public Law 103–369) is amended as follows:

(1) Section 2(3)(A) is amended to read as follows:

''(A) in clause (i) by striking '12 cents' and inserting '17.5 cents per subscriber in the case of superstations that as retransmitted by the satellite carrier include any program which, if delivered by any cable system in the United States, would be subject to the syndicated exclusivity rules of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations that are syndex-proof as defined

in section 258.2 of title 37, Code of Federal Regulations; and' ''.

(2) Section 2(4) is amended to read as follows:

''(4) Subsection (c) is amended—

''(A) in paragraph (1)—

''(i) by striking 'until December 31, 1992,';

''(ii) by striking '(2), (3) or (4)' and inserting '(2) or (3)'; and

''(iii) by striking the second sentence;

''(B) in paragraph (2)—

''(i) in subparagraph (A) by striking 'July 1, 1991' and inserting 'July 1, 1996'; and

''(ii) in subparagraph (D) by striking 'December 31, 1994' and inserting 'December 31, 1999, or in accordance with the terms of the agreement, whichever is later'; and

''(C) in paragraph (3)—

''(i) in subparagraph (A) by striking 'December 31, 1991' and inserting 'January 1, 1997';

''(ii) by amending subparagraph (B) to read as follows:

'(B) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the copyright arbitration royalty panel appointed under chapter 8 shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

'(i) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

'(ii) the economic impact of such fees on copyright owners and satellite carriers; and

'(iii) the impact on the continued availability of secondary transmissions to the public.'; and

''(iii) in subparagraph (C), by inserting 'or July 1, 1997, whichever is later' after 'section 802(g).' ''.

(3) Section 2(5)(A) is amended to read as follows:

''(A) in paragraph (5)(C) by striking 'the date of the enactment of the Satellite Home Viewer Act of 1988' and inserting 'November 16, 1988'; and''.

SEC. 3. COPYRIGHT IN RESTORED WORKS.

Section 104A of title 17, United States Code, is amended as follows:

(1) Subsection (d)(3)(A) is amended to read as follows:

''(3) EXISTING DERIVATIVE WORKS.—(A) In the case of a derivative work that is based upon a restored work and is created—

''(i) before the date of the enactment of the Uruguay Round Agreements Act, if the source country of the restored work is an eligible country on such date, or

''(ii) before the date of adherence or proclamation, if the source country of the restored work is not an eligible country on such date of enactment,a reliance party may continue to exploit that derivative work for the duration of the restored copyright if the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the provisions of this paragraph.''.

(2) Subsection (e)(1)(B)(ii) is amended by striking the last sentence.

(3) Subsection (h)(2) is amended to read as follows:

''(2) The 'date of restoration' of a restored copyright is the later of—

''(A) January 1, 1996, the date on which the Agreement on Trade-Related Aspects of Intellectual Property referred to in section 101(d)(15) of the Uruguay Round Agreements Act enters into force with respect to the United States, if the source country of the restored work is a nation adhering to the Berne Convention or a WTO member country on such date, or

''(B) the date of adherence or proclamation, in the case of any other source country of the restored work.''.

(4) Subsection (h)(3) is amended to read as follows:

''(3) The term 'eligible country' means a nation, other than the United States, that, after the date of the enactment of the Uruguay Round Agreements Act—

''(A) becomes a WTO member,

''(B) is or becomes a member of the Berne Convention, or

''(C) becomes subject to a proclamation under subsection (g).''.

SEC. 4. LICENSES FOR NONEXEMPT SUBSCRIPTION TRANSMISSIONS.

Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting '', or ending 30 days after the Librarian issues and publishes in the Federal Register an order adopting or rejecting the report of the copyright arbitration royalty panel, if such panel is convened'' after ''December 31, 2000''; and

(2) in paragraph (2), by striking ''and publish in the Federal Register''.

SEC. 5. ROYALTY PAYABLE UNDER COMPULSORY LICENSE.

Section 115(c)(3)(D) of title 17, United States Code, is amended by striking ''and publish in the Federal Register''.

SEC. 6. NEGOTIATED LICENSE FOR JUKEBOXES.

Section 116 of title 17, United States Code, is amended—

(1) by amending subsection (b)(2) to read as follows:

''(2) ARBITRATION.—Parties not subject to such a negotiation may determine the result of the negotiation by arbitration in accordance with the provisions of chapter 8.''; and

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

''(d) DEFINITIONS.—As used in this section, the following terms mean the following:

''(1) A 'coin-operated phonorecord player' is a machine or device that—

''(A) is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by the insertion of coins, currency, tokens, or other monetary units or their equivalent;

''(B) is located in an establishment making no direct or indirect charge for admission;

''(C) is accompanied by a list which is comprised of the titles of all the musical works available for performance on it, and is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

''(D) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

''(2) An 'operator' is any person who, alone or jointly with others—

''(A) owns a coin-operated phonorecord player;

''(B) has the power to make a coin-operated phonorecord player available for placement in an establishment for purposes of public performance; or

''(C) has the power to exercise primary control over the selection of the musical works made available for public performance on a coin-operated phonorecord player.''.

SEC. 7. LIMITATIONS ON EXCLUSIVE RIGHTS; COMPUTER PROGRAMS.

Section 117 of title 17, United States Code, is amended as follows:

(1) Strike ''Notwithstanding'' and insert the following:

''(a) MAKING OF ADDITIONAL COPY OR ADAPTATION BY OWNER OF COPY.—Notwithstanding''.

(2) Strike ''Any exact'' and insert the following:

''(b) LEASE, SALE, OR OTHER TRANSFER OF ADDITIONAL COPY OR ADAPTATION.—Any exact''.

(3) Add at the end the following:

''(c) MACHINE MAINTENANCE OR REPAIR.—Notwithstanding the provisions of section 106, it is not an infringement for the owner or lessee of a machine to make or authorize the making of a copy of a computer program if such copy is made solely by virtue of the activation of a machine that lawfully contains an authorized copy of the computer program, for purposes only of maintenance or repair of that machine, provided that—

''(1) such new copy is used in no other manner and is destroyed immediately after the maintenance or repair is completed, and

''(2) with respect to any computer program or part thereof that is not necessary for that machine to be activated, such program or part thereof is not accessed or used other than to make such new copy by virtue of the activation of the machine.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'maintenance' of a machine means servicing the machine in order to make it work in accordance with its original specifications and any changes to those specifications authorized for that machine; and

''(2) the term 'repair' of a machine means restoring it to the state of working in accordance with its original specifications and any changes to those specifications authorized for that machine.''.

SEC. 8. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended as follows:

(1) Subsection (b) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) Subsection (b)(2) (as redesignated by paragraph (1) of this section) is amended by striking ''(2)'' each place it appears and inserting ''(1)''.

(3) Subsection (e) is amended to read as follows:

''(e)(1) Except as expressly provided in this subsection, this section shall not apply to works other than those specified in subsection (b).

''(2) Owners of copyright in nondramatic literary works and public broadcasting entities may, during the course of voluntary negotiations, agree among themselves, respectively, as to the terms and rates of royalty payments without liability under the antitrust laws. Any such terms and rates of royalty payments shall be effective upon being filed in the Copyright Office, in accordance with regulations that the Register of Copyrights shall prescribe.''.

SEC. 9. REGISTRATION AND INFRINGEMENT ACTIONS.

Section 411(b)(1) of title 17, United States Code, is amended to read as follows:

''(1) serves notice upon the infringer, not less than 48 hours before such fixation, identifying the work and the specific time and source of its first transmission, and declaring an intention to secure copyright in the work; and''.

SEC. 10. COPYRIGHT OFFICE FEES.

(a) FEE INCREASES.—Section 708(b) of title 17, United States Code, is amended to read as follows:

''(b) In calendar year 1996 and in any subsequent calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) in the following manner:

''(1) The Register shall conduct a study of the costs incurred by the Copyright Office for the registration of claims, the recordation of documents, and the provision of services. The study shall also consider the timing of any increase in fees and the authority to use such fees consistent with the budget.

''(2) The Register shall have discretion to increase fees up to the reasonable costs incurred by the Copyright Office for the services described in paragraph (1) plus a reasonable inflation adjustment to account for any estimated increase in costs.

''(3) Any newly established fee based on paragraph (2) shall be rounded off to the nearest dollar, or for a fee less than $12, rounded off to the nearest 50 cents.

''(4) The fees shall be fair and equitable and give due consideration to the objectives of the copyright system.

''(5) If upon completion of the study, the Register determines that the fees should be increased, the Register shall prepare a proposed fee schedule and submit the schedule with the accompanying economic analysis to the Congress. The fees proposed by the Register may be instituted after the end of 120 days after the schedule is submitted to the Congress unless, within that 120-day period, a law is enacted stating in substance that the Congress does not approve the schedule.''.

(b) DEPOSIT OF FEES.—Section 708(d) of such title is amended to read as follows:

''(d)(1) Except as provided in paragraph (2), all fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office. Such fees that are collected shall remain available until expended. The Register may, in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this section.

''(2) In the case of fees deposited against future services, the Register of Copyrights shall request the Secretary of the Treasury to invest in interest-bearing securities in the United States Treasury any portion of the fees that, as determined by the Register, is not required to meet current deposit account demands. Funds shall be invested in securities that permit funds to be available to the Copyright Office at all times if they are determined to be necessary to meet current deposit account demands. Such investments shall be in public debt securities with maturities suitable to the needs of the fund, as determined by the Register of Copyrights, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

''(3) The income on such investments shall be deposited in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office.''.

SEC. 11. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended—

(1) in subsection (b)(1) by striking ''and 116'' in the first sentence and inserting ''116, and 119'';

(2) in subsection (c) by inserting after ''panel'' at the end of the sentence the following:

'', including—

''(1) authorizing the distribution of those royalty fees collected under sections 111, 119, and 1005 that the Librarian has found are not subject to controversy; and

''(2) accepting or rejecting royalty claims filed under sections 111, 119, and 1007 on the basis of timeliness or the failure to establish the basis for a claim''; and

(3) by amending subsection (d) to read as follows:

''(d) SUPPORT AND REIMBURSEMENT OF ARBITRATION PANELS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter, and shall reimburse the arbitrators at such intervals and in such manner as the Librarian shall provide by regulation. Each such arbitrator is an independent contractor acting on behalf of the United States, and shall be paid pursuant to a signed agreement between the Library of Congress and the arbitrator. Payments to the arbitrators shall be considered costs incurred by the Library of Congress and the Copyright Office for purposes of section 802(h)(1).''.

(b) PROCEEDINGS.—Section 802(h)(1) of title 17, United States Code, is amended—

(1) by amending the heading to read ''DEDUCTION OF COSTS OF LIBRARY OF CONGRESS AND COPYRIGHT OFFICE FROM ROYALTY FEES.—'';

(2) in the first sentence by inserting ''to support distribution proceedings'' after ''Copyright Office''; and

(3) by amending the third sentence to read as follows: ''In ratemaking proceedings, the Librarian of Congress and the Copyright Office may assess their reasonable costs directly to the parties to the most recent relevant arbitration proceeding, 50 percent of the costs to the parties who would receive royalties from the royalty rate adopted in the proceeding and 50 percent of the costs to the parties who would pay the royalty rate so adopted, subject to the discretion of the arbitrators to assess costs under subsection (c).''.

SEC. 12. DIGITAL AUDIO RECORDING DEVICES AND MEDIA.

Section 1007(b) of title 17, United States Code, is amended by striking ''Within 30 days after'' in the first sentence and inserting ''After''.

SEC. 13. TREATMENT OF PRE-1978 PUBLICATION OF SOUND RECORDINGS.

Section 303 of title 17, United States Code, is amended—

(1) by striking ''Copyright'' and inserting ''(a) Copyright''; and

(2) by adding at the end the following:

''(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein.''.

SEC. 14. CONFORMING AMENDMENT.

Paragraph (5) of section 4 of the Digital Performance Right in Sound Recordings Act of 1995 is redesignated as paragraph (4).

SEC. 15. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SATELLITE HOME VIEWER ACT.—The amendments made by section 1 shall be effective as if enacted as part of the Satellite Home Viewer Act of 1994 (Public Law 103–369).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1861.

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

There was no objection.

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

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

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 1861, the Copyright Clarifications Act of 1996. This important legislation will assist the U.S. Copyright Office in carrying out its duties, including giving the Office the ability to set reasonable fees for basic services, subject to congressional approval. It corrects or clarifies the language in several recent amendments to the Copyright act so that Congress' original intent can be better achieved. Two provisions resolve problems created by recent judicial interpretations of provisions of the copyright law. One of these amendments makes clear that the distribution of musical disks or tapes before 1978 did not publish the musical compositions embodied in the disks or tapes. The other amendment ensures that independent service organizations have the ability to activate a computer to maintain and repair its hardware components without being held liable by a court for copyright infringement due to that activation alone.

The U.S. Copyright Office is the agency charged with primary responsibility for implementing the provisions of the Copyright Act. In early 1995, the Copyright Office submitted to the Subcommittee on Courts and Intellectual Property a number of recommendations to clarify or correct the following: the Copyright Fees and Technical Amendments Act of 1989, the Audio Home Recording Act of 1992, the Copyright Royalty Tribunal Reform Act of 1993, the Satellite Home Viewer Act of 1994, and the Digital Performance Right in Sound Recordings Act of 1995. This legislation is the result of those efforts and I want to congratulate the Register of Copyrights, Marybeth Peters, and her staff, for their great initiative and hard work.

This legislation amends section 117 to ensure that independent service organizations do not inadvertently become liable for copyright infringement merely because they have turned on a machine in order to service its hardware components. The language contained in this section of the bill was driven by the introduction of H.R. 533, by Representative KNOLLENBERG of Michigan. I thank Mr. KNOLLENBERG for bringing this important matter to the subcommittee's attention and for leading the way in negotiations between the parties which resulted in the language contained in this bill.

A provision of this bill which clarifies the law to ensure that the mere distribution of musical disks or tapes before 1978 did not constitute a publication of the musical composition embodied in those disks or tapes comes from a decision of the Ninth Circuit in the case of La Cienega Music Co. which conflicts with 90 years of practice of the U.S. Copyright Office and the longstanding legal precedent in this country, thereby casting a black cloud over the rights of every U.S. music publisher for any pre-1978 composition released on phonorecords. I want to take a moment to thank Mr. Bernard Besman, the owner of La Cienega Music Co., who has fought so hard to exhaust his remedies in the courts, and who is primarily responsible for the necessary clarification to the law that exists in H.R. 1861. Music publishers, songwriters, and all those involved in the creation of music owe Mr. Besman deep thanks for his personal sacrifice

in pursuing through the judicial and legislative system a just solution to a wrong about which he felt strongly. He can be assured that we will work quickly to get this piece of legislation to the President's desk for his signature so that Mr. Besman's fight for all music writers and publishers can come to a rewarding end.

Mr. Speaker, all of the provisions contained in this bill are necessary for the proper functioning of the U.S. Copyright Office and the Copyright system, I am unaware of any opposition to this legislation, and I urge a favorable vote on H.R. 1861.

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

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

Mr. Speaker. I again thank my subcommittee chairman, the distinguished gentleman from California, [Mr. MOORHEAD], and I join the subcommittee chairman and the members of the subcommittee in supporting H.R. 1861, which has a whole number of provisions that clarify the copyright law.

So we are doing two things today. In the prior bill we increased the penalties, and here we are making it as clear as possible what the copyright law should be. Some of these provisions correct drafting errors in prior recent amendments to the law. Other provisions are intended to assist the Copyright Office in carrying out their duties. These provisions are basically technical and housekeeping in nature. This is one of the few housekeeping tasks I ever do in my role here. They are described in detail in the bill report that accompanies this.

Another provision reinstates the longstanding view of the Copyright Office that has been confirmed by the Second Circuit Court of Appeals that the sale or distribution of recordings to the public before 1978 did not constitute publication of the music composition embodied in the recording.

□ 1515

This longstanding view, however, was rejected by the ninth circuit last year, and that created a good deal of uncertainty for many musical works that have been recorded and sold before 1978. This bill is intended to remove that uncertainty by confirming the longstanding view of the Copyright Office and what everybody had thought had been the law before the ninth circuit decision.

Finally, there is a narrowly crafted provision that enables independent service organizations that have the ability to activate a computer to maintain and repair its hardware components without becoming liable for copyright infringement.

I want to emphasize the extremely narrow reach of this provision. It is designed to maintain undiminished copyright protection to authors of computer programs, while making it possible for third parties to service the computer hardware.

The provisions of this bill have received the support of the Register of Copyrights who testified before our subcommittee on behalf of the U.S. Copyright Office. I urge my colleagues to support this bill.

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

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

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

Mr. Speaker, I want to thank Chairman MOORHEAD for pushing this bill through Congress. It is a tribute to his fine leadership—and leadership we will miss when he departs at the end of this Congress.

I am very pleased the chairman has provided this opportunity to move this important, bipartisan bill through the House. My bill, H.R. 533, has been included in this legislation, and I want to extend my appreciation to the chairman for choosing to include our language.

My bill is designed to ensure that independent service organizations [ISO's] do not inadvertently become liable for copyright infringement merely because they have turned on a machine in order to service its hardware components.

As it is written, current law holds them liable when they flip the switch. It places a heavy burden on our workers who need to service our computer systems. And a strict enforcement of this law could shut down the multibillion dollar high technology maintenance industry which provides thousands of jobs.

In today's business world, our computer service technicians must have the flexibility to do their jobs without the fear they are breaking copyright laws.

Every day our reliance on our computer systems is growing, and in today's deadline-filled, rushed business world, minutes can mean millions.

These restrictions also have a negative impact on consumers. Costs and convenience are major factors when using specific computer service people. Forcing consumers into strict requirements of who can and cannot service your computer will certainly negatively impact consumers and businesses alike.

With the personal computer as common in our day-to-day lives as any other household item, we need to give our computer repairmen the flexibility and opportunity to service our systems.

At this point I would like to enter into a colloquy with the distinguished chairman of the Courts and Intellectual Property Subcommittee.

Mr. Chairman, the report language states:

> When a computer is activated, that is when it is turned on, certain software or parts thereof (generally the machine's operating system software) is automatically copied into the machine's random access memory, or RAM.

In the very next sentence it states:

> During the course of activating the computer, different parts of the operating system may reside in the RAM at different times because the operating system is sometimes larger than the capacity of the RAM.

Mr. Chairman, does activating the computer mean allowing the entire operating system to be loaded by the computer into the RAM, even if different parts of the operating system are not loaded in one step?

Mr. MOORHEAD. If the gentleman will yield, Mr. Speaker, the gentleman is correct. Activation may include getting the different parts of the operating system through the RAM. Because the entire operating system may not entirely fit into the RAM, activation may proceed through a series of steps until the entire operating system is fully loaded.

Mr. KNOLLENBERG. Again, I want to thank the chairman for his efforts and hard work. I want to thank him for including my legislation in this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1861, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BOATING AND AVIATION OPERATION SAFETY ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 234) to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated, as amended.

The Clerk read as follows:

H.R. 234

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Boating and Aviation Operation Safety Act of 1996''.

SEC. 2. AMENDMENT.

Section 523(a)(9) of title 11, United States Code, is amended by inserting '', watercraft, or aircraft'' after ''motor vehicle''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by section 2 shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by section 2 shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] will each be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 234, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 234, the Boating and Aviation Operation Safety Act and urge its adoption by the House.

Mr. Speaker, prior to 1984, it was possible in some realms in bankruptcy to have the spectacle of a drunk driver who causes untold adverse consequences, damages, and injuries to an innocent victim and then we could observe a phenomenon whereby a judgment would be entered against this drunk driver for the damage that he has caused and then to see the drunk driver enter bankruptcy and have his whole obligation wiped out, discharged, because of the safe haven that a bankruptcy would accord him.

In 1984, the Congress passed legislation that would make nondischargeable that kind of situation. That is, if that scenario were repeated after 1984, notwithstanding the fact that a drunk driver later would try to file for bankruptcy, even if he were accorded the safeguards of bankruptcy, this particular obligation on drunk driving damages that he had caused would not be discharged from bankruptcy.

Now, bringing us up to date here today, it has come to pass that several cases have come up on watercraft drunk operation, and then the courts became split as to whether the nondischargeability of a debt of a drunk driver would apply to a drunk boat operator.

So we have this legislation here to clarify all of those distinctions and controverted issues and solve the situation. In other words, this legislation would add watercraft of any type where operated by someone who is drunk, who causes damages, that kind of damage would not be dischargeable in bankruptcy to accompany the same prohibition that now exists in the law for drunk driving of land vehicles, as it were.

That is the whole purpose of the legislation. But there are some matters that we wanted to clear up, so we will enter into a colloquy, or after the statement of the gentleman from Rhode Island [Mr. REED], we will enter into a colloquy to further clarify some of these distinctions.

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

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

Mr. Speaker, I rise in support of the bill. The goal of chapter 7 and chapter 13 bankruptcy proceedings is to give the debtor a fresh start by discharging his or her debts, either after liquidation of assets and payments to creditors in chapter 7 or after a 3- to 5-year consumer reorganization repayment period in chapter 13.

However, certain debts, such as alimony and child support, are nondischargeable. The bankruptcy code already prohibits the discharge of debt arising from the operation of a motor vehicle while intoxicated, and there have been three reported cases interpreting this section of the bankruptcy code. Two have held that the motor boat falls within the meaning of motor vehicle; one held the opposite.

This bill, introduced by the gentleman from Michigan [Mr. EHLERS], would add watercraft and aircraft to the phrase motor vehicle in section 523(a)(9).

This addition would clarify and emphasize that current law already prohibits the discharge of debts incurred through the drunken operation of boats and aircraft, as well as cars. H.R. 234 would eliminate further confusion in the courts about the intended scope of this statute.

I commend the gentleman from Michigan [Mr. EHLERS] for his interest in this issue. My home State of Rhode Island is known as the Ocean State. We have thousands of people operating all types of watercraft off our shores. Regrettably, in the next few weeks we will probably have tragic incidents in which people are injured and perhaps killed by someone who irresponsibly drank and piloted a boat.

One of the witnesses at the subcommittee hearing on this issue testified that 25 percent of the reported boating accidents in Maryland involved people with elevated blood alcohol levels. Clearly, this type of dangerous and irresponsible behavior is something we must try to discourage by all means at our disposal, and using the bankruptcy code to do so I think is appropriate. This clarification is indeed a very useful clarification of the code.

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

Mr. GEKAS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I want to thank the chairman of the subcommittee not only for yielding time but also for taking this bill up in the subcommittee and lending his support to it.

As my colleagues have heard, this bill is necessary because the current law simply specifies motor vehicle, and that has been interpreted in three different ways by the courts.

In 1989, there was a case in Florida in which the judge ruled that motor vehicle included a boat or an airplane, operated respectively on a waterway or on an airway.

In a later decision in 1993, another court held that motor vehicle clearly was intended to apply only to an automobile and, therefore, did not apply to watercraft or aircraft.

Once again, in 1995, there was a judgment in another court that, indeed, motor vehicle included boats and aircraft.

So it is not only necessary to pass this particular bill to make certain that we include aircraft and watercraft as vehicles whose illegal operations by someone who is drunk or on drugs results in a nondischargeable debt during bankruptcy, but it is also very important to make this clear because the courts have ruled in different fashions in these various cases. Therefore, I appreciate the committee taking up the bill and giving us an opportunity to clarify this.

The bill itself is very simple. It simply makes clear that anyone who is operating a motor vehicle, a watercraft or an aircraft illegally by virtue of being intoxicated from using alcohol, a drug or another substance may not hide from responsibility for damages by making this a dischargeable debt by declaring bankruptcy. Clearly, this can be labeled as a victims' rights bill, because this will ensure that victims of such a drunk or drugged operator will receive adequate compensation and they cannot be deprived of that compensation simply by virtue of the perpetrator having declared bankruptcy.

I urge that the bill be passed, and I thank the chairman, once again, for his diligent work on this issue.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume for the purpose of conducting a colloquy with my colleague, the distinguished gentleman from Pennsylvania [Mr. GEKAS], and I would ask the gentleman if he would answer a question.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I would be happy to.

Mr. REED. Mr. Speaker, how is watercraft to be defined?

Mr. GEKAS. A watercraft is a buoyant craft operated by a person in the water—as an aircraft is an airborne craft operated by a person in the air or in the act of taking off or landing.

As I have said, our intent is to protect the public from intoxicated operators of watercraft and aircraft. It matters not whether the watercraft is a motorboat, a personal watercraft, a barge, a canoe, a kayak, a rowboat or whatever, or whether the aircraft is jet propelled, or propeller driven, or a glider or a hang glider—you name it. There is no requirement that the watercraft or aircraft be powered by an engine. Under this legislation, it is the unlawful operation of a watercraft or aircraft by an intoxicated operator resulting in death or personal injury that gives rise to a nondischargeable debt.

Mr. REED. I thank the gentleman.

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

Mr. GEKAS. Mr. Speaker, I want to thank the gentleman from Michigan

[Mr. EHLERS] for the initiative that he displayed in bringing this matter to the conclusion that it has found today, and I ask the Members to extend their support to the current legislation.

Ms. DELAURO. Mr. Speaker, I rise in strong support of H.R. 234, the Boating and Aviation Safety Act. The bill amends Federal bankruptcy law to ensure financial responsibility for individuals who cause deaths or injuries by operation of a boat or aircraft while under the influence of drugs or alcohol. Specifically, the measure prohibits bankruptcy courts from discharging an individual's debts for wrongful death or injuries if caused by the individual's operation of a motor vehicle, boat, or aircraft while intoxicated.

This legislation is extremely important to residents of my district, many of whom live on the shoreline of the Long Island Sound. Boating accidents are an unfortunate reality on a highly active waterway. As the summer boating season begins, it is essential to provide the victims of preventable boating accidents the same recourse for reckless piloting of boats on our waters as any victim of a accident in a car. This important legislation would extend the bankruptcy law that pertains to operators of motor vehicles to operators of boats and aircraft. This is a matter of fairness.

While some bankruptcy courts have used a broad interpretation of the motor vehicle to include operators of aircraft and boats in cases of injury or death to others due to intoxication, some have not. In order to ensure justice to the victims of boating accidents and their families we must pass this measure today.

We must send a strong message to boat operators: If you drink and operate a boat you are going to face the same harsh punishment that you would if you drink and drive. I strongly support this bill and urge its immediate adoption.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 234, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

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

□ 1530

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2977

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Administrative Dispute Resolution Act of 1996''.

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking '', in lieu of an adjudication as defined in section 551(7) of this title,'';

(B) by striking ''settlement negotiations,''; and

(C) by striking ''and arbitration'' and inserting ''arbitration, and use of ombudsmen''; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking ''decision,'' and inserting ''decision;''; and

(B) by striking the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Section 574(a) of title, 5, United States Code, is amended in the matter before paragraph (1) by striking ''any information concerning''.

(b) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

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

''(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.''.

(c) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574(j) of title 5, United States Code, is amended by striking ''This section'' and inserting ''This section (other than subsection (a))''.

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 581 note; Public Law 101–552; 104 Stat. 2736) is amended by striking ''the Administrative Conference of the United States and''.

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking ''the Administrative Conference of the United States and''.

SEC. 5. AMENDMENTS TO SUPPORT SERVICE PROVISION.

Section 583 of title 5, United States Code, is amended by inserting ''State, local, and tribal governments,'' after ''other Federal agencies,''.

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking the second sentence and inserting: ''The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law.''; and

(2) in subsection (e) by striking the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking ''agency, or'' and inserting ''agency, or to procure the services of an expert or neutral for use''.

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by striking ''agency, or'' and inserting ''agency, or to procure the services of an expert or neutral for use''.

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

''(c) In consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, the Federal Mediation and Conciliation Service shall—

''(1) encourage and facilitate agency use of alternative means of dispute resolutions; and

''(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis.''; and

(2) in subsection (e) by striking ''on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual''.

SEC. 8. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101–552; 104 Stat. 2747; 5 U.S.C. 581 note) is amended by striking section 11.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.Subchapter IV of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 584. Authorization of appropriations

''There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

''584. Authorization of appropriations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] will each be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 2977 and urge its adoption by the House. The Administrative Dispute Resolution Act was signed into law by President Bush back in 1990. From what we were able to discern over the 5 years of its operation, it did a world of good.

This administrative resolution syndrome is one in which Federal agencies are given an additional tool to try to settle disputes that might arise between agencies or between an agency and a contractor, shall we say, a government contractor, or a private citizens group, or anyone who runs into and becomes embroiled in a dispute with a Federal agency. Hence, the administrative procedure that was set up

by the bill that we have referred to would set up a procedure for that purpose.

Well, this authority ran out in October of last year. We in the Subcommittee on Commercial and Administrative Law held an oversight hearing in December 1995, and I speak for the gentleman from Rhode Island, both he and I were sufficiently impressed with the cost saving and efficiency displayed in the various mechanisms employed by the Administrative Dispute Resolution Act that we, almost on the spot, reendorsed the concept of having these agencies being able to filter out disputes of this type before they should reach a court jurisdiction. So we proceeded to work together, and the product that we have before us today is one in which we co-worked and co-authored, as it were.

One of the phenomena that makes it even more important for us to pass this legislation was the phasing out of ACUS, the Administrative Conference of the United States, which had during its lifetime covered some of the mechanisms which now are more fully employed by what we propose to do here today.

But I would mention some of the improvements that we have fashioned in H.R. 2977 for the purposes of the RECORD: For instance, we amend the Federal Property and Administrative Services Act to clarify that agencies may use expedited procurement procedures when hiring neutral third parties for some of these proceedings.

It also amends the law to authorize agencies to use the services and facilities of State, local, and tribal governments in order to implement the ADR Act. That is enlarging the scope of the capacity to deal agency by agency in solving disputes before they reach a more hectic state.

Also, it amends the Contract Disputes Act to require that contract claims only in excess of $100,000 be certified in order to facilitate the use of ADR, and also a provision that broadens the definition of ''alternative means of dispute resolution'' to include the use of ombudsmen, while at the same time striking from that definition ''settlement negotiations,'' which was not deemed particularly useful, and so on.

It does some other improvements, and I will ask that these remarks be made a part of the RECORD so we will fully cover it, but I do wish to cover just one other little dispute that we resolved in a gentlemanly and bipartisan fashion.

There was a dispute as to whether we should allow binding arbitration when, let us say, a Federal agency became involved with a Federal contractor. If we had a binding arbitration conclusion, it would mean that this would be binding on the Federal Government. Then the dispute arose, can the Federal Government constitutionally surrender its decisionmaking to a nonelected official, thus bringing in a whole gamut of constitutional questions.

So what has been utilized over the past has been the opt-out provision, that if we do come to a kind of an arbitration conclusion, then government will have the right within a certain period of time to opt out, not to be bound by that decision, thus preserving the constitutionality of the agency representing the U.S. Government who could not delegate this kind of duty.

The penalty for that would be, though, that some of the costs and other costs could be garnered by the disaffected other parties, but at least the governmental constitutional safeguard would remain in place. What we have done in this legislation is to preserve in some fashion the opt-out provision, thus not facing the constitutional problems that this issue raises.

We also straightened out some items on confidentiality, and all-in-all have improved the concept to a degree that we feel comfortable in presenting it to the floor and having the gentleman from Massachusetts hurry us up to complete the process.

And so we offer our thanks to everyone who helped prepare the legislation.

Mr. Speaker, I rise in support of H.R. 2977 and urge its adoption by the House.

The Administrative Dispute Resolution Act [ADR] was signed into law by President George W. Bush on November 15, 1990, as Public Law 101–552. It was intended to encourage the use of alternative techniques to resolve disputes involving Federal agencies in the discharge of their regulatory responsibilities. The law provided explicit authority for agencies to engage in ADR and developed a framework meant to foster it.

The Subcommittee on Commercial and Administrative Law held an oversight hearing on December 13, 1995 on the ADR Act, which expired on October 1 of last year. The testimony that was presented before the subcommittee, I think, can be characterized as being uniformly favorable. Representatives of agencies, ADR practitioners and a corporate counsel all testified to savings attributable to the use of ADR techniques. Savings not only in time but also in considerable money, both to the Government and to private citizens and businesses. Not only I, but also the ranking minority member, were impressed and persuaded that a procedure that can facilitate such savings deserves to be reimplemented with whatever improvements have either been made necessary by time or will help effectuate even further savings.

Therefore, the gentleman from Rhode Island and I introduced this bill in a bipartisan spirit of cooperation attempting to focus attention on the most important areas of agreement and calculated to encourage the most expeditious passage of this legislation.

The bill makes a variety of changes to current law principally of a minor and technical nature to reflect things that have occurred since the ADR Act was first signed into law, for instance, the discontinuation of the Administrative Conference of the United States, which formerly had a primary role in promoting the act. But before ACUS went out of existence, it offered several recommended improvements to the act, some of which are included in H.R. 2977.

Improvements to current law proposed by H.R. 2977, include:

Amending the Federal Property and Administrative Services Act (41 U.S.C. 253(c)(3)(C) and 10 U.S.C. 2304(c)(3)(C)) to clarify that agencies may use expedited procurement procedures when hiring neutral third parties for ADR proceedings.

The bill amends 5 U.S.C. 583 to authorize agencies to use the services and facilities of State, local, and tribal governments in order to implement the ADR Act.

The bill amends the Contract Disputes Act to require that contract claims only in excess of $100,000 be certified in order to facilitate the use of ADR.

H.R. 2977 broadens the definition of ''alternative means of dispute resolution'' to include the use of ombudsmen, while at the same time striking from that definition ''settlement negotiations'' which was not deemed particularly useful.

The bill strikes language in current law that requires an alternative means of dispute resolution must be a procedure that is ''in lieu of an adjudication as defined in section 551(7) [of the Act]''. This amendment would broaden the possibilities for and encourages the use of ADR.

The bill deletes the exemption from ADR for the settlement of employee grievance proceedings specified under 5 U.S.C. 2302 and 7121(c), thus allowing parties to voluntarily use ADR to resolve employment related disputes.

It is perhaps appropriate to mention two things that are not in the bill and to explain briefly the committee's rationale for not including them. The first involves binding arbitration as it applies the Government and the second, which is in the bill to a lesser degree than proposed by some witnesses, concerns the confidentiality of ADR communications.

With respect to binding arbitration, current law contains a so-called opt-out provision that permits the Government a period of time in which to vacate an arbiter's decision or award. This procedure was developed in order to avoid a constitutional problem involving the appointments clause of the U.S. Constitution identified by then Assistant Attorney General William Barr in testimony before this subcommittee in 1990.

Mr. Barr expressed concern that straight binding arbitration would result in the delegation of significant executive authority to individuals not chosen in accordance with the aforementioned clause. The Congress responded by adopting the compromise procedure contained in current law which gives an agency a period of time in which to ratify or vacate the arbiter's award but also provides the assessment of costs against the Government in the event that the award is vacated by an agency—this to serve as a disincentive for such an action.

Repeal of this provision was suggested during testimony by the witness from the Department of Justice and may ultimately be a part of legislation in the other body. However, concern was expressed by members at the subcommittee's hearing, which I chair, that this would too abruptly reverse a decision the Congress had made little more than 5 years earlier and which had been motivated by constitutional concerns significant and persuasive enough to convince us to fashion a mechanism to allay them. There are also policy implications regarding accountability for the control of government spending inherent in binding arbitration that should be considered. I felt, and

the gentleman from Rhode Island does also, that this issue deserves more discrete consideration. Therefore, H.R. 2977 retains current law.

With respect to confidentiality, several witnesses testified at the hearing that the confidentiality protections in the ADR Act should be broadened in order to facilitate and encourage its use. Both the gentleman from Rhode Island and I agree that reasonable steps should be taken to encourage resort to dispute resolution techniques which have been shown to be effective at saving money and avoiding litigation. Broadening confidentiality protections would foster an atmosphere in which parties to the ADR process could exchange views in a spirit of candor and would also encourage the use of Government neutrals where appropriate.

The by-play between the ADR Act and the Freedom of Information Act [FOIA] has been of concern in this process, creating something of an anomaly, that is disclosure of information relating to ADR communications by both parties and neutrals is generally prohibited but is discoverable through FOIA. According to testimony, this has been a particular problem when the Government is a neutral and it often discourages the use of government neutrals.

One solution might be to simply exempt ''dispute resolution communications'' which are ''generated by or provided to an agency or neutral'' from the disclosure requirements of FOIA if they may not be disclosed under the ADR Act. But the gentleman from Rhode Island and I are aware that there is legitimate concern that this may be too broad a solution and H.R. 2977 proposes instead an exemption from FOIA only to apply to the Government when it acts as a neutral. This doubtless will not please those who feel that the ADR proceeding would operate best if surrounded by confidentiality, but on the other hand I think it is best to proceed with caution in this area and I think the bill represents that cautious approach.

As I noted, this legislation was developed in the best spirit of bipartisan cooperation which I hope bodes well for its expeditious consideration. I urge support from the Members.

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

Mr. REED. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

Mr. Speaker, I just wanted to say how pleased I was to be able to work on this legislation with the subcommittee chairman, the distinguished gentleman from Pennsylvania, and I commend the chairman for his fine work here today.

The legislation before us today will permanently reauthorize the Administrative Dispute Resolution Act.

We are all concerned with reducing litigation. The use of alternative dispute resolution techniques—techniques designed to resolve conflicts consensually, generally with the assistance of a neutral third party—can lower the tremendous costs and ease the delays of Government litigation. This benefits the Government, as well as business and private parties.

The original ADR Act got agencies started on the road of using mediation, arbitration, negotiation, and other methods to resolve disputes. We heard excellent testimony at our hearing on the benefits and savings that accrue from the use of alternative dispute resolution.

For example, Joseph McDade, a deputy dispute resolution specialist from the Air Force testified before the Subcommittee on Commercial and Administrative Law that the Air Force had used ADR to resolve more than 1,000 civilian personnel disputes, with a settlement rate close to 80 percent. Likewise, 53 Air Force contracting cases have gone through ADR, and all have been resolved. The Air Force has begun adding ADR clauses to contracts, to ensure that disputes do not drive up acquisition costs.

According to a report of the Administrative Conference of the United States, the Department of Labor used mediation to resolve violations of labor or workplace standards in the Philadelphia region. Eighty-one percent of the cases were settled, usually in a single session, with a cost savings of 7 to 11 percent per case. The cases were resolved months faster than they would have been otherwise.

The FDIC and RTC have mediated disputes among failed financial institutions and saved millions in legal fees—over $13 million in estimated legal costs for the FDIC, and over $115 million for the RTC. The Departments of Health and Human Services and Education have used ADR in grant audits and disputes. ADR is being used increasingly in enforcement disputes. The Attorney General recently directed all civil litigation components within the Department of Justice to develop ADR case selection criteria and is requiring ADR training for all civil litigation attorneys.

While agencies inherently have the authority to use ADR techniques, testimony received by the subcommittee indicate that the expiration of the ADR Act has caused confusion and disruption in the field. The act provides a necessary framework for governmentwide ADR, as well as important incentives for promoting its use. The ADR Act sets uniform governmentwide standards for the use of ADR, provides the confidentiality protections that are necessary for a full and candid exchange between the parties, and provides the authority to hire neutrals as well as to use donated neutrals and space for ADR.

This legislation permanently reauthorizes the act and makes several important improvements:

It expands the range of cases that can be referred to ADR by eliminating the exemptions for certain types of workplace related disputes so employee grievances and discrimination cases under civil rights laws may, with the consent of the employee, be referred to ADR. The general provisions of section 572(b), which establishes criteria for identifying cases where ADR is not appropriate, would still apply.

It makes the procedure more user friendly by streamlining the acquisition process for hiring mediators.

It enhances the confidentiality provisions. Currently, section 574 of the act prohibits third-party neutrals and parties to the dispute from disclosing communications during an ADR proceeding, with limited exceptions. These communications are not necessarily exempt from disclosure under the Freedom of Information Act. In particular, the lack of an FOIA exemption may serve as an incentive to hire private neutrals who are not subject to FOIA, rather than Government neutrals. According to the testimony of the Federal Mediation Conciliation Service, this is a particular problem for Government agencies, like FMCS, that furnish employees as neutrals for proceedings involving other Federal agencies, since their neutrals notes, unlike the notes of private sector neutrals, may be subject to FOIA disclosure. The committee bill provides that the memoranda, notes, or work product of the neutral, are exempt from disclosure under FOIA. Exempting these communications from FOIA does not diminish the amount of information that would otherwise be available to the public if a neutral were not employed. A careful balance must be struck between the need for confidentiality in the ADR process and the basic purpose underlying FOIA, that openness in Government is essential to accountability. The committee was reluctant to expand the exemption from ADR Act should not be used as a shield to hide documents that otherwise would be available to the public. The principles of Government openness and accountability underlying FOIA are vital to the functioning of a democratic society.

When the ADR Act was first enacted in 1990, the Federal Government lagged well behind the private sector and the courts in using alternative dispute resolutions. Since then, almost every agency has experimented with consensus based dispute resolution techniques. Now, the Federal Government has the opportunity to become a leader in making dispute resolution easier, cheaper, and more effective.

Mr. Speaker, I urge an ''aye'' vote on this legislation.

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

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding time, and I would ask if he would engage in a colloquy with me.

Mr. Chairman, am I correct that H.R. 2977 does not include any language to remove from the district courts the so-called Scanwell bid protest jurisdiction?

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

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

Mr. GEKAS. Mr. Speaker, the gentleman is correct. It was our intent

that this bill not include any language regarding removal of Scanwell jurisdiction from the district courts. We would hope and urge our colleagues in the other body not to use legislation reauthorizing the ADR Act for such a purpose.

Mr. CLINGER. I thank the chairman, and I appreciate his intentions on this issue. As he knows, Congress recently made sweeping, extensive reforms to the Federal procurement system and the administrative bid protest forms. These reforms are only now really being implemented, and I am concerned that the system be given full opportunity to absorb the recently enacted changes before there is any further disruption in the system.

Mr. GEKAS. I thank the gentleman for his comments. We too have these concerns and understand the need to review the Scanwell issue before moving forward on further changes. We intend to hold hearings in the future to review whether eliminating bid protest jurisdiction from the Federal district courts is appropriate.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 2977, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1996

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

The Clerk read as follows:

H.R. 3235

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Office of Government Ethics Authorization Act of 1996''.

SEC. 2. GIFT ACCEPTANCE AUTHORITY.

Section 403 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended—

(1) by inserting ''(a)'' before ''Upon the request''; and

(2) by adding at the end the following:

''(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

''(2) No gift may be accepted—

''(A) that attaches conditions inconsistent with applicable laws or regulations; or

''(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

''(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.''.

SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended to read as follows: ''There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1997 through 1999.''.

SEC. 4. REPEAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF DISPLAY REQUIREMENT.—The Act entitled ''An Act to provide for the display of the Code of Ethics for Government Service,'' approved July 3, 1980 (5 U.S.C. 7301 note), is repealed.

(b) CONFORMING AMENDMENTS.—

(1) FDIA.—Section 12(f)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1822(f)(3)) is amended by striking '', with the concurrence of the Office of Government Ethics,''.

(2) ETHICS IN GOVERNMENT ACT OF 1978.—(A) The heading for section 401 of the Ethics in Government Act of 1978 is amended to read as follows: ''ESTABLISHMENT; APPOINTMENT OF DIRECTOR''.

(B) Section 408 of such Act is amended by striking ''March 31'' and inserting ''April 30''.

SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.

Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

''(B) Subparagraph (A) shall not apply to—

''(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission; or

''(ii) a communication or appearance made by a person who is subject to the restrictions contained in subsections (c), (d), or (e) if, at the time of the communication or appearance, the person is employed by a person or entity other than—

''(I) a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; or

''(II) a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

''(C) For purposes of this paragraph—

''(i) the term 'candidate' means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

''(ii) the term 'authorized committee' means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

''(iii) the term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

''(iv) the term 'national Federal campaign committee' means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

''(v) the term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

''(vi) the term 'political party' means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

''(vii) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.''.

SEC. 6. PAY LEVEL.

Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking ''level V of the Executive Schedule,'' and inserting ''level 5 of the Senior Executive Service,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3235, the bill under consideration.

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

There was no objection.

☐ 1545

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the Office of Government Ethics Authorization Act of 1996, which reauthorizes the Office of Government Ethics for a period of 3 years. The Office of Government Ethics was established in 1979 as the entity within the Office of Personnel Management to administer executive branch policies relating to financial disclosure, employee conduct, and conflict of interest laws.

Congress authorized funding for the Office of Government Ethics in 1983 and 1988. The most recent authorization expired on October 1, 1994. H.R. 3235 reauthorizes the Office of Government Ethics through fiscal year 1999.

The system of ethics in Government enacted by Congress is designed to ensure that executive branch decisions are neither tainted nor appear to be tainted by any questions of conflict of interest on the part of the employees involved in those decisions. The Ethics in Government Act states that the Office of Government Ethics is responsible for providing overall direction of executive branch policies relating to preventing conflicts of interest on the part of officers and employees of any executive branch agency. Over time, the responsibilities of the office have expanded by statute and executive order to include providing interpretive guidance on, and administrative support for a number of additional requirements related to employee conduct. These functions comprise the ethics in government program of the executive branch.

Section 2 of the bill under consideration authorizes the Director of the Office of Government Ethics to accept gifts on behalf of that agency. Federal departments and agencies are not permitted to accept gifts unless they have specific statutory authority to do so. While the Office of Government Ethics currently has no such authority, 19 executive branch agencies and departments do have gift acceptance authority.

In testimony before the Subcommittee on the Constitution, Director Potts stated that the office intends primarily to use its government acceptance authority to support its education and training program in carrying out the office's training mission. The office provides multiagency ethics training sessions for Federal employees at locations both in Washington, DC, and throughout the United States. Often there is no Federal facility available that can provide adequate space and services for such training sessions. The gift acceptance authority contained in H.R. 3235 will allow the Office of Government Ethics to accept donated non-Federal facilities which in the past have been offered by State and local governments.

This gift acceptance authority includes the requirement that the Director promulgate rules establishing criteria governing gift acceptance to ensure the acceptance of any gift will not compromise the integrity of the agency's programs or create unfavorable appearances. It is the intention of the sponsor that these rules will safeguard against even the appearance of a conflict of interest in the acceptance of gifts by the Office of Government Ethics.

The 19 executive branch agencies and departments that have gift acceptance authority are not required currently to prescribe regulations governing the use of such authority. After the Director promulgate regulations establishing a set of criteria governing gift acceptance, these regulations will serve as a source of model guidance to be used by departments and agencies.

H.R. 3235 also adds a new limitation on post-employment restrictions. This provision will allow campaign related communications by former government officials which are currently prohibited. Currently former Members, staff, and certain executive branch employees are subject to a blanket 1-year prohibition on communications to Members, staff, or the employee's former executive branch agency, where the intent of the communication is to influence the actions that individual's former office. However, those individuals who wish to take a leave of absence or resign from an office to work on a campaign are prohibited from making anything more than ministerial communications with their former office.

The purpose of the existing 1-year cooling-off period is to prohibit an individual from pecuniary gain as a result of past relationships at that individual's former office. However, in the case of a leave of absence or resignation to work on a campaign, the issue is not one of pecuniary gain from past office relationships. Instead, the issue is one of allowing necessary communications integral to any campaign-related employment. Therefore, where the intention of the former employee is to participate in the electoral process subject to the narrow exception established by the protection of this bill, the revolving door restrictions of title 18 will no longer apply.

Finally, section 6 of the bill amends section 207(c) of title 18. This amendment is necessary so that Senior Executive Service level 4 employees will not be subject to the post-employment restrictions of section 207, which was the intention of the 1989 Ethics in Government Act amendments. Section 6 amends the last clause of the definition of ''senior'' official in section 207(c) by tying the basic rate of pay to a level equal to or greater than that of level 5 of the Senior Executive Service.

Section 207(c) of title 18 was amended in 1989 to define ''senior'' officials in part as those officials serving in any position for which the basic rate of pay is equal to or greater than that of an employee serving in an Executive level 5 position. In 1989, the definition of ''senior'' officials encompassed individuals at levels 5 and 6 of the Senior Executive Service.

The change made by section 6 of the bill is necessary because Congress has chosen for purposes unrelated to post-employment restrictions to freeze the rates of pay for positions on the Executive Level Schedule. The rates of pay for positions in the Senior Executive Service are set by the President through executive order. On January 7, 1996, Executive Order 12984 increased the basic rate of pay for a Senior Executive Service level 4 employee to an amount above that of an Executive Level 5 position. The result of this executive order is the unintended consequence of Senior Executive Service level 4 employees being subject to post-employment restrictions originally intended only for Senior Executive Service level 5 and 6 employees.

Mr. Speaker, the Committee on the Judiciary reported H.R. 3235 by voice vote. H.R. 3235 is the product of the combined efforts of the majority and minority in the Judiciary Committee with the significant input of the administration and the Office of Government Ethics. I would particularly like to thank the gentleman from Massachusetts [Mr. FRANK], the ranking member of the Subcommittee on the Constitution, for his work on this legislation.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself less time than anyone else has taken today to express my appreciation for the gentleman's kind remarks, my agreement with the substance.

Mr. HORN. Mr. Speaker, the purpose of this legislation is to provide the reauthorization of the Office of Government Ethics and its activities. This extension and authorization would be for 3 years.

The Office of Government Ethics serves a useful function in assisting executive branch officials and employees to assure that they conduct their affairs in an atmosphere free of questions of improper influences on the decisionmaking process.

At a time when the activities of executive branch officials and employees are the subject of a number of inquiries, the Office of Government Ethics must be aggressive in ensuring that the highest standards of ethical conduct are followed by those the office is designed to serve.

The Subcommittee on Government Management, Information and Technology, which I chair, also has jurisdiction over this office. We will work with Mr. CANADY's subcommittee to monitor the Office of Government Ethics' effectiveness in the performance of its mandate.

This legislation has bipartisan support. It deserves that support. I congratulate Chairman HYDE and Chairman CANADY on their work to bring this matter to a vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and pass the bill, H.R. 3235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT SECRETARY OF AGRICULTURE DISPOSE OF REMAINING COMMODITIES IN DISASTER RESERVE

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 181) expressing the Sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, as amended.

The Clerk read as follows:

H. CON. RES. 181

Resolved by the House of Representatives (the Senate concurring), That, in light of the prolonged drought and other adverse weather conditions existing in certain areas of the United States, the Secretary of Agriculture should promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the disaster conditions, such as prolonged drought or flooding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BARRETT] and the gentleman from Texas [Mr. STENHOLM] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution expresses a sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve. At the present time, the Commodity Credit Corporation is holding approximately 45 million bushels of feed grains, primarily corn, barley, and sorghum. Release of this grain should help relieve the distress to livestock producers who are adversely affected by the prolonged drought conditions which are existing in certain areas of the United States.

Mr. Speaker, passage of this House concurrent resolution calling for the release of Government-owned feed grain is very important for several reasons. First, the drought is causing many areas of our country their worst natural disaster of this century. Dry areas include Texas, New Mexico, Colorado, Kansas, Oklahoma, in particular. In some of those areas, it is now being compared to the 1930s dust bowl. Farmers who own livestock are being severely hit with the drought conditions, especially when coupled with the low point in the cattle cycle and record high grain prices.

The grain in this disaster reserve, nearly 45 million bushels, as I said, is worth approximately $200 million and would provide for all the cattle on feed in these affected States enough feed to feed them for perhaps a little over 2 weeks.

Passage of House Concurrent Resolution 181 not only makes sense, it saves money. The Federal Government is currently spending approximately $10 million a year to store this grain.

In my opinion, the Government should not be paying huge storage fees and holding grain from the marketplace when this country is experiencing record low grain supplies.

This is an important concurrent resolution. I thank the leadership for providing its swift consideration. The release of this grain across the country should provide some temporary relief for our Nation's livestock sector.

Support for the resolution shows that this Congress is aware of the severe disaster taking place in drought regions across this country and of course we are willing to use what resources we have to make the situation just a little bit better.

I urge the adoption of House Concurrent Resolution 181.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 181, which has been introduced by my colleagues on the Agriculture Committee, Mr. BARRETT and Mr. EMERSON. I applaud the actions of my colleagues in this effort and am pleased to join them in bringing the bill to the House floor this afternoon.

I would also like to note that the Clinton administration has been working on a similar effort to make Government-owned feed grain stocks available to hard-pressed livestock producers. I'm certain that Secretary Glickman will welcome the support shown by this concurrent resolution to continue this process.

There is no doubt that there is a need to alleviate the stress facing producers in many parts of this country due to the severe drought in the southern Plains and flooding and excessive rainfall in the northern Plains and eastern corn belt. These natural disasters come at a time when grain stocks are at their lowest levels in decades causing record market prices and cattle producers are receiving even less for their animals than during the Great Depression based on inflation-adjusted dollars.

The release of this grain would be in addition to the actions already taken by the Clinton administration to help alleviate the stress in the livestock and crop sectors. These actions include release of conservation reserve program acres for haying and grazing, extension of noninsured crop disaster assistance program coverage, extension of the livestock feed program, the release of additional funds for emergency loans, advance purchases of beef for the school lunch program, and export credit guarantees for meat.

In my own State of Texas we are facing devastation in the livestock and crop sectors in the range of $6.5 billion and the summer has just begun. Sixty-two percent of the rangeland in Texas is rated as being in poor to very poor condition and producers are facing $374 million in added feed costs for beef cows alone due to the deterioration of range and pasture lands. Dairy producers in Texas are facing a possible doubling of their normal feed costs due to the increases in the cost of feed and hay they depend on for daily milk production.

Similar statistics are available from other States: State agricultural officials in Oklahoma have indicated the possibility of 5,000 to 10,000 producers going out of business in that State. Kansas is facing their worst wheat crop since the Depression with the 180 million bushel harvest—less than half the normal.

There is no opposition to the bill that I am aware of and this should have very little effect on the normal movement of grain because it will probably be distributed directly to producers outside the normal channels of grain merchandising.

I would encourage my colleagues to support this resolution. The livestock sector in our country contributes billions of dollars to our economy and if we do not take actions to help stem the liquidation of herds now, we will pay the price later for rebuilding that infrastructure.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I join in support of this resolution. It is true that we have had a lot of droughts, a lot of floods, especially in my State of California, where agriculture is the No. 1 commodity. But I just this weekend spoke to a group of poultry producers, and they also say a large reason for the increase in cost and shortage of grain is that we have given so much grain overseas, in some cases sold it below the price, that our people are now having to pay expensive prices here in the United States.

For example, the price of chickens is going to go up 50 percent because of the cost of the grain. I would urge the producers of this resolution and the committee to take a close look before we sell grain overseas or give it away that affects our producers here in this country that we need to take a second look at it. I rise in strong support, and I thank my colleagues on both sides of the aisle.

Mr. RICHARDSON. Mr. Speaker, New Mexico is the driest that it has been in 101 years. People in the West need help from a severe drought that has devastated New Mexico, Texas, Arizona, Nevada, and southern California.

I rise in strong support of this legislation which will offer some relief for ranchers who do not have feed for their cattle.

The dry conditions mean no pasture, no hay, and a limited amount of grain.

The shortage of grain on a worldwide basis has heightened the already disastrous situation for ranchers affected by the drought. Because of a lack of grain, producers in my district are being forced to sit back and watch their cattle starve.

This legislation will allow the USDA to release 46 million bushels of feed grain that is being held in reserves.

Although this resolution is not amendable I would like to urge the USDA to make this grain available directly to the ranchers in the drought affected States who are in need.

New Mexico ranchers need this relief now.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 181, which directs the Department of Agriculture to release the national grain reserve. This action is necessary because of the severe drought conditions being experienced in the Plains and Southwest portions of this country.

Severe drought conditions have stunted the growing season for Texas cotton, wheat, and grain farmers. Soil erosion is becoming a critical issue as the dry season is beginning and summer winds will literally scour fields clean of nutrient rich topsoil.

Texas cattle producers are also being devastated by the drought because it requires them to buy more feed at a time when prices are extraordinarily high. Livestock producers in general are suffering tremendous losses because the natural forage withered due to lack of measurable rainfall.

This resolution allows the release of the reserve only if the President declares a natural disaster in the region, which President Clinton has done, or if we pass this concurrent resolution declaring that such reserves should be released.

Without immediate assistance, ranchers will continue to cull their herds, which will result in higher beef prices for consumers once the supply is exhausted. Mr. Speaker, this is not simply a rural issue. If prices of feed grain and beef are allowed to fluctuate wildly, all of us will feel the impact at the supermarket. We need stable food prices, and this resolution can help achieve that goal. I urge the Department of Agriculture to release this reserve directly to the cattle producers and not through the Commodity Credit Corporation to speed the aid directly to where it is needed.

Banks should also be allowed to extend nonperforming loans without increasing reserves. Allowing banks the flexibility to assist farmers will ensure my State's farmers can survive through this drought.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BARRETT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 181, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: ''Concurrent resolution expressing the Sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding.''.

A motion to reconsider was laid on the table.

□ 1600

GENERAL LEAVE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 181.

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

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–225)

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

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 4, 1996.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

[Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

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

DISCUSSION OF 1997 BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, I wish I could say it was a pleasure to be here today, but I intend to discuss the 1997 budget today.

Mr. Speaker, you may recall that I analyzed the 1996 budget activity in the context of an extended debate that took place on this floor, and in the other body, and you may recall, Mr. Speaker, that I invoked Members from the other body, like Mr. HOLLINGS and Mr. DORGAN, covering the full range of opinions certainly in the Democratic Party. I indicated in that discussion that I had in conjunction with the CONGRESSIONAL RECORD in 1996 that there was no such thing as a balanced budget being prepared, let alone put forward in 1996, and we have the same situation today.

Mr. Speaker, I do not doubt that it is very important for Mr. DOLE to resign from the Senate to run as citizen and/or candidate DOLE, because I do not think that in his role as Senator, let alone majority leader, that he would have the opportunity to have much credibility in the way of putting forward a balanced budget amendment, let alone putting forward a balanced budget for 1997.

My fundamental point, Mr. Speaker, is that the budget that will be presented to us shortly, possibly this week, and be dispatched as quickly as possible, as opposed to 1996, dispatched as quickly as possible because it is not a balanced budget.

Now, my good friend, my good and dear friend I would say, the gentleman from Ohio [Mr. KASICH], will come down, and he is an engaging individual. When I state my affection and friendship for him, Mr. Speaker, you know that it is a feeling that is genuine on my part. I value his friendship and I have genuine affection for him as an individual, but he has an impossible task. I grant he is probably the best one to try to put it forward.

As you know, Mr. Speaker, he is an avuncular person, even as yourself, and he will come down on the floor, and with his engaging smile and his wit and rhetoric, we will put the best possible face on the fact that this is not a balanced budget document. It is not balanced for 1997, it most certainly is not going to be balanced for the year 2002.

The reason I am taking the special order time, Mr. Speaker, with the budget, is that given the rules of the House it is virtually impossible to have any kind of lengthy discussion that

would illuminate for the public and for the Members exactly what the budget is all about. Most of this takes place in a hearing room, in the Committee on the Budget hearings, and in staff work that is being done, discussions between the House and the other body with respect to a conference on the budget. Suffice to say, and I will for the RECORD, and would be happy to engage, as I did previously when we discussed the 1996 budget, be happy to engage anyone from the Republican side or from the Democratic side, because the budget being prepared from the Democratic side does not balance either. The difference is that we can count, I can count.

As you know, Mr. Speaker, I would like to see the budget deficit disappear, but I think we should take a much longer period of time to do it so that we do not endanger the economy. I think that, interestingly enough, considering the labels that are put out about liberal Democrats and conservative Republicans or conservative Democrats and liberal Republicans, whatever these labels are, that I think the Federal Reserve, Mr. Greenspan's approach has been that the economy should be prevented from slipping into either recession or depression or slipping into a phase of inflation or hyperinflation. I think the stock market reflects this.

The fact is that the growth in the economy is such that with a judicious approach to deficit cutting, we could keep the economy robust and reduce the deficit. This is, in fact, what President Clinton has accomplished. I know this is a source of great distress to those who predicted disaster with the Clinton budget, as presented in 1992 and 1993, but the fact is that the deficit has been cut considerably both in percentage terms and in real dollars for 3 years running now, something which has not happened since the end of World War II.

So the President, not having the benefit of a Congress which is supportive of him in the majority; that is to say, a Republican Congress before him, has accepted the admonition of the majority to utilize the Congressional Budget Office figures in order to present to the public the idea of what would constitute numbers sufficient to have a balanced budget.

In that role; that is to say, of a President who is faced with a Congress that wants to balance the budget utilizing the Congressional Budget Office figures, he accepted that ultimately in 1996. His priorities were different. As a result of the priorities within those priorities were, the President vetoed various elements of the budget and the budget was ultimately settled in a series of confrontations, a series of recriminations and arguments back and forth as to who was doing what and why.

In the course of events, the Government was closed on various occasions and generally it was seen as a kind of sorry affair all the way around. Nonetheless, my point here is recounting that today is that we will not see that again, apparently, in 1997. We will go through the same series of illusions, using somewhat different numbers, but we will come to a much more rapid conclusion. The reason we will come to the more rapid conclusion is that we will not have the opportunity this year to go through—if the gentleman from Michigan would step to the microphone, I will be happy to yield at an appropriate point.

Mr. Speaker, if Mr. SMITH will grant me just a moment or two more to make the fundamental of my case, then I will be happy to yield to him. Always a pleasure to see him. In fact, he was one of the few people, as I mentioned previously, Mr. Speaker, who was willing to engage in a dialog and a colloquy on the question of the budget, and I value his input and exchange.

As I indicated, Mr. Speaker, in 1996, if you will recall, we went through weeks actually, not just hours or days of discussion but weeks of discussion, and in the course of that discussion I was on the floor reviewing the budget, and I will do so again for 1997. My fundamental premise is this, that just as there was only the illusion of a balanced budget proposal, whether single year or multiyear, in 1996, there will be only the illusion presented this year. It will be strictly for political consumption and will not amount to anything worth the paper that it is written on in such elaborate fashion.

I have here, Mr. Speaker, in my hand, and I will not have extensive charts down on the floor, I think the report speaks for itself, it is the concurrent resolution on the budget, fiscal year 1997, a report of the Committee on the Budget of the House of Representatives to accompany the Congressional Resolution 178 setting forth the congressional budget of the United States Government for the fiscal years 1997 through 2002, and it has additional minority and dissenting views.

Now, this document runs some 450-plus pagers, 455 pages or so, and it is a very interesting document. It takes 44 pages, which is the first 44, takes 44 pages to get to the actual budget, when we actually get to the fiscal year budget for 1997. It is preceded on the page 43 with the end of politics as usual. This, I take it, is not exactly an attempt at humor on the part of the Committee on the Budget, the Committee on the Budget not being known for its sense of humor, other than in the person of, as I said, the aforementioned chair of the Committee on the Budget, but in the end of politics as usual, functions by function description, it says, ''The discussions that follow describe the budget resolution's recommended priorities for the fiscal years 1997 through 2002.''

Now, it took us 44 pages to get there. We went through everything, including attacking corporate subsidies, economic assumptions of the budget resolution, the Clinton crunch, Americans' anxiety about their economic future, quite a rhetorical set-to in the first 44 pages. But what do we have then on page 44?

Well, it says at the end of each function, ''Additional provisions with budgetary effects are mentioned.'' Mentioned, Mr. Speaker. I am going to get into a little more detail. The discussions that follow reflect the assumptions underlying the House Committee on the Budget's recommendations concerning the funding priorities for programs in each function.

The actual changes for the programs fall under the authority of the authorizing and appropriating committees with jurisdiction over the programs.

□ 1615

Let me explain very briefly, for those Members who may not be fully familiar with the budget process and those members of the public which may follow the CONGRESSIONAL RECORD on this who may not be totally familiar with it, once the Committee on the Budget makes its recommendations, it provides through that recommendation a kind of game plan for us in the House and the other body, a game plan for the Congress.

Then the various committees in the Congress, whether they are authorizing committees or whether they are appropriating committees, authorizing meaning the program committees, the subject matter committees, and the Committee on Appropriations and its subcommittees, those who provide the money for the functions that are approved and authorized, they put the actual numbers and programs behind the Committee on the Budget recommendations.

So with that in mind, what do we get to? We hear from Mr. DOLE, Mr. Clinton, Mr. KASICH, Mr. SABO, heartfelt and I will say totally sincere admonitions to us to arrive at a balanced budget. Well, as I indicated, I think that can be done. I think it will take a lot longer period than 1997 to 2002, and I need only look at the actual budget document itself to come up with proof of that.

Let us examine what it actually says on page 44 of the budget resolution. Fiscal year 1997 through 2002, the deficit starting in 1997 will be—and these are estimates, they could go up or down. We realize that, but this is the best guess. And it is an informed guess by the Committee on the Budget and utilizing the congressional budget figures, and I take them at their word on this. And for conversation's sake, I will agree that these are the numbers that are under discussion and upon which we will vote—$163 billion deficit in 1995; 1996, it was $150 billion. The 1995 figure was down from the figures previous to that. You may recall during the last years of Mr. Bush's administration, the figures were 250 and above, between 250 and 300 billion. The number 163 then was progress. It may be too high for some people but unless you want to literally amputate the economy in order

to achieve a balanced budget, this is certainly within the range of acceptability. It certainly has been reflected, that acceptability has been reflected in the conservative bodies, if you will, of financial opinion in this country as manifested in the policies of the Federal Reserve and the response of the stock exchange. So we had 163 billion, down considerably from the 250 to 290 billion plus of previous years; 1996, 150; 1997, the estimate is 147.

This is a deficit I am citing. It is not something I am making up. I am taking this directly from page 44 under the column line deficit/surplus. Either it is a deficit or a surplus. This is the deficit. We get deficits in 1998, 1999, the year 2000, 2001, going from 147 to 142 to 114 to 87 to 39, certainly progress, then suddenly, as if by magic, Mr. Speaker, in the year 2002, we get a plus 3 billion, $3.185 billion.

To me it is like watching a television show I saw recently, I think it was called the Wonderful World of Magic. This is the wonderful world of congressional budgeting. When someone is sawed in half, I saw this again, that is one of the oldest tricks, sawing a, generally a young woman in half, we do not really saw her in half. You have the illusion of her being sawed in half. She waves from one end, and the box is split in half and the feet are wiggling at the other end. Then the box is brought back together again and magically she reappears. That knife that went through that body apparently was an illusion.

Well, the deficit cutting knife that is going through the deficit here between the years 1997 and 2002 is an illusion. Because suddenly, she is whole, the budget is whole, the budget has been balanced in 2002. Yet what happens then between 1997 and the year 2002, we have had an accumulated deficit of 528 billion. But magically, after that 528 billion in increasing deficit has occurred, suddenly, 528 billion later we achieve a $3 billion surplus for that 1 year. After that the deficit explodes again.

Mr. Speaker, surely you can see and surely Members can see and surely the public, upon reading this document, will see that this is a game that is being played, a ballet with the books, a budget that is in name, a budget balancing act which is in name only, an act, yes, but certainly not balanced.

I see the gentleman from Michigan [Mr. SMITH] has taken the rostrum down on the floor and I presume would like to have some discussion. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, I hope we could also carry on a colloquy and make clear to the American people what is happening on this budget. When you speak of the young lady being sawed in half, I always figured that was contortions with one whole person in each half of the box. I think that contortions on the budget is something that Congress has become accustomed to.

I appreciate the gentleman from Hawaii suggesting that the budget is not a true balanced budget in terms of the fact that it does not consider whether it is borrowing from the 153 odd trust funds, the large contributor to that lending, of course, is the Social Security trust fund, but still——

Mr. ABERCROMBIE. Mr. Speaker, I had not gotten to that, but as Mr. SMITH knows from our previous discussion, that is where in fact the money comes from. We borrow the money to mask the deficit, do we not?

Mr. SMITH of Michigan. Well, I think there are two things. Technically, if you take all revenues coming into the Federal Government and then you subtract what you spend and if that number is a plus or minus, maybe technically it is balanced, but honestly, the fact is you are exactly right, which we are still continuing to borrow, in the year 2002, $100 billion from the Social Security and other trust funds.

Mr. ABERCROMBIE. That year?

Mr. SMITH of Michigan. That particular year. So we have now amassed approximately $500 billion that we have borrowed from Social Security and no way to pay it back. But let us not take our eye off of the ball that we are talking about. It seems to me that that ball, in terms of the Federal budget, is cutting spending. We have the ability in Congress to cut discretionary spending. But when you realize that discretionary spending only involves about one-third of the budget and we have got about 20 percent that goes to the interest on the money that we are borrowing and then almost half of the budget is entitlement spending, so I think your example of an illusion that somehow magically the budget is going to be balanced in these out years is exactly that, because will we stick to our guns and balance the budget?

Mr. ABERCROMBIE. Mr. Speaker, I do not think it is necessary for us to yield back and forth inasmuch as we have eye contact. I think we can do this, with the Chair's permission, carry on a conversation, because this is a colloquy and a conversation.

Would the gentleman agree then that there is no plan stated that I could find in this budget document, I have gone through all 450 plus pages, including the dissenting opinions, that provides a plan for repayment of the money that is borrowed to achieve this balancing of the budget in the year 2002, at least on paper?

Mr. SMITH of Michigan. That is correct. The gentleman is correct on that. Since 1986, when we started bringing in the greater surpluses from Social Security and some of the other trust funds, such as the Federal retirement trust fund, a law was passed back in the 1980's that says any surplus money automatically goes to the Treasury for borrowing. I think that is wrong. It is an incorrect way to be fiscally responsible for the future of Social Security and the other trust funds.

Mr. ABERCROMBIE. Would you agree that it is very convenient for the Committee on the Budget then to be able to cite the so-called surplus in the Social Security fund as a source of providing the funds for balancing the budget?

Mr. SMITH of Michigan. But I think we should make it clear, this is not Republican or Democrat. It is what everybody has been doing, and so I appreciate the opportunity to make people aware of the serious nature of Social Security. If I just might, 2 weeks ago, one of the former commissioners of Social Security said that she perceived that it would be possible sometime in the year 2005, that part of that year there would be less money coming into Social Security than was required for a payout; in other words, not having enough money. And so when do we start and how do we start paying back the money we own Social Security?

Mr. ABERCROMBIE. I am not an advocate of term limits. It all depends on whether you and I are here or not. But for some people who are advocating a balanced budget and have been castigating one side or the other over the lack of a balanced budget and who say they are for term limits, they want to pass this budget, they will be gone out of the Congress. And suddenly, 2005 will be here and they will say, it is not my fault, I had nothing to do with it.

Is it not our responsibility, if we are telling people that this is a balanced budget and there will be a balanced budget in 2002, that that be meaningful, that that not reflect an illusion, reflect borrowing for which there is no payback plan? You and I cannot borrow. If we say we should run the Government more like a business or the general illusions, we should at least be honest about our borrowing. You and I could not borrow money and not have a payback plan, could we?

Mr. SMITH of Michigan. I do not think we want to pick on the President, but we want to certainly include him in this discussion. Seventy percent of his discretionary cuts come in the last 2 years, that even if he is reelected he is not going to be here either. To pretend that we are going to do these gorgeous things in the last 2 years is not honest and it is not fair. We should have lower spending every year.

Mr. ABERCROMBIE. Would the gentleman agree that what is called back loading in the last 2 years is not limited to the President's budget, that it is also reflected in this budget put forward by the majority in the House?

Mr. SMITH of Michigan. Would the gentleman permit me to define what I see as the difference in those two budgets? The President's budget says that if it is not going to balance without the changes in the welfare and entitlement spendings, we want automatic spending reductions to come out of discretionary spending in those last 2 years. The Republicans have suggested, in your budget resolution book that you carry, that we are going to start changing those welfare entitlement spending programs. And that is a gradual transition so we start with some minor

spending cuts, and those spending cuts, by changes in the legislative language, become greater amounts in the out years. But, yes, both budgets depend on those last 2 or 3 years for a significant part of what is going to end up being called a balanced budget.

Mr. ABERCROMBIE. Both budgets depend on balloon payments?

Mr. SMITH of Michigan. Both budgets depend on those out years to accomplish the final goal. I think that should call to our minds and attention that we should have a gradual sloping line. We should get on that glide path and reduce spending every year for the next 6 years to make sure that we have a balanced budget, not leave it up to future Congresses in case you and I are not here.

Mr. ABERCROMBIE. You and I may not be here after today. Although I must say that this does show, I think, that this is not so much a question of majority versus minority. It is a question of whether you want to be honest about it.

My defense, if you will, of the President's approach under this is that the President has accepted, and I will say in good faith, the congressional budget numbers as offered by the majority. His difference comes in this, in how he prioritizes the spending changes. We can argue that and I think we should argue it a lot more.

My fear is, and what I said earlier today was, because it is so difficult to understand terms like out years and whether a surplus is really a surplus and those kinds of things, because it is so difficult, the majority, I am given to understand, intends to put forward the budget and the amount of discussion that is going to take place about the budget, such as you and I are having right now, will be minimized. In fact, it will be virtually nonexistent. From what I can gather, both sides are apparently quite content to do that. Although I would welcome the opportunity, if Mr. SOLOMON and the Committee on Rules would agree, to open up the budget for 3 or 4 or 5 days' review.

□ 1630

Mr. SMITH of Michigan. Do you agree, Mr. ABERCROMBIE, if I might presume to ask you a question, that we should cut spending enough, both discretionary spending and the welfare entitlement spending, enough so that at the end, when we call it a balanced budget, we are no longer borrowing from Social Security.

Mr. ABERCROMBIE. I not only agree, but I think we should have an extensive discussion as to what exactly constitutes welfare, what exactly constitutes discretionary spending, what programs should we have and not have.

For example, my understanding is that the Speaker, for some reason unknown to me, is proposing a defense act or bill which revolves around national missile defense. Now, I would say, and I would hope you would agree, that the majority has not only very able, but extremely well-informed, experienced legislators on the Committee on National Security, of whom I can name two or three right now: Mr. WELDON, Mr. HUNTER, and Mr. CUNNINGHAM. I can th1nk of just three offhand. And the minority has people like Mr. SPRATT.

Mr. DELLUMS, others I could name, Mr. PETERSON of Florida, who are equally capable, and equally capable, by the way, of defending and rebutting on the question of national missile defense.

But the Speaker has said he wants to bring forward a missile bill. Now, I do not think the Speaker knows any more about missiles than he knows about Hawaiian malasadas, and I do not think he knows much about malasadas, and I will spell that after this is over, but take it from me, it is a Portuguese donut, and I do not think he knows much about it. I think Leonard's knows all about it out in Honolulu.

But that budget, if we are going to talk about spending and welfare, has to be looked at very hard. The Congressional Budget Office, as I understand it, came up with figures just to acquire this defense system, missile system, national missile defense, of between $30 and $60 billion. Now, that is a serious question; and we cannot hide behind the idea that somehow, if you are for it, you are for defense, if you are against it, you are against defense, when you have to put it in terms of what constitutes proper spending under the admonitions that you just enunciated.

Mr. SMITH of Michigan. Just as a footnote, my understanding is they are talking about a program that would be closer to $5 billion now, but just for everybody I think we should put it in perspective of what the military budget is in relation to other spending.

The military budget, 1 of the 13 appropriation bills, is approximately 15 percent of the total Federal budget. The welfare entitlement programs are approximately 50 percent of the budget. I think we need a discussion in our effort to balance the budget, what should be the obligations of the Federal Government——

Mr. ABERCROMBIE. I agree.

Mr. SMITH of Michigan. What is its priorities and what should we do, and I think the gentleman would agree, whether we are spending $350 or $340 billion, that defense is an absolute responsibility of the Federal Government.

Mr. ABERCROMBIE. I am sure the gentleman would agree also that an investment in our children, an investment in the educational infrastructure and foundation, both literal and figurative, of our children is equally a national priority and a defense of the Nation. So what we need is a discussion as to what constitutes an actual strategic policy of the United States with respect to procurement of military technology and what constitutes an investment in our people as well. That deserves a discussion.

I am not saying necessarily a lengthy discussion, but it certainly deserves a discussion in depth, and perhaps the gentleman could indicate whether my understanding is correct, that the intention of the majority, the intention of the majority leader and the Committee on Rules is to dispatch this budget within a day or so of our discussion today.

Mr. SMITH of Michigan. Well, I think, Mr. ABERCROMBIE, what I will do is make one more comment. I feel somewhat guilty using your hour of time——

Mr. ABERCROMBIE. No; not at all.

Mr. SMITH of Michigan. And doing part of the talking, but it seems to me when you mention, when you mention having an investment in our children and our grandchildren and in future generations, it seems to me that there is something immoral about the fact that we think our problems today are so great that we are borrowing the money that they have not even earned yet, that somehow we are saying, look, we are going to borrow the money, and our kids and our grandkids are going to have to pay it back, our debt today, like they are not going to have serious problems of their own in the next 20 or 30 years.

So, No. 1, I say it is immoral for us to overspend and borrow the money and make our grandkids pay for it; No. 2, I say it is dumb economically because what we are doing now is we have a Federal Government that borrows 41 percent of all the money lent out in the United States. Alan Greenspan, the chairman of the Fed, said, ''Look, if you guys balance the budget, you're going to end up with interest rates that are 2 percent lower. You'll see this economy and jobs go like they have never gone before.'' Yet we, as politicians, find it difficult not to say ''yes'' to everybody.

Mr. ABERCROMBIE. Well, are you making an argument to vote against this budget then, because it does not balance, as you indicated, and it does borrow immorally against a future, the immediate future.

Mr. SMITH of Michigan. I would say the first thing I did when I came to Congress 3 years ago was introduce my own balanced budget.

Mr. ABERCROMBIE. I credit you for that.

Mr. SMITH of Michigan. I balance it in 5 years. I think we should be even more frugal than this Republican budget. I think we should cut more spending. I think we should be more aggressive in our determination to end up with what you suggest, a true balanced budget, but it's the best we have got.

Mr. ABERCROMBIE. Let us talk about that.

Mr. SMITH of Michigan. This Republican budget is the best one of the whole bunch that we have got, certainly much better.

Mr. ABERCROMBIE. Let us talk about it just a minute. Would you indulge me and stay a moment longer because you know I want to catch you up on the importance of what you are saying, what I think I understand you to be saying.

You think it is immoral to borrow money that you have no plan to pay back for because our kids have to pay for it; right?

Mr. SMITH of Michigan. Yes.

Mr. ABERCROMBIE. And this budget does that over the next 5 years, or whatever the timeframe is, approximately 5 years, and I asked you then, I said, well, do you think then this is an argument against this particular budget? And you said, well, no, because you thought maybe you could even be more harsh. Certainly you did not mean that there should be greater cuts now and more borrowing.

Mr. SMITH of Michigan. No; I think there should be more cuts.

Mr. ABERCROMBIE. Well, either you do the cuts—can you come up with $528 billion?

Mr. SMITH of Michigan. Can I come up—you mean—are you talking about $500 billion that we owe——

Mr. ABERCROMBIE. I do not ask you that in a pejorative fashion. I am just trying to take the figure that is here in the budget because—that is presented by your party, by the majority party—because, as I understand this budget, they anticipate over the next 5 years a deficit of $528 billion. So it seemed to me that you would have to come up, if we are to balance the budget according to the—and I accept your premises; I mean I do not think they can be accomplished, but I accept that you mean these premises and you are putting them forward in good faith.

What that would mean in any estimation is that you would have to come up with a plan, not you personally necessarily, but the majority would have to come up with a plan for saving or cutting $528 billion and most certainly probably could not have a tax cut——

Mr. SMITH of Michigan. But, see, by definition, if you were to cut out that 500, that means a balanced budget this year. That means no overspending. And I think the pickle that we have got ourselves into by continuing to promise more and more people more and more things that we cannot afford, whether it is Social Security or whether it is Medicare or Medicaid or AFDC or anything else, we are going to have to gradually phase this down. As a conservative that thought we should balance the budget as a high priority, I thought we should do it in 5 years. The decision was: Let us get the economy going with tax breaks and do it in 7 years.

So I say OK, but let us take the best, the most frugal budget that gets us closer to the balanced budget, and so far it is the Republican budget.

Mr. ABERCROMBIE. Thank you very much. I appreciate it.

As usual, Mr. SMITH has been very forthright in his presentation, and I am appreciative of that. However, I would hope, Mr. Speaker, that you would consider what has been said during this colloquy, which I hope was at least informative, if not illuminating, and in the process then think about what Mr. SMITH said.

We know what he would prefer. He would prefer the deficit to disappear more quickly, and the reason that I find the notion amusing is I would prefer to be able to dunk a basketball, but I probably would have to pay a lot more in taxes. But I do not think that is going to happen. I mean it is an interesting thing to think about. In fact, I thought about it a lot in my life. I look at that basket up there, and I think, you know, it would be interesting to be able to dunk the ball. But it is a fantasy, and the difference between, I think, a sane person and someone who is steeped in illusion is to know the difference between fantasy and reality.

It is a fantasy, and by Mr. SMITH's own calculations it is a fantasy, to believe that we are really going to balance the budget in 5 years' time, or 7 years' time, because we have not taken into account where we borrowed the money to be able to put the numbers on the page to pretend that we were balancing the budget. Or we have imagined savings that somehow are going to take place like a balloon payment.

You notice I mentioned the phrase balloon payment because I think that is as close as the average person would come to be able to relate their own budget, say their own mortgage, to what is taking place here in the Congress.

I take no pleasure in going through this. On the contrary. I am glad Mr. SMITH was down here so that it does not look at if it is just something I am conjuring up in order to take up time or to try and make some remarks that can be seen as very smart and sophisticated and dismissive of the genuine problem that exists with respect to the deficit. On the contrary. I would take what Mr. SMITH said very much to heart.

If you recall, if I recall correctly, he stated something: We should do it more gradually. Well, say 7 years was gradually to him. Well, maybe it would take 17. After all, we take 30 years to pay a mortgage on a home. In many instances we take 5 or 6 years to pay a car, we take some months or even years to pay off an appliance. It seems to me that if we are talking about the economic stability of the United States of America, to put a 30-year timetable or a 15-year timetable on paying down our deficit so that our economy stays stable, in fact stays robust and growing, that inflation stays in check, and interest rates remain low, and confidence high, that that would be an excellent use of our time vis-a-vis the growth capacity and possibilities of the U.S. economy.

So there is no need to go through this kind of a charade with the budget unless we are trying to score political points and not deal realistically with the question of the budget and balancing it.

Let me further state then at this point a subject that we got into very briefly; that is to say Mr. SMITH and I got into it very briefly: How do you balance the budget when you are borrowing against Social Security, the so-called surplus in Social Security? And parenthetically, Mr. Speaker, let me say that that is not really a surplus. What we are doing now is what the average person thinks about when they put their savings together. They save now in order to be able to draw upon it in the future when it is needed.

Now, the rough parallel to that is the Social Security System. We are paying into Social Security more than we take out presently because we know that in the future those funds will be called upon to be paid out. More people will be drawing upon Social Security with less people paying into it, we will have to make adjustments at some point in order to take that into account. Now, presumably the economy will grow, the percentage that may be taken in your Social Security tax, your payroll tax, et cetera, may increase in absolute numbers because the economy grows.

All of those things can be guessed at, taken into account, but nonetheless the general proposition is, is that the Social Security trust fund must take in more money than it pays out as it goes along in order to be able to meet the requirements that Social Security will have to meet sometime in the next century in the early part of the century.

If that is the case, and we are borrowing from Social Security trust fund and other trust funds, principally Social Security, if we are borrowing from them and have no plan to pay it back, because I think Mr. SMITH agreed that nowhere in the 1997 budget projections through the next 5 years is there a plan to pay back Social Security, now, Mr. Speaker, if you and I borrowed money from ourselves and had no plan to pay it back, I do not think either of us would feel that that money somehow would magically appear in the year 2002.

All that being said, Mr. Speaker, the borrowing, the deficit rising, no plan to pay it back to the Social Security System, how then is it possible to claim that the budget will be balanced in 2002? How is that possible and at the same time have a tax cut that will take revenues out of the system?

Does it not make sense to you, Mr. Speaker, that if you are borrowing money in order in order to mask a deficit, that if you have a tax cut, which in fact increases the amount of money that will not be going to the Treasury, in addition to what you are borrowing, you are actually increasing the deficit? you are actually increasing the deficit even more.

This is why I oppose this idea of cutting taxes while you say you are balancing the budget. I have no objection

to a tax cut if the tax cut is not couched in terms of balancing the budget. Surely we have been through this before.

□ 1645

Mr. Speaker, I have no objection to tax cuts as such. Quite the opposite. I would like to see tax incentives. I would like to see, for example, and I think it is well known, I believe that we should have a business meal entertainment deduction increase. I would like to see it at 100 percent. I have no objection to supply-side economics, as such, when we can justify it, deliberate it, and discuss it on an issue-by-issue basis. I think that I could make a case that the business meal entertainment deduction is a job provider, is a job generator; that we could find labor and management on the same side of the table on that. I think the spousal deduction for travel ought to be put forward as an incentive to boosting the economy.

I think we will find, Mr. Speaker, in our home States that tourism, entertainment, and travel constitute one of the top three business endeavors in our States. Tourism, travel, and entertainment is the top money producer and job generator in some 13 States, and it is one of the top three in 30-plus States.

I am willing, Mr. Speaker, not only willing but eager, to have a discussion about where we can have tax incentives and tax breaks, and discuss what constitutes, as I said with the gentleman from Michigan previously, what constitutes welfare. Welfare is not just something that comes with a single mother and children. Welfare can come to corporations, too.

I notice that Mr. Trump was not hurting for people to come to his aid and rescue when he needed all the benefits of corporate welfare, when he was running through his various real estate machinations in New York and Atlantic City and elsewhere. Business has these incentives and breaks all the time.

I think individuals ought to be able to finance their education. We cannot exist in the 21st century without a good education, and I think that would be a good investment, if we can find a way to provide tax incentives and breaks to accomplish that. I think we would benefit from that.

The argument against that is the immediate consequences of some incentives and cuts and breaks, whatever we want to call them, may be a drop in the Treasury. I would argue that. We would have to determine whether or not, for example, with business meal entertainment deductions and the spousal travel deduction, if we were able to increase that, I think more business would be done, and I could make an argument that revenues would increase. This is essentially the supply-side argument that took place in the 1980's.

However, if we take it in such a broad brush that it is to cover everything, then I think we run into the trouble that this budget runs into, that we cannot make the numbers add up. That is where I think the difficulty occurs here. I would like to think, and I certainly hope that I am a reasonable person who takes his oath as seriously as anyone does in all of the Congress, and I believe every one of my colleagues and yourself, Mr. Speaker, takes himself or herself quite seriously when it comes to carrying out their duty under their oath of office.

As a result of that, I would like to think that while we may have disagreements as to the precise way in which we can accomplish our goals, that nonetheless, the discussion as to how to arrive at that is not only very valuable, but crucial to determining whether or not we are actually going to accomplish the goal. The goal here is ultimately to balance the budget while keeping the economy robust, and to see to it that the average American throughout the spectrum of opportunity and individual capacities and abilities does the very best that they can nationwide. That is what we do.

Mr. Speaker, it used to be a point of pride in this country that people earned a good living, that they could end up better than where they started. Now we seem to see an ethos developing of cost-cutting, which means people-cutting. People are being rewarded at the top of the corporate hierarchy for being able to cut jobs out, and to see to it that people are maligned simply for trying to get an increase in the minimum wage.

I do not think this is the atmosphere in which we want to discuss something like balancing the budget, because if the only way to balance the budget is to take it on the backs of children or on people trying to better themselves in life, that is no solution. To me, that runs counter to my understanding of what the American dream is all about.

So in that context, then, it seems to me that what is very important here is that we discuss what is actually happening. What actually is happening is that the budget is gradually being balanced, as it should be, without endangering the economy. The deficit declines for the fourth consecutive year in 1996. This is the first time it has happened since the Truman administration. I am going over some of the elements that I have cited before in a little more detail.

The traditional Congressional Budget Office baseline projections include discretionary spending at caps established in 1993 and show the deficit rising after 1996 and reaching $210 billion in 2002. This is $18 billion lower than the December projection of this year, and $80 billion lower than April of 1995. In other words, these numbers can change with the wind, but the wind has to be blowing in the right direction.

The direction of the budgetary wind is this: That we have a prudent understanding of what it takes to have the budget balance. To simply do it arbitrarily, as is done in this 1997 budget, and to think about the idea of cutting taxes at the same time that you are trying to achieve a balance in the budget and a reduction of the deficit, more than a reduction, the balancing of deficit spending, I think is beyond credibility.

I would indicate, Mr. Speaker, because I have had some considerable time to discuss it, and perhaps not all of our colleagues have heard the whole discussion, the hypothesis that I am putting forward, the thesis that I am putting forward, is that if you have as the budget, and the document I am referring to is the budget of the majority, the Committee on the Budget of the House of Representatives, if we have, as the Committee on the Budget indicates, deficits for every year from 1997 through 2001, and then suddenly find a surplus in the year 2002, it is just not credible. Try and sell that in Ravenswood, WV.

I talked with friends there today. I said I was going to make a presentation today. They were interested in what I was going to say, what my premises were going to be. I just asked whether or not this sounded credible, that you could have deficits, declining as they might be right up to 2001, and suddenly come up with a surplus in 2002, and then from 2003 on just watch the deficit expand again.

I hope that we are not going to be subject, Mr. Speaker, to Member after Member coming to the well of the House and regaling us with stories about their children and their grandchildren and all this mawkish, overblown rhetoric about how they are so concerned with their children and grandchildren, presumably none of the rest of us are, which I find a little bit farfetched, but rather, if we are so concerned about children and grandchildren, maybe we should be a little more honest with them right now.

My fundamental point is this budget does not balance. The budget in 1998 does not balance. The budget in 1999 does not balance. The budget in 2000, 2001, it does not balance. How is it going to balance in 2002? Even if it does on paper, how long is it going to last? Merely the time it takes to say it: ''Oh, the budget is balanced''? Well, it was balanced, because it was balanced when I said it, but now we are 3 seconds beyond that time and it is not balanced anymore. But we balanced it for that moment, on paper, just to go through that allusion. I do not think it is worthy of this Congress to do it.

So, Mr. Speaker, I think if we look at 1996 and what we went through, we did not have a balanced budget but we did manage to cut the deficit. We did manage to cut the rate of the deficit. We did hold inflation down. We held steady on interest rates. I think on the whole, then, the President's priorities were met. The majority ultimately voted for a budget that was more in line with the President's priorities, so the President is entitled to credit for sticking to a

position with respect to the rate of the deficit reduction under the premises established by the majority in the Congress, the Republican majority, and it worked.

Now the President is coming forward again, saying that he would like to see these priorities carried forward on education, on Medicare, on Medicaid and the environment, and that he has certain standards that he desires to maintain under pain of exercising his veto. That is his constitutional right. In fact, it is his obligation as President, even as President Bush and President Reagan before him exercised the veto dozens and dozens of times, most of which we were unable to overcome when we were the majority here in the House of Representatives or the majority in the Senate. They prevailed. That is our constitutional system.

It is supposed to be hard to pass legislation in the United States of America. What many people call gridlock is the wheels of government turning precisely the way the Framers of the Constitution intended for them to turn. The Congress of the United States makes policy, yes, but only if it achieve the approbation of the executive. The executive can prevail against the legislative body only if the executive can be sustained in the legislative body. We have the judicial side to see to it that we both keep a proper balance. That is our system.

Mr. Speaker, I do not find it regrettable in the least that it is difficult to pass items like the budget. What I find regrettable is that we seem to be passing it so easily this week, Mr. Speaker. That is what bothers me. This is the single most important document with respect to the legislative business and what follows from it that we will have before us this year. It certainly is the most important piece of legislation before the election which is to take place in November. As a result, it seems to me we should be devoting considerable time to it.

I appreciate the fact that the gentleman from Michigan [Mr. SMITH] came down and was willing to spend some time discussing it. I think the import of the arguments that he made essentially supports my position. Of course, I can make that statement now because he has left the floor and cannot taken an opposing position to that, but I think I can extract from what he said at least a reasonable basis for saying, as I have, and indicate again to you at this moment, that we need to be much more gradual about it. To that degree, the President seems to be taking the right approach. He has accepted the will of the majority with respect to the premises upon which it bases its balanced budget projections, the Congressional Budget Office.

It is not necessary for me to explain to you, Mr. Speaker, what the Congressional Budget Office is. Suffice it to say that every legislative body relies upon individuals, experts in their field, to make recommendations and to draw upon statistics and information made available to them from their various professional fields and backgrounds in order to complete a picture. In this instance, it is a picture of what the economy is like and what we can expect.

This does not mean they are going to be absolutely correct in every instance, but all individual families, all companies, all businesses, all organizations, in fact, all nations, have to utilize the best brains that they have available, accumulate the most knowledge that they can, and try to draw reasonable conclusions as to what the future might bring so they can make decisions. That is all the Congressional Budget Office does with respect to the budget. It makes the best estimate that it can based upon the premises that are agreed upon.

In this instance, Mr. Speaker, we have agreed upon premises which, by definition of the budget, do no add up to a balance. I have no objection to passing this budget, Mr. Speaker, with the admonition that we should take up the President's disagreement with respect to the priorities. I voted for the budget previously, and despite my own misgivings, so it is not a question of whether we should vote on a budget, it is question of what the priorities should be.

I have no objection to saying that this could be a step in the direction of balancing the budget, if we have the President's priorities involved in it. I do object to us indicating to the American people that somehow this is going to lead to a balanced budget, just as I object to the idea of going through this illusion and farce, which apparently is going to take place in the other body, about passing a balanced budget amendment. The balanced budget amendment will no more achieve a balanced budget than this document does.

□ 1700

This does not achieve a balanced budget, and neither does passing the balanced budget amendment accomplish anything of the kind, any more than vows in a marriage guarantee that there will be happiness and prosperity in it. You can have the intention, but unless you put behind it the activity which will ensure that happy consequence, then you cannot claim that it will happen.

What I am saying here is if we put forward a budget that says, yes, we will cut spending and we will cut spending in a way that will continue to reduce the deficit over time and we hope at some point then to be able to reach balance, then that is all right. Not only is it all right, but that is the right way to do it.

I mentioned a mortgage before. Let me draw the analogy for my colleagues here and for those who may be interested in the record.

Just as you are not expected to have cash on hand to buy your house but, rather, you are expected to be able to make your payments, be able to meet your obligations over a period of time, then you can go forward with the purchase of that home and say that you own it. Do you actually own it? No. Because the bank owns it. We are going to have a mortgage-burning ceremony perhaps in 30 years.

But that bank is making a bet. That bank is betting that you have the capability and the capacity to make those payments for that period of time. Think about it. Twelve times a month for 13 years. That is pretty good guessing. Perhaps it bespeaks a knowledge of finance and general economic trends that is fairly reliable.

Now, that being the case, I think we need to do the same thing with this budget. Let us not con the American people into thinking for a moment that this document is moving toward balancing the budget in the year 2002. It is not true. It is not going to happen. That is irrefutable.

Mr. SMITH certainly did not refute it. On the contrary, he agreed with my premise. It is not going to be balanced because we do not take into account how we are going to pay for all of the money that we borrowed to presumably create the illusion of balancing this budget.

What we can do is create over time an ability to pay, a robust economy that will enable us to gradually draw down the amount of the deficit with prudent spending, with a clear understanding of what programs we want to support and why we want to support them and how they benefit the American people, and over that lengthy period of time accomplish this goal. There is nothing not only wrong with that, that is the sensible, practical, reasonable way to do it, because it maximizes the opportunity for the great mass of American people to join in the prosperity, to be able to better themselves in what they want to accomplish for themselves and their family.

So I stand here today, Mr. Speaker, I do not think a lonely voice or a single voice. I think I stand here enunciating fairly clearly for the American people, and I hope for my colleagues, most certainly, the idea that we should not utilize the budget process for political purposes merely because there is an election, but we should utilize our opportunity with this budget process to begin to make progress towards reducing the deficit, coming into balance, having the economy grow and seeing a robust, prosperous economy for all.

Mr. Speaker, inasmuch as there is only a minute left, I want to thank you for your courtesy today in allowing me to speak and for sharing this time with me. I hope that I have made some contribution today. I intend to, in the future, towards reviewing the 1997 budget and reviewing the whole question of the budget deficit, the budget balance proposition, and seeing to it that all Americans now and in the future are able to enjoy a prosperous future.

MAKING BUDGET PRIORITIES CLEAR

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, I appreciate having this opportunity to speak at this special order. I thank you for presiding.

Mr. Speaker, I appreciate also the opportunity to listen to the sincere comments of my colleague from Hawaii. Many of his points I agree with. There is area to find common ground, but there also, obviously, are major disagreements.

I think sometimes people look at the debate we have on the floor of the House and it looks like a food fight in a high school cafeteria, but there are significant differences that I think my colleague would agree separate us, and then there are also things that bind us together. Obviously, we care deeply about the future of this country.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield a moment?

Mr. SHAYS. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I just want to state that the gentleman in the well, Mr. SHAYS is well known for his sober consideration of these issues and his comity with other Members with respect to their discussion, and I will be pleased to listen to his presentation.

Mr. SHAYS. I thank the gentleman.

Mr. Speaker, we have three primary objectives in our effort to get our financial house in order and balance the Federal budget and save our economy. We have three major objectives as we sit and work on this floor of the House.

Our first is, in fact, to get our financial house in order and balance our Federal budget. The next is to save our trust funds, particularly Medicare, from bankruptcy. The third is to transform what I would call our caretaking, social, corporate and farming welfare state into a caring opportunity society.

It is probably that last one that ends up being the most controversial; but, clearly, the first is controversial as well, because you cannot separate the budget from politics and from priorities.

The bottom line is that we have to set priorities. If we spend money here, we may not be able to spend money there. It is a concept of opportunity cost. We give up an opportunity when we decide to put our priorities here and our resources here. We give up the opportunity to spend them here.

Our plan is designed to help Americans earn more so that they can keep more and so that they can do more.

The debate we had last year was quite controversial, but there were some basic facts that simply cannot be denied. We tried to increase the earned income tax credit; we tried to increase school lunch programs; we tried to increase the student loan program; and we tried to increase Medicaid and Medicare.

Under our plan last year that was vetoed by the President, we had the earned income tax credit, which is presently $19 billion. We sought in the seventh year to increase it to $25 billion.

The earned income tax credit is a credit given to those who make money but make so little money that they do not pay taxes. In fact, they get back an earned income tax credit from the taxpayer. Others who make enough who pay taxes pay some, the working poor, more money than they earned. That is called the earned income tax credit.

It was said last year when the President vetoed our plan that we were cutting the earned income tax credit, and yet the earned income tax credit went from $19 billion to $25 billion. Only in this Chamber and perhaps in Washington when you spend so much more do people call it a cut.

The school lunch program grew from $5.2 billion to $6.8 billion. I can remember seeing the President and some of my Democrat colleagues on the floor of the House talking about this issue but going to schools as well. At schools they were telling the students that they would not under the plan of the new Congress, the Republican Congress, have school lunches in the future. Yet our plan grew from $5.2 billion to $6.8 billion. Instead of it growing 5.2 percent a year, it was going to grow at 4.5 percent a year, of new money, each and every year.

So we slowed the growth of the increase, still allowing it to grow from $5.2 billion to $6.8 billion in the seventh year. Again, only in this place when you spend so much more do people call it a cut. But that disease is spreading around the country.

The student loan program, the one that we were criticized the most for under our plan last year grew from $24 billion to $36 billion, an increase of 50 percent. Now, if the program is growing from $24 billion to $36 billion, how could people call it a cut? Because the plan was to grow ultimately to about $40 billion? Is that the reason you can say that when you spend $24 billion to $36 billion it is a cut?

What we have to do in this country is slow the growth in spending. Now, we were able to do that by a simple effort. Students receive a grace period from when they graduate to when they get their first job 6 months later, and that grace period, the taxpayers pay the interest on their debt.

We suggested that the students, once they had their job 6 months later, would pay the interest during that 6-month period. For the average loan, it amounted to $9 more a month amortized over their loan. So we were saying to the students that we would allow them to get the same grants they got in the past, up to $49,000. We were saying, they could still get those loans, they would still quality, but they would pay the interest on that part that accrues from when they graduate to that 6-month grace period. It is $9 more a month, which is the cost of a pizza or the cost of a movie theater and a Coke.

I have no problem telling our young people that they can pay that cost when, in fact, it only amounts to $9 a month.

Now, why would we want to do this? Why would we want Medicaid to grow from $89 billion to $127 million, Medicare from $178 billion to $209 billions? Hardly a cut. Medicaid growing from $89 billion to $127 billion, Medicare from $178 billion to $289 billion, the student loan program from $24 billion to $36 billion, the school lunch program from $5.2 billion to $6.8 billion, the earned income tax credit from $19 billion to $25 billion. Not a cut, but a slowing of the growth of those programs.

Why would we want to do it? Because in the last 22 years our national debt has grown 10 times. It has grown 10 times in 22 years. It has grown from about $480 billion to $5.1 trillion, $5,100 billion, a 10-fold increase. Not a doubling, not a tripling, but a 10-fold increase in the national debt.

On a per-person share in current dollars, it grew from $1,800 to $18,000. But even if we do it in constant dollars, it was grown. In 1945, $1,700 per individual to $18,000 today per individual.

The Federal debt in today's dollars was only $2,462 billion, now it is $5,100 billion. So it is 50 percent larger, even in today's dollars.

Now, as we look at this issue, we have to say, how can it be twice as much now as then? And people said, well, it did not really matter, because it was like that after World War II and it did not really affect us.

Let us take what we have right now in today's budget. In today's spending, from 1991 to 1996, we spent $8.7 trillion. From 1991 to 1996, we spent $8.7 trillion. In the next 6 years, we are looking to spend $10.4 trillion. Hardly a cut. An increase in total spending of 20 percent over the last 6 years to the next 6 years.

The student loan program under our plan this year will grow 42 percent. It will grow from $26 billion to $37 billion, a 42-percent increase in the student loan program.

The earned income tax credit will grow 43 percent. In the last 6 years we spent $109 billion, and in the next 6 years we will spend $155 billion over the next 6 years. Only in Washington when you spend so much more do people call it a cut.

Welfare spending. Over the last 6 years, it was $441 billion. In the next 6 years, we will spend $575 billion. Under our plan, we will spend 30 percent more in the next 6 years than we did over the last 6 years.

Medicaid spending over the last 6 years was $463 billion. In the next 6 years, it will grow to $731 billion. We

will spend in the next 6 years $731 billion. In the last 6 years, we spend $463 billion, hardly a cut in spending, a significant increase of 58 percent.

□ 1715

Medicaid growth went from $463 billion to $731 billion. The President is proposing that we spend $749 billion, an increase or difference of $18 billion over a 6-year period. So the President is criticizing the increased spending that this Congress will do, when in actual fact his numbers are almost identical, an $18 billion differences over a period of 6 years, which gets us to what we are going to find out next year.

Medicare is divided into two parts, Medicare part A and Medicare part B. Medicare part A is the money we pay in taxes to the trust fund that pays for all our hospital services. That is money that individuals who are working today put into a fund, the Medicare part A trust fund, and that fund should be growing. But we learned that it is starting to actually have a decrease in the amount of money going into the fund. Medicare is going bankrupt, and the trust fund we were told 2 years ago will become bankrupt in the year 2002, we are learning now that it will go bankrupt not in the year 2002 but possibly in the year 2000.

What are we doing in spending on Medicare? In the last 6 years we spent $920 billion. In the next 6 years we intend to spend $1,479 billion. We intend to spend 61 percent more on Medicare in the next 6 years as opposed to what we spent in the last 6 years.

On a per person basis, Medicare will grow from $5,200, which is what it is in 1996 per beneficiary, to $7,000 in the sixth year, the 2002. That is a 35-percent increase per beneficiary.

We are going to spend 61 percent more in terms of Medicare dollars in the next 6 years as opposed to the last 6 years. But in terms of a per person expenditure, we are going to spend 35 percent more, hardly a cut when you go from $5,200 to $7,000.

Now we know that Medicare part A is going bankrupt in the year 2000. We know that we have to do something to save that fund from bankruptcy, and so we came forward with a plan last year which was vetoed by the President.

In fact, our plan last year would have saved the trust fund until the year 2010, whereas now it is going to go bankrupt in the year 2000. That means that all the money that goes in by the year 2000 will go out, and will simply go out to beneficiaries with no money in the fund and not enough for all the bills that we have to pay.

This to me summarizes the challenge that we have and the fact that our plan made so much sense that it is hard for me to understand why the President vetoed it. Our Medicare plan saved Medicare from bankruptcy. It increased spending from $5,200 to $7,000, and it did it without an increase in the premium, without an increase in copayments, without an increase in the deductibles.

In addition, we gave Americans choice. For the first time we allowed Americans to have the same opportunity that I have as a Federal employee, not as a Member of Congress but as a Federal employee. I have the opportunity to choose a lot of different health care plans.

We devised a plan that allowed beneficiaries, only if they wanted to, to go and choose their own health care. They could stay in the traditional fee-for-service health care plan, or they could choose to leave that traditional fee-for-service that was devised in the 1960's and move from that plan into an HMO or other private health care plan.

The only way those other health care plans could offer their service is if they offered better than the fee-for-service. They had to provide some kind of eye care, dental care, a rebate in copayment or a rebate in the deductible. Maybe some private carriers, like they are doing in some States, would pay part or all of the MediGap, which is the 20 percent that seniors pay above and beyond what Medicare pays. Medicare pays the 80 percent and seniors pay the 20 percent unless they buy a MediGap program.

Private health care plans want to get into the Medicare system because there is so much money, so much waste in which to realize savings that they could actually save money and provide a better program for seniors.

So a senior under our plan does not have to pay an increase in copayment, does not have to pay an increase in the deductible, does not have to pay an increase in the premium, that will remain at 25 percent of program cost, and yet now they can get choice. They can get choice and a private health care plan that will offer them more than the traditional Medicare plan will offer. It will offer eye care, dental care, it will offer rebate in copayment or deductible, or maybe an elimination of premium or maybe part of MediGap.

So why was it vetoed? Well, the reason it was vetoed is the President said we were cutting Medicare because we saved over $220 billion by our plan last year, and this plan this year saves about $158 billion. It still grows significantly. From now until the sixth year, it still grows significantly, yet we are able to have savings. We are able to have savings because we allow the private sector to come in and offer programs, and we are able to make savings because they realize savings as well.

So this Congress which was elected in 1994, we came in recognizing that the national debt had increased 10 times in simply 22 years. We realized that Medicare was just simply growing and growing and growing, and Medicaid was growing and growing and growing, and the student loan programs were growing and growing and growing, and we had to find a way to slow their growth so that the taxpayers would not have to keep paying more and more of their income in taxes.

Mr. Rabin said, before he died, the former prime minister of Israel, he said the politicians are elected by adults to represent the children, and that is what we are trying to do. Because if we fail to get a handle on the growth in Government spending, we are going to find that anywhere from 60 to 80 percent of all the income we make as Americans will go to Federal, State and local taxes if that trend lines continues.

So we are trying to slow the growth in spending, still allow it to grow but not grow as quickly, for the good of our children.

Our plan will help Americans earn more so that they can keep more and so that they can do more. Our plan also tries to reduce the overall growth in taxes so that ultimately we can return more to the American people, and so that we can downsize the size of Government and have it move from the Federal Government to State and local governments.

I notice my colleague is trying to rescue me from my dialogue here.

Mr. KASICH. Mr. Speaker, I wanted to take just a second to compliment my colleague from Connecticut, Mr. SHAYS. I want to compliment him for a special order that is designed to let people know precisely what the facts are in regard to our program, but let me, if I could, take a second to suggest that, of course, we have the courage to do this and this has been very difficult.

I remind the gentleman that in 1982 Ronald Reagan tried to deal with reforming entitlement programs and Republicans got crushed at the polls in 1982 and in 1986 we lost the U.S. Senate, Republicans did, because one other time they tried to reform entitlements. So we knew that trying to do something to put the good of the country first and politics second would mean that we would catch some heat. But we are willing to do it. And we are willing to do it for a couple of reasons. One is obviously the children, and I am sure that the gentleman has talked about out commitment and the difficulty that our children will face. We do not want to give them a world where they work longer and harder to pay for the bills that we are ringing up and create marginal tax rates that approach 84 percent. I mean, the country will not survive at that rate. I think that we owe our children, we owe the next generation, we owe the pioneers of the next millennium an opportunity to have an America that gives that a chance and gives them hope, allows them to live their dreams. I mean, it would be wrong and selfish for us to have been able to have a lot of our hopes and dreams realized and then say to the next generation, ''Forget it.'' That is wrong. And so we put the children first and that is why we have been willing to walk over some of these hot coals and encounter some political criticism.

But we are not just doing it for the children. It is like I say to a minister friend of mine, you cannot tell people the only reason you ought to get involved in religion is because in 20 years

when you die, you will reach salvation. There has not to be something for you today to get involved in religion and in terms of balancing the budget. And frankly it is about giving people more security in their jobs, real wage increases. Because America again has to become a country that is a saving country, an investing and a risk-taking country so that we in fact can put tools in the hands of American workers so they can compete and win in the world marketplace, getting paid a good wage for what they are producing and being able to be assured that their job is going to exist. More and more Americans are working longer and harder not to get ahead but to stay even. We are trying to fix that by creating a program that will reward savings and investment and risk-taking so our workers can have the tools. But I think what is most important when we look at the charts on Medicare or welfare or Medicaid or any of these programs, frankly the Republican mantra is amazing here at the end of the 20th century. The Republican mantra is power to the people. Essentially what we are trying to do is systematically transfer power and money and influence from this city back to the neighborhoods and communities where our constituents live so that they can begin to design local solutions to local problems.

Just to take one program, I have no doubt that virtually any neighborhood in America could design their own welfare program that would not only show proper compassion but would also use local solutions to local problems at less cost. Frankly, you could not design a welfare program that is worse than the one that we currently have. What we are arguing for is, let us take the program out of this city, let us have faith that real people living in real neighborhoods with real compassion looking at real problems can design real solutions. I believe they can. I believe in the power of people to get it right at the end of the day. And I do not think it is necessary to substitute or to interface a bureaucrat with people in the neighborhoods of America. We are going to solve crime problems in Los Angeles not from Washington but in the neighborhoods of Los Angeles. We are going to solve housing problems in Columbus, OH, not from bureaucratic Washington but, rather, let us let the housing authority officials have the power to do it the way it works in our community. We want to design local welfare solutions. Frankly, we do not need to ask Federal bureaucrats to tell mothers and fathers whether their children are learning or not.

So our program is one of real compassion. It also allows us at the end of the day to stand at the end of that very dark tunnel with a very powerful searchlight signaling the next generation into the next millennium that they have got hopes, they have got dreams and in fact they can be realized.

But the way in which that is achieved is to not keep everybody's power and money and influence in this city but basically to pry it out of the hands of Washington bureaucrats, put it back in the hands of people in local communities, demand excellence from one another, accountability, and realize that if we just believe in ourselves, believe in the power of the individual rather than the power of government, the 21st century will be the best we have ever seen on the face of this earth.

I appreciate the gentleman taking this special order and yielding.

Mr. SHAYS. I would love to just say to the gentleman that I remember well in 1989 he offered an amendment to try to get a handle on government spending and I think there were only 38 Members who supported him. Each year he kept offering amendments to slow the growth of the Federal Government, to not make these deficits so large, and each year he got more and more support. It was just a constant effort on his part.

I remember him asking Mr. Greenspan at the hearing he chaired, he said, ''Mr. Greenspan, are you concerned that we will cut spending too much?'' He responded by saying, ''Mr. Chairman, I don't go to sleep at night fearful that when I wake up the next day that Congress will have cut too much.''

But you are not just talking about cutting, because what you are also talking about is growing this economy and to move it from the Federal Government to the State government which is so important.

Mr. KASICH. Let me say to the gentleman I am not really any more enamored with State and local government or not much more enamored than I am with Federal Government. I think the 21st century is not going to be about the power of government or the power of bureaucracy or indebtedness or taxation or regulation. I think the 21st century is about the power of people like you and me, removed from this place, living in neighborhoods, the ability of us to soar, in the age of the computer, where Americans have more tools and more freedom. You do not have to wear a necktie in the morning anymore. You do not have to go to an office anymore. You can sit in your own den and you can use a magical instrument called a computer to shake things around the world.

□ 1730

I do not want to look forward to a 21st century where I have got to call a Washington bureaucrat to ask him whether I should log on or not. No, it is not just about balancing a budget, but it is systematically giving people their money, their power, their authority, their influence back to develop creative solutions to what exists in their neighborhoods. I think that really what it is all about into the next century and what this debate is going to be all about is whether we are successful in saying to Americans, not powerful Americans but Americans like my mom and dad and the families in the neighborhood that I grew up in, that we trust you, we believe in you. The 21st century is going to be more about the power of individuals than it is going to be about the power of the United States Congress.

We have had our way for about 40 years and for a lot of the time we have done good job. But frankly, it is now time for the pendulum to swing back to the neighborhoods. We need to revitalize our neighborhoods and our families, our communities. That is what the 21st century has to be all about. In the course of doing it, we will save the next generation. We will provide greater security economically. Let us forget this economic security and just say good jobs that last for Americans.

So I just think the gentleman from Connecticut is a patriot. I love the fact that he takes the time to do this. On that committee, the Committee on the Budget, he has been the most persistent advocate of trying to bring about changes in this system. I will say to the gentleman and for those Members who may be watching, you see, our victory is inevitable. But it is going to be a long road. The road to change is always long, and it is always rocky, and it is always winding. But if you stay committed to principle, at the end of the day you will have traveled up that road and you will have success.

Mr. Speaker, this city cannot go back. We are going to be debating a waiver program for the State of Wisconsin where people in Wisconsin believe they can design a welfare program better than people in Washington can. I mean, it is just patently absurd to say: Oh, no, no, we are not going to let you. We are not going to let you design your program. You think you know how to get people to work, you think you know how to get people trained? Do you think you have a solution in Wisconsin that we do not have here in Washington? Oh, no, no, we are not going to let you do it.

That is the kind of thing that goes on inside this town. You know, the liberals, the Washington liberals, God bless 'em, they do not believe people can get it right at the end of the day. But the Washington liberals, they are jealously guarding our power. It is not theirs. They took it from us. Now we want it back, and they do not want to give it back. So we are going to have to pry it out of their hands and get our money back out of their pockets, get our money back out of their pockets. That is what makes the fight so tough. But frankly, this is the future. We have started the revolution.

Frankly, it started with the shot fired across the bow on the Penny-Kasich bill, which signaled to this town we are never going to go back to the way we were for 40 years and we are going to win. There is a reason to be uplifted by this. Let us just keep at it.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for participating.

As the gentleman was talking, I thought about when I was elected in 1974 to the statehouse. When I was in the statehouse, we had a law that said you could not spend more than you took in in revenue. I see my colleague from Michigan as well, and I know that he represented, was in the statehouse as well. I think he probably had that same kind of requirement; did he not?

Mr. SMITH of Michigan. I thank the gentleman. In fact, most States have the requirement of a balanced budget. So it is a shame that the United States that is overspending so much and that taxes so much does not have the same kind of legal obligation. I guess the gentleman from Connecticut, Mr. SHAYS, and I are still hoping that the Senate might be successful in passing that balanced budget bill. Somehow something has got to give us the intestinal fortitude to do what is very difficult to do, and that is to cut down on some of the spending in Federal Government.

Mr. SHAYS. Well, when I was in the statehouse, I was always amazed that our Federal leaders could continually spend more money than they raised in revenues and their incredible reluctance to do it. I kept asking myself how could it happen, and I think that we have to acknowledge that the blame was bipartisan and also shared with Congress and the White House as well.

I think it is fair to say that some on our side of the aisle, the Republican side of the aisle, did not see a defense program they did not like and were quite willing to keep spending. And on the other side of the aisle, there was no concern to control the gigantic growth of entitlements. I notice that my colleague may have a pie chart that illustrates that 50 percent or more now of all that we spend are entitlements.

Before referring to the chart, I would just like to talk about what that means. It means that half of our budget we do not even vote on each and every year. It is one reason why Congress was simply not getting a handle on that budget and the White House. Almost 50 percent of the budget was on automatic pilot. You fit the title in welfare, you get it. You fit the title in Medicare, you get it. You fit the title in Medicaid, you get it. You fit the title on certain agricultural subsidies, you get it.

Mr. Speaker, I did not have to vote in each and every year to set priorities with other priorities. So they just kept growing and growing. I would love to yield to my colleague to talk more about this issue.

Mr. SMITH of Michigan. I think really this borrowing has masked, it has hidden the true cost of government. If we had to pay this out in taxes, I think the American people would say: ''Hey, wait a minute; I earned that money; do not take so much of it away from me''.

As we borrow and somehow we make future generations obligated to pay our overindulgence, our overspending today, somehow it is easy to say: Well, somehow it will be taken care of.

Yes, this chart, this chart represents the fact that Congress has lost its power, its constitutional power, to control spending. I just want to start out with a little white in the pie chart, because the white in the pie chart represents that part of the budget that is now paid and expended just to cover the interest on the Federal debt. This 15 percent, this 15 percent does not cover the interest on what we owe Social Security and the other trust funds when we borrow the surplus money coming into those trust funds.

If we added the interest that is paid by the Federal Government on Social Security, for example, it would amount to an additional $90 billion that we are paying in interest. That means that interest is the largest part of this budget. But what Mr. SHAYS is suggesting is just take a look at the blue portion of this pie chart. This is what over the last 40 years, inch by inch and step by step, the Congress of the United States has said we are going to put on automatic pilot and give the authority to the President, whether or not we continue these spendings.

So this is the entitlement spending, the welfare spending, the AFDC, aid to families with dependent children, it is the food stamp spending, it is the Medicare spending that Mr. SHAYS has become such a leader in in trying to get a grip and a handle on. It is the Social Security spending.

By the way, even on Social Security, the unfunded liability, or what is called the actuary debt on Social Security, now approaches $4.5 trillion. Our overspending annually is $5 trillion. We are in a great deal of trouble, and we have got to start looking at some of these issues. We have the other side continue to demagogue and say: Look, look at those cruel, mean-spirited Republicans that are trying to cut spending.

Mr. SHAYS. But the bottom line to this is that each and every year we vote on about a third of the budget. We do not vote on the interest on the national debt, and we do not vote on half of the budget, which are what we call entitlements, that long list that we have there. So we have been trying over a number of years to try to control spending by just looking at defense and nondefense, what is spend out of the Committee on Appropriations.

Mr. SMITH of Michigan. That is right.

Mr. SHAYS. To our credit, that is the one area where Congress has greater control than the President. When we spend and appropriate an item and the President vetoes, we get zero.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SHAYS. Happily.

Mr. SMITH of Michigan. Mr. Speaker, it is hard not to be aggressive when talking about this issue. Even today I heard a Member of the more liberal party suggest that look at how deficits have come down. Look how they came down in 1995. Look how they came down in 1996. Of course what happened is, when Republicans came into Congress January 1, 1995, the first thing we did was cut $13 billion our of the 1995 budget. Then we set the 1996 budget.

Mr. SHAYS. If the gentleman will yield, that is the budget we were already in.

Mr. SMITH of Michigan. That was the budget we were already in. We only had 6 months left or 9 months.

Mr. SHAYS. We rescinded certain expenditures. In fact what we did do, if I could be a little more precise, we actually cut $20 billion from that budget, but then added $11 billion back that the President requested and would have been in the budget if we had not even made the $20 billion. We had a net savings of $9 billion. But then we had the debate in 1996 and the shutdown of Government.

We had the shutdown of Government in part because when we gave the President certain budgets, he vetoed it. We ended up with zero and a disagreement on how much we should spend. Ultimately we have now a full agreement with the President on the 1996 budget, the budget we are in now, and which will end the end of this September. The thing that we need to point out is the President wanted to spend $7 billion more than we spend in 1995, and we ended spending $23 billion less. We ended up making a savings ultimately to his plan of $30 billion, $23 billion of actual reductions in this year less than we are spending, less than we spent last year.

Mr. SMITH of Michigan. I do not mean to brag, and I do not mean to make a greater separation between Republicans and Democrats. But still, the reason that the overspending is so low is because Republicans were very aggressive in what is called the rescission bill of reducing the 1994–95 budget, again in the 1995–96 budget with a great deal of frugality of making tough decisions. Everybody should know it is not easy to cut spending. People that have gone to the Federal Government, to the trough, if you will, and become accustomed to having those Federal services do not like those services cut out. So it has been easy for the liberals to demagogue the issue, to say look at these mean-spirited cuts.

Mr. Speaker, the bottom line is we now borrow 20 cents out of each dollar the Federal Government spends, and that is too much borrowing. It is not responsible. I think it is immoral for our kids and our grandkids.

Mr. SHAYS. We have had really three main objectives. One is to get our financial house in order and balance the budget. We came forward with a 7-year plan. We actually have real and absolute cuts, absolute cuts in what we call discretionary spending. We were going to spend less in some programs next year than we spent this year, and we spent less this year than we did in the year before. Those are true cuts. But in 50 percent of the budgets, some programs that are very important in Medicare and Medicaid, we are allowing for

significant increases in both of those programs.

We are just trying to slow the growth. So our first effort is to get our financial house in order and balance the budget. Our second one is to save Medicare from bankruptcy. We are going to learn tomorrow that the Medicare plan fund, the Medicare part A, which was to remain solvent, not bankrupt, remain solvent to the year 2002 and will actually probably become bankrupt maybe in the year 2000, which is 2 years sooner than we thought.

Mr. SMITH of Michigan. Mr. Speaker, I mentioned earlier that Social Security has got very serious problems and that actuary debt or unfunded liability amounts to about $4.5 trillion. But in Medicare, it is even more serious than that. So the promises that past Congresses have made of what they are going to do for health care for senior citizens is now in a great deal of financial problems. If it is not corrected, we could lose Medicare.

So I would ask the gentleman from Connecticut just to very briefly repeat some of the fact that there is not much difference between what the President suggested, what the Republicans have suggested. So to use this issue politically by scolding Republicans is not a fair accusation.

Mr. SHAYS. Well, first off, it is just important that we recognize that the program is growing significantly. The program is growing significantly, it is not being cut. On a per person basis, we are going to allow it to grow as it did last year from $4,800 to $7,000 per beneficiary. We did it without an increase in the copayment, without an increase in the deductibles, and without an increase in the premium.

The premium will stay, except we did do something for the wealthiest. Those who make over $100,000 and are single will pay more in their premium. If they make over $150,000 and they are married, they will pay more in their premium. So we did say the very wealthy should pay more. It is not something that Democrats like to say that Republicans do, ask the wealthiest to pay more.

Sometimes I have to say sometimes Republicans do not like to acknowledge that we are asking the wealthiest to pay more. But people who are receiving Medicare, it is the best buy in town. Those who can afford it should pay more, and we are asking the very wealthy to pay more.

Now, what we are also doing is we are allowing for choice. We are allowing for people to get the same opportunity that the gentleman from Michigan, Mr. SMITH, and I have. I mean, we have the opportunity to choose a whole host of different health care plans. We are not looking into one. If we get a more expensive plan, we have to pay for more dollars. We have to still pay a greater amount if we get a more expensive plan. But we are given choice. Mr. Speaker, under the traditional Medicare system, there is no choice. It is a traditional fee-for-service.

Mr. SMITH of Michigan. You know, somebody asked me last Thursday, look, we do not smoke. Why should we pay more of our taxes, more of our premiums for Medicare to cover the people that do not take care of their own health, that smoke, that do otherwise? My reaction was, look, that is what we are trying to do with one of these options, medical savings accounts, so the people that do take care of themselves can end up sharing some of that savings.

I think it would be good if the gentleman mentioned some of the options.

Mr. SHAYS. Mr. Speaker, one of the options will be that we will allow private care plans to offer to seniors a whole host of different services.

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They may offer eye care or dental care, they may give a rebate on the copayment or the deductible, they may give a rebate on the premium. They may even pay, because in some areas the cost of health care is so much less than we actually pay in Medicare, they may actually be able to pay almost all of the Medigap, pay all or part of the Medigap, which a lot of seniors pay today, and they will still make money off the plan.

They will be able to give them annual checkups, which some seniors do not get now. Now, if a senior does not like it, they get into the private care and they do not like it, they have 24 months, each and every month, 2 years in each and every month, to get back to their fee-for-service plan.

So we do not increase copayments, we do not increase the deductible, we do not increase the premium, we give seniors choice.

Mr. SMITH of Michigan. And if a person wants to stay in exactly the same program they are in, they can do that.

Mr. SHAYS. They can. And it is not like the telephone system, where if you were on AT&T and you automatically find you are with Sprint or MCI, no, you stay in the plan. You stay in the traditional fee-for-service. You have to ask to be out and then you can request immediately to be put back, and within a month you are back in the old plan.

So it is hard for me to understand why the President vetoed. The reason he vetoed is he said we were cutting, even though the plan grew so much. It is true we were able to save. We were able to save the fund from bankruptcy. We had it remain solvent to the year 2010, and we were able to save the taxpayers over $200 billion. So it was just difficult for me to understand why the President would not have accepted that plan.

Mr. SMITH of Michigan. Mr. Speaker, a little while ago I was reading at my desk, and in a letter, one of my constituents in Michigan sent me this application. She was asking me is this a legitimate organization; what are they doing?

And what that was, it had a big sheet that they were sending all these senior citizens. They probably went to the driver's license bureau or someplace and got this list of names of everybody over 65, and it says there are some people in Washington that are trying to balance the budget on the backs of the health care of senior citizens. Send us your $20 or $40 and we will work to protect your rights.

You know, I think that that kind of attitude, that kind of solicitation to take advantage of senior citizens to try to make more money for whoever, is washed up, because I think most senior citizens, as they decide what they want to leave this world with, I think most of them want to leave their kids and their grandkids and their great grandkids the same kind of opportunities they had. They do not want to keep sucking up on financial, to ask the young working people of this country to pay more of their benefits. They are willing to tighten their belts just like everybody else is to make sure that Medicare is solvent, that Social Security is solvent, that this country gets their house in order so we can have a continuing great America with continuing opportunities.

That sounds a little like a speech.

Mr. SHAYS. Well, it is a speech, but it is a very accurate speech. We are saying that last year we spent $4,800 per senior. It will grow to 72 and now $7,000 in the 6th year from where we are today. That is a significant increase. And yet while seniors will still get that significant increase, we save, under our new plan, $158 billion.

At one time it would have been over $200 billion, but the President vetoed that plan. We have a plan that will save $158 billion to the taxpayers. It still gives seniors more, and yet they will contribute to helping save this country candidly from financial ruin.

We talk about getting our financial house in order and saving our trust fund. This fund is a little more nebulous, but it is something that is very near and dear to me because I believe that is where we probably have the biggest controversy and that is we are trying to transform other caretaking, social, corporate and farming welfare state into a caring opportunity society.

We want people to be independent and not dependent on the Federal Government, and we want them to learn and to grow. We are not saying to someone in an urban area, your mother was on crack, you did not graduate from the 5th grade, I am sorry, you are on your own. No, we have to have a caring, aggressive plan to help individuals, but it cannot be the traditional handout.

I say this as a moderate Republican, some might call a moderate Republican a liberal Republican, but I think I am pretty much down the center of the political spectrum. I look at a lot of what Government has done, and I think if we have an honest debate, we do see 12-year-olds having babies, we do see 14-year-olds selling drugs and 15-year-olds killing each other, we do see

18-year-olds who cannot read their diplomas, we see 24-year-olds who have never had a job, and frankly not because a job does not exist but because they have got in their own mindset that it is a so-called deadend job. We see 30-year-old grandparents. That, to me, is the legacy of the welfare state.

Mr. SMITH of Michigan. And it is sad. We talk about a $5 trillion national debt, but we have spent $5 trillion on the welfare program since they started in 1965, and we have been successful in transferring wealth, but in the process somehow we have taken away the spirit. With a lot of people we have taken away their self-respect by sending them signals that they are often going to be better off not to go to work, not to bust their gut trying to help their community and help other people and pay their fair share of taxes. so they stay on welfare, and we are now in the fourth generation.

And we are a humane society. We are a caring society. We want to help people that are down on their luck. But people take advantage of it, and not only stay on it for all of their essential working lives but then we end up with their kids being on and their grandkids being on.

Mr. SHAYS. And if my colleague would just yield, I would point out that we are also not just talking about social welfare, we are talking about corporate welfare.

Mr. SMITH of Michigan. Good point.

Mr. SHAYS. We are talking about writeoffs that businesses have been able to get over the last 40 years through, candidly, this former Congress. They have been able to get a significant writeoff, approved by, candidly, Republican presidents, so both hands have been involved, where they have gotten certain writeoffs that are unique to them in their business opportunity. They then become dependent on what are true writeoffs and, in my judgment, are nothing more than corporate welfare. So we are looking to have our Federal Government not have so many corporate writeoffs.

And while I am probably on more sensitive ground, being that the gentleman comes from a farming area, I think you would acknowledge there are certain Federal programs that farmers have become so dependent on, it has changed their behavior. It is not like they do not work. They bust their guts. But they are working following a Federal program that sometimes has an incentive not to plant or to plant the wrong things that simply are costly.

Mr. SMITH of Michigan. That used to be true. Now, we have passed what is called the Fair Agricultural Act that does away with all of those subsidies. Over the next 7, or 6 years now, it phases out all of those Federal farm program subsidies, so the Federal Government is no longer managing that farm, and individual farmers will have the freedom to decide how much of what crop to plant.

I think that is good. I think the Federal subsidy programs have tended to be a disservice to agriculture. We have seen smaller family farms forced out of business because the larger farms had a greater advantage with those Federal programs.

So the ag programs are phasing out, but corporate welfare, the lobbyists and the PAC's flow to that Committee on Ways and Means because just a few changes in the words, can make millions of dollars of difference.

Mr. SHAYS. One comma, one little bracket, taking out a word, adding or not can make a difference. This Congress is looking to get after all three types of welfare, the social, the corporate, and where it was in the farming. There are a few programs still remaining that did not get out, but a gigantic leap forward, phased out over 7 years.

I would say to the gentleman that I had to ask myself where have I been a constructive force. And I have been able to go back over my time in the State house and in Congress and say, well, I voted for this program, and I have been able to feel good. But when I analyze some, not all, but some of those votes, I have had to say I have made people more dependent rather than less.

I have made a practice in the last 4 years of asking people who have had to pull themselves up by the boot straps and have succeeded, why. And in almost every instance, it was a father, a mother, a brother, a sister, a schoolteacher, but somebody pushing them, someone recognizing that and making sure that individual knew that nobody was going to do it for them.

I was thinking, and, to me, one of the most memorable was when I had a young woman come in, 35 years old, a doctor, an M.D., and she said she was 12 years old when her father passed away. She had six younger brothers and sisters. She became almost the second mother in the family, raising, as a 12 year old, her younger brothers and sisters. But her mother had one dream, that they would all get degrees; not just college degrees but advanced degrees.

There were two doctors in that group, there was a psychiatrist, there was, fortunately, only one lawyer, there was a schoolteacher, and she was just there to tell me that I had a dream, we moved forward, and no one gave me. We worked for it. Her mother was a schoolteacher, with not a lot of income, and obviously she turned to a lot of different sources for help. But she made sure that each of her children knew they had to do it on their own.

Which gets me to a kind of wonderful quote that Ann Landers said, and it was in my calendar. You have seen these calendars that have the quote of the day. My dad, when he used to work in New York, would come home, when I was a young kid, and give me different quotes from the newspaper, and sometimes Ann Landers would show up. And she said, ''In the final analysis, it is not what you do for your children, but what you have taught them to do for themselves that will make them successful human beings.''

I see this and I think about that, and I think about the march on Washington. One, we cannot burden our children with tremendous debt; but, second, we have to have those kind of government programs that teach them what to do for themselves.

Government does have an active role. I would like to think more State and local government and less Federal Government, with a one-size-fits-all mentality. The government does have a role, but it has to be a role, not to give a hand-out, but to really teach people.

I think, as my colleague wants to, if we want to have English be a primary language in this country, we have to, as colleagues, recognize and make sure that there is no American who is missing the opportunity, and no alien who is a resident here who is missing the opportunity to learn how to speak English. We may have our feelings about bilingual programs, but there has to be that alternative, I would just say to my colleague, and I am happy to yield.

Mr. SMITH of Michigan. It seems to me we need to remind ourselves what made the United States of America so great, and that was the concept that the people that worked hard, that really tried, that invested, that took chances, that got up every morning when they did not feel like it and went to work and produced, were better off than the people that do not.

Now we are moving into sort of a gray area where often the individuals on some of the welfare programs are better off than working poor. That cannot be the formula for a successful America. We have to get back to the concept that those who are trying every day, that are working hard, that are striving to make their family and their kids more independent and more successful, by encouraging them when they come home every night, are the people that are going to make the future of America and make it greater.

We cannot continue to rely, as an aging industry, on increasing taxes on business and individuals as a way for government to have more funds to make it right for everybody else. We have to have the kind of policy that encourages those individuals to be more responsible for their own destiny.

Mr. SHAYS. I do not know how we do that, though, unless we get our financial base on a firm foundation.

Mr. SMITH of Michigan. Absolutely. That has to be the first step.

Mr. SHAYS. So we have to get our financial house in order and balance that budget as the foundation. Not as the solution, but as the foundation for then saving our trust funds, which are obviously related to the first issue, but then, ultimately, transforming this caretaking, social, and corporate welfare state into a caring, into a very caring opportunity society.

Instead of taking this pie and deciding how we divide up limited resources,

what can we do to grow this economy. And that clearly is a very important element to the last part of our plan, and that is beside just getting our financial house in order to have certain tax incentives to encourage growth in this economy.

Mr. SMITH of Michigan. And I think the people that talk about or advocate a flat tax or a consumption tax or a value added tax or a national sales tax are not saying that, look, this is the golden way to have a successful tax, they are saying, look, the tax system we have now is failing us. We are penalizing investment, we are penalizing savings, we are discouraging businesses from expanding and creating more and better jobs by putting more and better tools and facilities in the hands of the greatest work force in the world, which is the American work force.

Somehow, in our look-see to changing our tax system, it has to be an admission, an acknowledgment that what we have now, that has been written many times over by the special interest lobbyists and their huge PAC contributions to candidates for office, has ended up being not what is good for the future of America.

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So I think it is important that we do exactly what you are suggesting, Mr. SHAYS, that we have the kind of tax policy changes that encourages savings, that encourages investment.

Mr. SHAYS. And encourage people to pay their taxes. It is estimated we could lose almost $100 billion in revenue, one, because it is not simple enough and, second, that people simply have found a whole host of ways to avoid paying taxes in the course of trying to do what they think are legitimate or maybe not legitimate write-offs.

Mr. SMITH of Michigan. There are so many loopholes and so many corporate tax breaks that probably should not be there that it justifies a whole new look at our tax system.

Mr. SHAYS. I would like to spend the last 5 minutes and just summarize what we are trying to do.

We are trying to do what Prime Minister Itzhak Rabin said. We are elected by adults to represent the children, and we are trying to get our financial house in order and balance the Federal budget. We are trying to save our trust funds from bankruptcy, particularly Medicare. And we are trying to transform our caretaking, social, corporate and farming welfare state into an opportunity society. We do that by allowing our spending to grow.

We allow it to grow 20 percent more each year, 20 percent or more in the next 6 years as opposed to the last 6 years, 20 percent more, from 8.7 billion to 10.4 billion. We do it by allowing the student loan program not to cut but to grow from 26 billion to 37 billion, a 42-percent increase.

We take the earned income tax credit, which is an expenditure made by taxpayers to the working poor where they actually receive money rather than pay taxes, and that program over the last 6 years we spent 109 billion. We are going to spend 155 billion under our 6-year plan. Under welfare spending over the last 6 years we have spent 441 billion. In the next 6 years we will spend 30 percent more; we will spend 575 billion.

In Medicaid we will grow from 463 billion over the last 6 years to 731 billion. We are going to spend 58 percent more in the next 6 years under Medicaid, which is health care for the poor and nursing care for the elderly.

Then we are going to deal with Medicaid, Medicaid spending, which grows from 463 to 731, just to point out that our numbers are not that different than what the President's numbers are, except we want to allow for more flexibility on the State and local level under this plan and not have a one-size-fits-all Medicaid plan done by the Federal Government.

Medicare is going bankrupt. It is going to be highlighted tomorrow when the trustees report that Medicare part B, the money we pay in our payroll tax, we will run out of money potentially by the year 2000, rather than what we originally thought, the year 2002. We had a plan to save Medicare until the year 2010 and the President vetoed it last year. Our new plan will not stretch it out entirely to the year 2010 but close to it. We spent in the last 6 years 920 billion; in the next 6 years we are going to spend 1.4 trillion, a 61-percent additional expenditure in dollars.

In Medicare premiums we are going to grow from 5200 this year to 7000. Last year they were 4800. So we are allowing this plan to grow per beneficiary and we do it without increasing the copayment, without increasing the deductible, without increasing the premium. We give seniors choice. We do ask the seniors who are the wealthiest, making over 100,000 plus, to pay more of their Medicare part B premium. But for all other seniors the program remains the same, no increase in copayment, deduction or premium, and we give them extensive choice.

With that, Mr. Speaker, I would like to say that I am absolutely convinced that this Congress is on the right track, trying to get our financial house in order, trying to balance the Federal budget, trying to save our trust funds and trying to transform this social and corporate welfare state into a truly caring opportunity society.

SAFETY NET FOR CHILDREN

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 would like to begin by congratulating the Children's Defense Fund and Marian Wright Edelman and all of the other sponsors of Stand for Children which took place here in Washington last Saturday, June 1.

They came from all over, all parts of the Nation. They came from every ethnic group, every religion, every race, they were all together, children and families, making it clear that in America the great caring majority stands for children and American policies. Government policies at this point in our Nation's history reflect this fact. They reflect the fact that this Nation stands for children. The policies of the Government stand for children.

Mr. Speaker, the problem that they did not talk very much about on Saturday is the problem of the present attempt to change those government policies, to turn our policies around and make this a Nation whose policies are hostile toward families and children.

In contrast to the Stand for Children that was taking place in Washington here, more than 200,000 people by the official estimates, in contrast to that Stand for Children, let us consider for a moment the problem of Brazil and Colombia, where large numbers of children are being found dead in the streets every day. They are being found dead as a result of being shot the night before. They are killing children in Brazil. They are killing children in Colombia. They are killing children in certain other South American countries.

Mr. Speaker, I do not mean child abuse in the usual sense. There is a high degree of child abuse in these nations, but there is a phenomenon which we have not yet experienced in America. That is they are shooting children at night, and you find the dead bodies the next day. The elite classes of Brazil and Colombia and certain other South American countries are the classes of people that are envied by our Republican majority here in this country.

We have an elitist philosophy driving an attempt by the Republican majority to change the policies that have an impact on children. The previous speakers talked about they were not cutting school lunch programs because after all the figures, the numbers will show that there is an increase in the numbers over the years. They do not tell you that the number of children will increase faster than the dollars that they have put in the budget will increase. If you did a simple mathematical calculation of dividing the number of children into the number of dollars available, you will see that the amount of dollars available, you will see that the amount of dollars per child will go down as a result of the cuts that they are proposing.

They are also taking out large blocks of children and saying that immigrant children shall not be served and we are going to just leave them on their own. We are going to leave them to fend for themselves. So the contrast is very important, to take into consideration the fact that in this Nation at this point in history, the majority of Americans still stand for children. They stand for

children regardless of what the Republican majority in the Congress right now is trying to do.

They are going to reject the attempts wholesale to change the policies which favor children and families. They are going to reject it in November, but in the meantime we have a serious problem of trying to beat back the threats to the policies and the programs in our Government which support families and children.

There are three examples I would like for you to consider. Consider the fact that in America we do stand for children. Still our Government policies are favorable to children and families. In Brazil, Colombia and certain other South American countries, they do not have the safety net for families and for children, so they have gone in the opposite direction.

They have created so many problems with families and children that large numbers of children roam the streets day and night, and they have begun to hate those children. They have begun to demonize those children. They are wiping out those children at night through vigilante groups. Many groups involved are even considered to be close to the police, or in a few examples the police themselves have been accused of murdering children at night.

These children become a nuisance because they steal in the daytime. They obstruct the beauty of the sidewalks. They do a lot of things which make people very upset with them. Society will not deal with them in a rational way. Society will not provide programs which will guarantee that they have a decent home or decent meal, school lunches, will not guarantee that they have some safety net so that families are not thrown into the streets, that society ends up at the other extreme, exterminating children, large numbers of children are being killed.

Contrast the societies of the industrialized nations that the United States is in economic competition with. Brazil, not Brazil, Italy, England, France, Germany, those societies have safety nets which are far greater than any safety nets that we have here in America. They treat children far better. Recent articles in the newspaper, the New York Times talked about in Italy the mothers under the provisions which allow family leave have abused it to the point where certain mothers have stayed off a whole year from work and gotten paid. That was an example of abuse. But then they described the kinds of programs that they have for family leave in a country like Italy. They showed how a person who wanted to abuse the system could do that. What they were saying is that there is a very strong family net there for people who have children.

In this country, which has a gross national product which is smaller than ours, Italy is not a rich industrialized nation, as rich as the United States, but in Italy they have policies for families which are far better. In France, they are always citing the day care programs in France, unparalleled, no parallel programs anywhere in the world to the kind of day care programs they provide in France.

In Germany, the programs for workers that allow vacations and sick leave and so forth are unparalleled in terms of any workers anywhere in the world. So on the one hand you have families and children in certain industrialized nations who are far better off and supported far more by the government and the country as a whole than we have in this country.

On the other hand, you have the other extreme, the elite minorities of South America, the rich leadership of South America who are envied by the elite minority here in this country. They do not pay very much taxes. They are not bothered with the nuisance of taxes. You have billionaires in South America who are scot-free from responsibilities of trying to guarantee that there is a safety net for children and families, and our Republican majority here wants to create a situation for our elite minority to have a similar situation. They want more and more advantages for the rich, less and less taxes, less and less disturbing their abilities to make maximum number of dollars in profits.

In South America they do not have environmental laws. They do not have a number of things which force our corporations and businesses to act in a more humane way, ways which are supportive of life in general and of families and of children. So they have gone to the extreme in places like Brazil and Colombia.

On the other hand, we are at least in the middle. We have some safety net programs. Right now we are at a critical point in our history where a Republican majority in control of the Congress is striving to try to eliminate those safety net programs.

Mr. Speaker, I am going to talk in a little while about specific examples of programs for children that the Republican majority has attempted to eliminate, programs for families that the Republican majority is attempting to eradicate at this very moment. One of the most important programs of course is Medicaid, the Medicaid entitlement. Families will be hurt a great deal if the program passed by the Republican majority in this House were to be signed into law.

Last Thursday there was another program, the reauthorization of IDEA, the Individuals with Disabilities Education Act. That, too, was under the hammer by the Republican majority. They are chipping away at that program now and creating a situation where it is possible that the Federal Government may pull out of its support for children with disabilities, the education, completely. I will talk more about that later.

Mr. Speaker, let me just go for a moment to some clippings related to Brazil. I want to make the point clear here that, if a society takes the route of accepting no responsibility for the poor families within that society, the society takes the route that it is against minimum wage. So those who are working cannot earn a decent living and then takes the route that those who are not, those who cannot find jobs and are on unemployment do not deserve any help from government. If it takes the route of cutting back on job training programs as all of these routes taken by the Republican majority here in this Congress, you take that route, you are eventually going to end up in a situation where the children are demonized and hated because they are running out there without any support. Families cannot keep them at home. Families cannot keep them. Families cannot house them. Families cannot clothe them. So they are on the street.

□ 1815

Where do they go if not onto the streets? And once they are on the streets, they become scum in the eyes of the general population. It is not surprising that it is the police that sometimes end up being involved in trying to eradicate these children.

These are not my words. Let me just quote from a story that appeared, a United Press International story, on April 25, 1995. I use this story because it is an example of a situation where they caught, for the first time they caught some of the people who were doing the eradication of children. Children have been dying, being shot, like flies. You know, they have been dying in large numbers and being found on the street dead, shot in large numbers, and nobody has been held responsible. This is the one example where there was a witness, and they actually arrested people, and a trial was taking place last April related to the killing of these children.

Let me just read from the United Press International article of April 25, 1996. A former military police agent in Brazil confessed Thursday to his part in the 1993 killings of eight street children as they slept outside the Candelaria Church in Rio de Janeiro and said people scheduled to go on trial are innocent. The police agent was one of those accused, and as he came up for trial, he confessed, but he said certain other people that were accused were not innocent.

The important thing about this is that the prosecutor, Jose Muinos Pineiro, said that this trial was the first ever in the case of the killing of street children, and the trial was to begin as planned, and it would be a landmark in Brazil, although for years they have been finding children shot in the streets in the morning, and nobody has ever been punished. So this was the first case.

Mr. Santos, who was a former policeman, confessed, said he decided to confess because of conflicts of conscience, conflicts of conscience. The witness who identified Mr. Santos and the others is a boy named Wagner dos Santos,

and Wagner dos Santos, the little child who identified the assailant, the assassins, has suffered two assassination attempts since the time he identified them and the time of the trial. He has been so threatened that he had to be moved to Switzerland and kept there between the time of the assassinations of the children and the time of the trial; the only trial being held; only time they have caught the killers of children in the streets of Brazil.

Now, am I exaggerating the situation? Here is another article dated October 12, 1995 from Inter Press Service, and it states that a study, according to the article, a study by the United Nations Children's Fund, UNICEF, reported that Colombia's average of 2,219 child killings each year now outstrips the more notorious death by violence of children in Brazil, where the figure was 1,533 annually.

Now, I am not talking about child abuse, I am not talking about child deaths as a result of neglect. We are talking about children being shot in the streets, children being shot like rats.

The Colombian city with the highest children's death rate in Medellin, with 64 children murdered for every 100,000 inhabitants. The city of Cali, the third largest city, has 13 deaths per 100,000 children. We know some of these names because they are drug centers in Columbia. In the capital of Colombia, Bogota, they have a better record: Eight children die violently each year per 100,000 inhabitants.

Now, I quote these statistics to let you know, you know, in a civilized society, and these are civilized societies, they are quasi-democracies in some cases, but the situation has deteriorated to the point where instead of standing for children, the citizens stand against children, enough of them stand against children to allow this to go on day in and day out, night in and night out, and the children are picked up in the morning like rats, dead rats.

Human Rights Watch stopped short of describing the widespread murder of street children as government policy, but it did state that the police agents are involved in a broad range of abuse against minors, including torture, corporal punishment and widespread killings. Human Rights narrated the story of Frankie, a Bogota street urchin who had managed to escape three social cleansing operations. It also discussed the case of Andres, a child prostitute who, according to three friends, was taken out of the center when he was working by three armed men dressed in police uniforms, and several days later this body was found on the outskirts of Bogota.

The report notes that the most extreme attack took place November 15, 1992, when eight children and one adult who were members of a community group were murdered in Villatina, a marginal barrio of Medellin, in the northwest of Colombia. According to witnesses, the youths were gathered at night on a street corner in the barrio when 12 men in three vehicles approached and demanded that they lie on the ground, and opened fire on them.

One of the victims reportedly managed to tell his mother before dying that he recognized his killer as a member of the judicial police. One human rights organization linked the Villatina massacre to the deaths of two police officers the same day and said that because those police officers had been killed, they were out to get revenge on the children before this massacre took place.

Now, I only mentioned police and make a point about police because police are an agent of government. Police are the front line of what people really want. And when societies have degenerated to the point where they are killing children and policemen are involved or turning their back, refuse to investigate, then you know that the society is culpable. It is not something out there on the outskirts, on the edges of society, taking place that does not have approval from a large number of citizens.

You know Daniel Goldhagen has written a book called ''Hitler's Willing Executioners,'' and in the book, ''Hitler's Willing Executioners,'' Daniel Goldhagen says that what Hitler did could not have happened if the Nazis had not taken over the government. They had control of the government, and they had power over people, but the extent to which the mass murders occurred, the massacre of 6 million Jewish people occurred, they also had to have a willing population, and that too many people in the German population cooperated because they had come to the point where they demonized Jewish people and saw them as subhuman, and because they saw them as subhuman, they could participate in these outrageous acts without any conscience.

When a society reaches the point where frustrations and failure of government and failure of institutions is such that children become a nuisance, a threat, and the society begins to demonize its children, then they can do unspeakable things to its children, like murder them in the streets like rats.

Mr. Goldhagen also makes some references to slavery. Slavery took place in a situation where large numbers of human beings were treated in a outrageous subhuman, criminal manner for 232 years in America. Slavery in South America lasted longer. Slavery in South America was more brutal. Slavery in South America did not have the constriction of early laws which forbade the import of slaves, so for a much longer time in South America they were importing slaves. And South America was much more brutal in the treatment of its slaves because they were expendable, they did not try to keep their property alive the way the American slave owners did, they did not set up breeding farms and try to breed slaves and take care of female slaves because they were valuable property. In South America they had an access to large numbers of incoming slaves, and the tradition was they just worked them until they worked them to death. The brutality was so much greater and the heritage of that brutality probably has something to do with the fact that they are shooting children down in the streets of certain South American countries right now.

I might add, my colleagues, that in these South American countries there is a black population. Colombia has, I learned on the radio this morning, 6 million, at least 6 million, people who are of African descent. In Brazil at least half of the people in Brazil are of African descent, and probably, if you use the general yardstick that is applied in America that if you have one drop of African blood you are of African decent, the majority of people in Brazil are of African descent.

The children who are shot down in the streets are usually black or mixed children in the streets of Colombia; it is the black and the mixed children who are being murdered in the streets of Brazil because they are the bottom of the economic ladder, they are the despised ones who have no safety net, there is no welfare program, there is no school lunch program, there is no Medicaid, there is no program for children with disabilities. So they are thrown into the streets.

This is my introduction to my discussion of the Stand For Children. I applaud the Stand For Children because it says a lot about where the majority of Americans are at this point.

There was one thing that happened with Stand For Children that disturbed me. Marian Wright Edelman, who is the organizer of this Stand For Children, on last Saturday did a brilliant job, and we all know Marian Wright Edelman on the Hill very well. Republicans and Democrats are familiar with the work of the Children's Defense Fund, and they have done a great job, and they are very knowledgeable about the political process. They are nonpartisan, and sometimes they have appealed to us to act in a bipartisan way, but they are political. I was disturbed in Marian Wright Edelman's final speech, her closing speech on Saturday when she said to people, ''Go back home,'' and she asked them to follow God. ''Don't follow politicians, follow God.''

Now, by all means they should follow God. But I wonder why she had to say do not follow politicians. It struck me as strange and sounded dangerous because in my community I have had a problem with people putting down politicians, not wanting to get involved in the political process, not even bothering to go out and vote because they are so fed up with following politicians, they are fed up with the political process, they do not participate, and therefore the people who do participate and those who have the power are making

rules and laws which are very much to the detriment of those people. ''Don't follow the politicians.''

You know it is strange in many ways because it lets all of us off the hook. All politicians, Members of Congress, city council members, members of State legislatures, you are off the hook if you do not have responsibility for children because we have been told, the people have been told, not to follow us.

I do not think Marian Wright Edelman meant this at all; I am positive she did not, because nobody has more political sophistication in America than Marian Wright Edelman. But it came over that way. For a layman listening, it sounds as if we should not follow politicians, that God, you know, cannot be for politicians.

Some politicians are not following God. You know, the scenario, as I see it, is God is up front there, and if you want to get something done through the political process, you have to have certain laws change, you have to have programs in this country and public policy in this country which benefit children; then to do that you got to get behind the politicians. God is in front, the politicians are behind God; some of them are, some of us are. We are the advocates of God's work, we are the advocates for children.

□ 1830

You have to get behind us. If you are going to go in another arena, you want God to be up front. If you want educators and teachers to be up front, get behind them. If you go into the arena where you are talking about health care and you want the doctors in the health care system and the nurses, God is up front and the doctors and health care system and nurses are behind God.

If you want to accomplish something in this world, you have to do it through men and women who make decisions. God is not a dictator. God is not totalitarian. God has left us with free will. God will not intervene in America and deal with whether the Medicaid entitlement stays in place or not. God is not going to come down and deal with that directly. God will act through agents.

There are some advocates that follow God and will fight to guarantee that we keep Medicaid, because it is a life and death matter. We must keep the Medicaid entitlement. There are some advocates who are on the side of God, who are behind God, who will guarantee that we have children with disabilities be supported by the Federal Government. God will not get involved. God will not intervene. That is what free will is all about.

I am not a theologian or deep philosopher, because we have gone through that over and over again. The decision has been made that God leaves mankind free to make certain decisions. God sits and watches, and he is disappointed sometimes. He must spend a lot of time crying about the kinds of decisions that we make. From time to time horrible things are done by men and women who are making the decisions. Horrible things are done by men and women who have the power. God must be very disappointed.

On the other hand, there are men and women who do things that God, I am sure, appreciates a great deal and supports, and in the final analysis I think that those people who are following God, doing God's work, will triumph. But never tell people not to follow politicians, follow God. Tell them to follow the politicians who are in line behind God, and it makes much more sense.

The Children's Defense Fund certainly knows that the political process requires that you talk to politicians, that you confront the Members of Congress, confront the Senators, confront the Members of the House. All that is necessary in order to get things done.

I think that the Children's Defense Fund does its homework very well. Some of the documents they put out clearly show that they do not believe that politicians should not be followed. Or maybe what she is really saying is do not follow them, push them; get behind them and push them. Or maybe it meant that you should get in front of them with some ropes and pull them, because the Children's Defense Fund certainly engages us. We are engaged in problems with children, and I applaud them for that. I applaud them for engaging us year in and year out on problems related to children.

They gave us a list. They sent it around to all the Members of Congress. This list says, ''Who's for Kids and Who's Just Kidding?'' This came from the Children's Defense Fund, the top 10 kids' votes in the 104th Congress. In after school and summer programs for kids, they give a record of how the Congress voted on the after school and summer programs for kids.

Cut school lunch, that is another vote that was taken. They give a record of how Republicans and Democrats voted. Cut basic education and Head Start and summer jobs, a third vote that was taken which directly impacts on children, on families. Allow parents to block out violent or sexual TV shows. That was a vote that directly affects children and families. If you stand for children, they indicate that you would have voted yes on that vote.

No. 5, cut student loans and children's health and nutrition programs. We heard a discussion before from our Republican colleagues, that they really are not cutting student loans and they are not cutting children's programs. The amount of money is increasing, but they do not tell us that the number of children, the number of students, is increasing, and when you divide the number of children for these programs into the amount of money, as the children increase, the amount of money is going down per child.

No. 6, restore $3.1 billion in education cuts. We restored that, yet the vote to do that is important. Cut education by $3 billion, that was a vote taken. She is recapitulating past history over the last few months, where the Republicans tried to cut education and to cut job training and to cut summer youth programs and to cut school lunches, and we stood firm. We took our case to the American people. We made it clear to everybody out there what was happening, and they backed down. But she is recounting how the votes went down. These were votes against children.

Accept the Senate's proposal for higher spending on education. That is a vote that is important. Provide a $5,000 adoption tax credit. That is a vote for children on which I think we almost had unanimous consent, we almost had every person on both sides of the aisle voting for the $5,000 adoption tax credit. They note that. That was a vote for families and for children.

Cut funding for basic education and Head Start by 20 percent. Originally the Republican majority voted to cut Head Start by $300 million. I am happy to say that we had yet another vote where we put it back in. I do not know how many Republicans voted to put it back in, but the bill passed which put the money back in for the Head Start cut. Those are concrete things the Children's Defense Fund, the stand for children people, sent around as examples of votes that impacted on children. They understand the political process. They understand clearly.

In another place they make it clear that the Republicans have come up wanting as a party. As a fact, they say, and it is not that they are bipartisan, they are not Democrat or Republican, but they state the facts clearly. I am going to quote from an item in a letter of March 27, 1996, signed by Marion Wright Edelman. This is when the Children's Defense Fund first announced it was the prime sponsor for the Stand for Children.

''Every child in America needs and deserves a healthy start, a had start, a fair start, a safe start, and a moral start in life. Yet this year's book shows that we continue as a Nation to leave millions of our children behind. Despite overwhelming evidence of child suffering and neglect, proposals pending in Congress would return America to the past rather than prepare children for the future; weaken rather than strengthen the guaranteed safety net for children and families during times of need, recession, and disaster; and decrease rather than increase cost-effective child investments in order to give a tax cut to the non-needy. At a time when more than 15 million children are poor, over 3 million are abused and neglected, and more than half a million drop out of school, it is essential that Congress strengthen rather than shred the Federal guaranteed safety net for children.

''I hope that you will find this information, including State by State tables contained in the Appendix, valuable as a resource and as a guide for future action on behalf of America's children. If I or my staff can be of assistance, please contact,'' et cetera, et cetera; a letter from the Children's Defense Fund in March of this year, saying that we still are taking steps that threaten children and threaten families.

Here is a statement that came out just last week, along with a copy of the top 10 votes for kids. I read from the statement: ''The record of the Republican-led 104th Congress on protecting our children is truly an outrage. While Republicans talk about a pro-family agenda, they have voted repeatedly to slash funding for education programs, student loans, child nutrition, health care for children, foster care and other child protection services, and aid for disabled children. The Republican agenda of the 104th Congress has been everything but kid-friendly. In fact, it's been hostile.''

Continuing to quote from the item distributed by the Children's Defense Fund last week, it says ''This Republican agenda threatens the education and well-being of our Nation's children, effectively abandoning the promise and future of America. Without healthy children in good public schools, our businesses will not be able to compete in the new global economy, and yet throughout, the Republican agenda essentially balances the budget on the backs of our Nation's future.''

We heard our Republican colleagues talk before about how important it is to get rid of the deficit and to deal with the budget so children in the future can not have the burden of having to pay for those programs. The debt must be eliminated because of the children in the future.

It seems to be a pattern of the Republican Party that is escalating. It is the children in the womb, they are very much concerned about unborn children. We all should be, because you do not have children unless they get born. But they are excessively preoccupied by the unborn children, but the minute the children arrive and get here, they abandon them.

They do not care what happens to them in terms of the WIC program and the program for infants and mothers. They do not care what happens in terms of mothers who have to stay home to take care of their children. They do not care what happens when the children go to school and have a school lunch program. It is the unborn child, and then it is the child in the future, posterity.

Republicans are concerned about children who are unborn and they are concerned about children who have not been conceived yet, those in the far future. There is something wrong with the sudden lapse and the gap between the child who arrives here and the child in the womb and the children of posterity, there is something radically wrong with the reasoning.

I wrote a little rap poem on April 19 which talked about this, and said that it seems that we are sending a message to the fetuses, and I place the situation in terms of a message from the newborn to the fetus. The newborn is saying ''I've arrived here and I find all this hostility. Stay in there. Don't come out here. Don't come into this mean world, you know. ''There is a real danger here.'' The people who talk about a right to life make the right to life just an empty slogan unless it is accompanies by programs and policies which provide an even playing field of opportunity for all children.

At that time I was announcing on April 19, 1996, my support, my applause for the Children's Defense Fund's call for a Stand for Children. Quoting from my entry into the CONGRESSIONAL RECORD on that day, I said, ''On June 1st the Children's Defense Fund is sponsoring a great summit in Washington called Stand for Children. This is a gathering which deserves the support of all Members of Congress. We should all join the Stand for Children on this specific day, and for all the days before and after June 1, Congress should refocus on the business of protecting our most precious resource, children outside of their mothers wombs, as well as children inside the wombs.'' The I go on to give the rap poem which I will read later.

To close out this particular item that was circulated last week by the Children's Defense Fund, and I quote again from it, ''Fortunately, the Democrats in Congress and the Clinton administration have successfully fought off many of the damaging cuts that the Republicans have put forth. For example, Democrats have successfully restored most of the education cuts endorsed by the GOP, and President Clinton has vetoed many damaging cuts in children's programs in the GOP welfare and budget reconciliation bills.''

This is material that was distributed, despite the fact that this is a nonpartisan group. They just stated the facts. Those are the facts. This is a nonpartisan group that said they did not want any politicians to speak. I accepted that. I was there Saturday. I did not think it was a great problem that politicians could not speak, Republicans or Democrats. There were many other voices that ought to be heard. But I do have a problem if you tell people not to follow politicians, not to follow any politicians, to put us all in one category. That is very unreal and dangerous.

Let me just return to this list. In this list of the top 10 votes in the 104th Congress, there are some things that are left out. There are some things that we need to add. If needs to go beyond 10. We need to bring to light the fact that programs that will impact on children go beyond these 10 areas.

The cuts in public library aid, public libraries receive very tiny amounts of Federal money, but those amounts are very important. We even cut those tiny amounts. We get the best bargain in education in public libraries. For the amount of money spent we get a greater return than anywhere else. They were cut.

Summer youth employment, they did mention that in the 10 points that were made. The destruction of opportunity to learn standards. Most people do not know that the Congress passed a reauthorization of the Elementary and Secondary Education Act, which had in it an item which called for States to establish opportunity to learn standards.

This is all voluntary. States do not have to do it, but if States are going to participate in the program where they establish curriculum standards and they establish testing standards, the curriculum standards and testing standards focus on the children. The onus is on the children to live up to the curriculum standards. They are going to be tested. We added, after much debate, a set of standards called opportunity to learn standards. Opportunity to learn standards mean exactly what they say, the opportunity to learn.

You must have standards which talk about what opportunities to learn are you providing at the State level. Are the teachers qualified? That is an important opportunity to learn standard. Are the buildings safe and conducive and modernized so that learning can take place? Does the library have books that are current, or do they have 35-year-old history books or geography books that are dangerous for children to read, because they read the wrong information?

Do they have laboratories for science and math? That is important. Do they have laboratories for science? Do they have supplies for the laboratories? All of these things are basic, commonsense items. That is what opportunity to learn standards are all about.

□ 1845

We had a great debate during the time when we were reauthorizing the Elementary Secondary Education Act, a great debate among ourselves in the House. Then when the bill was in conference, there was a great debate between the House and the Senate, and those of us who are in favor of opportunity to learn standards prevailed in the authorization process in the 103d Congress. Lo and behold, it violated all the rules. The appropriations process, this Republican majority, through a stealth attack, in the conference process took out the opportunity to learn standards.

They do not want to talk about ways in which we can help children to learn and have that discussed openly the way we discuss testing children. We want to test children until they are tested right out of school, but we do not want to provide a discussion of what are qualified teachers and what is an appropriate set of learning aids in science and math. We do not want to deal with

the responsibilities of the local education agency, the responsibilities of the State government, and the responsibilities of the Federal Government.

So the destruction of opportunity to learn standards should be added to this list of votes that hurt kids.

Last Thursday, in the reauthorization of the Individual with Disabilities Education Act that I referred to before at the committee level, the Economic and Educational Opportunities Committee reauthorized a bill which has a drastic set of cuts and a drastic set of negative provisions which do not advance current law but, in my opinion, they build a beachhead for later destruction of the Federal Government's participation in programs to educate children with disabilities.

I sit on that committee, and I am very much aware of the dangers there; and, of course, the Children's Defense Fund could not know exactly the extent of what was happening at the committee level, because the process has gone on for several weeks.

I congratulate the chairman of the committee for holding up the process for 3 weeks while a number of programs that deal with children with disabilities, representatives of organizations, tried to get them to change critical parts of the bill. They at least entered into a dialogue, and for 3 weeks the process did not go forward while the debate took place and the groups were involved.

Finally, in very critical areas, the majority of the groups agreed; and they were overridden by two or three who did not agree on certain critical provisions of the bill.

One of those critical provisions was the provision related to the cessation of services for children. Children with disabilities now are protected in current law. You cannot expel them and throw them out on the streets no matter what happens in terms of their problems in the classroom. You have to, if you are going to remove them from the classroom, most all States now under the Federal law are obligated to provide alternative education. You cannot just throw them out.

In many States, they have State laws which say you cannot throw children out. Whether they have disabilities or not, you cannot throw them out of school without providing them some alternatives.

But there are many States that do not have it. Those children who have disabilities and would for some reason be expelled would be thrown into a situation where it would be very difficult for them to, without the support of public schools and public education, get an education or to get acclimated. They would be thrown out there on the streets and abandoned.

That is the worst thing we can do. We do not want to go in the direction of Brazil and Colombia, South American nations which, by ignoring their children, set up a situation where later on their children are despised and demonized, and later on they are murdered. We want to maintain some sense of civilization as reflected through how we care for the least among us.

So I made a statement at the beginning of the markup, which to save time I will just read it here. It summarizes some of my concern with IDEA, Individuals with Disability Education Act reauthorization. I said, and I quote, at the beginning of this markup, ''It would be useful for all concerned if we made a sincere effort to move away from sensational headlines about special education and establish a more objective perspective as advocates for public education.''

I am talking about sensational headlines that appeared related to special education being too costly or special education threatening mainstream education because it takes money away from the children who are in regular classrooms. That is a situation that has been generated from this Capitol. This is a situation that the Republican majority has blown out of proportion and made it appear that there is a great threat out there to mainstream education flowing from special education concerns.

''This markup is for the purpose of reauthorizing a program for the most needy children in America. In the overall constellation of Federal funding, IDEA receives only a tiny amount of money. $2.3 billion is proposed for grants to States in fiscal year 1996. Please consider this amount within the context of recent exposures of an unaudited slush fund at the CIA which totaled $4 billion.''

Some $2.3 billion is proposed for grants to the States in the fiscal 1996 budget for children with disabilities. That is less than the $4 billion that the CIA had unaudited in the slush fund that they did not know they had. Let us keep our perspective straight. How can we be bankrupting America by providing $2.3 billion to the States for children with disabilities when we have lying around in the CIA $4 billion that we do not even know we have?

''At the Federal Reserve Bank the GAO discovered an unaudited rainy day fund which totaled $3.7 billion even though that agency has not had a rainy day in 79 years.''

The rainy day fund has been there. They have been adding to it. That $3.7 billion is far more than we appropriated for children with disabilities, sitting around at the Federal Reserve Bank unutilized. Let us keep our perspective and understand.

The problem is not that there is too much money going to special education needs. The problem is there is too little money going to education as a whole. The problem is that we have to be concerned, members of the Education Committee and members of all other committees, with where the money is going. Education cannot be examined in isolation.

The people in the education community have come to see the budget for education as being the universe that they have to deal with. So they are looking at the total amount for education at present and saying that special education is getting too much of what is available. Let us make more available so that you do not have to cannibalize each other. You do not have to take from one to give to the other. We have the money in the CIA. We have the money in the Federal Reserve Bank. We have the $13 billion additional funding for the Defense Department.

My colleagues from the other side who spoke before never said a word about increasing defense by $13 billion. We talked about the need to balance the budget and need to be more responsible in government expenditures, but nobody said anything about $13 billion more than the President asked, which for has been added to the defense budget this year.

Quoting again from my own statement, ''Against the background of continuing monumental waste in B–2 bomber programs and excessive farm subsidies, we should alert all members of the education community to the fact that there is no need to participate in cannibalization among education programs. Special education will not bankrupt the overall education budget. Long overdue increases for all education programs is the solution. Demonization and scapagoating special education promulgates a disaster for overall education funding.

''This bill,'' the reauthorization of IDEA, which is to come to the floor of the House in the next two weeks, ''attacks special education as if it was an enemy. This is a fatal flaw.''

''At the time I think it is appropriate to consider the conclusion of Kathleen Boundy, Co-director of the Center for Law and Education, and I quote from her and her closing comment on the present reauthorization bill.

'''Despite the earnest efforts of many who have attempted to improve this bill and existing law, it is our view that such efforts have ultimately been unsuccessful in both the Senate and the House, and that Part B of IDEA, regardless of its shortcomings, should be left alone in 1996.'''

It is a bill that was not broken, did not need to be repaired, but is being drastically overhauled in the direction of cutting back on the commitment of the Federal Government. It will be to the detriment of children. The neediest children in America are children who are in special education programs. It is to their detriment that we have embarked upon a course which may end up cutting back on a long-term commitment to children in special education.

The Senate has a bill that has not yet passed the House. It passed out of committee. We hope that the Senate is understood by all the people out there that care about education and care about children, we hope they understand that it is not too late.

Certainly people in the Children's Defense Fund ought to put this on their list and consider calling it to the attention of people that care about children in America. If you stand for children, it is still possible to deal with the House legislation H.R. 3268 and the Senate bill S. 1578, part of the revisions of special education law, Public Law 94–142. It is still possible that we can wake up the decisionmakers here in Washington to the fact that they will hurt children if they go ahead with the provisions in this bill which call for a cessation of services completely for children who are disciplined for certain problems.

Without getting into a debate about what those particular kinds of problems are, there are some, and I agree with them wholeheartedly, who take the position that we should never cease services for children, services of any kind. Cessation of services, the throwing of children in the street, will lead us step by step into where Brazil and Colombia are at this point.

The provision which relates to the cessation of services is due to the fact that it is perceived that large amounts of disruption in classrooms is ruining the education process, and they want to stop disruption, whether it is by children with disabilities or anybody else.

Discipline is a major problem in education. Discipline is what I hear teachers talk about all the time. In this Capitol, we ought to address the problem of discipline. The States do not seem to be able to solve the problem and bring it down to reasonable dimensions. The cities, the local education agencies are not able to deal with it and bring it down to a reasonable dimension. It goes on and on, the problem with discipline.

So why not deal with the problem of discipline without invading special education? Special education suffers because large numbers of children who are discipline problems are classified as having a disability. I have complained year in and year out about large numbers of African-American males who have problems of one kind that lead to discipline problems being shunted off into a category called emotionally disturbed.

We took steps when we reauthorized the bill several years ago to begin to deal with this in a constructive way. We wanted to bring more African-American teachers into the system. We had grants for that. Historically, black colleges were encouraged to get involved in training of teachers of children with disabilities.

We wanted to get mothers and families and communities more in tune to what was involved in the way programs for children with disabilities, special education programs operate so that they would not be victimized one way or the other. The children who needed the service should have the proper identification, and they should be placed. Children who did not need special education should not be shunted there because they have certain discipline problems.

□ 1900

All of those things are cut out of the bill. The cessation of services was one very important item that we lost on. The majority of the groups that had debated the problem, had discussed the problem with representatives of the Republican majority in the final analysis said they could not accept the reauthorization bill as it is considering that it has the cessation of services.

Mr. Speaker, I would like to submit for the RECORD a letter addressed to the Honorable WILLIAM F. GOODLING, chairman of the Committee on Economic and Educational Opportunities, from the long list of organizations which includes the National Association of School Administrators, the National Education Association, National Parent Teacher Association, Council for Exceptional Children and many, many others. I would like to enter it in its entirety into the RECORD.

MAY 22, 1996.

Hon. WILLIAM F. GOODLING,
Chairman, Committee On Economic and Educational Opportunities, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Our organizations believe that all students, even those who break school rules, should receive educational and related services. In that spirit, we urge your strong support for including provisions in the reauthorization of the IDEA that ensure all students have access to appropriate educational opportunities. Providing quality educational opportunities to children and youth is a critical component in the development of both individual achievement and in achieving a highly skilled, competitive workforce.

The fact that students with disabilities have unique needs is recognized through the policy and practice of collaboration and individualized education programs. (IEPs). Our organizations support provisions that would help schools balance the rights of students with disabilities with the need to maintain order and discipline in the schools through preventive measures such as appropriate behavioral interventions, additional classroom and student supports, adequate financial support and other intervention strategies. Should preventive measures not prove adequate, however, we believe it is imperative that continuing educational and related services be provided to all students—even those who need to be served in alternative settings due to suspensions or expulsions from the regular settings—in order to help such students better adapt socially and educationally.

We urge you, as the author of the reauthorization bill for IDEA, to include language that will ensure access to educational and related services for all students with disabilities, even when they violate school discipline rules or policies.

Sincerely,

American Association of School Administrators, National Education Association, National Parent Teacher Association, Council for Exceptional Children, National Association of Secondary School Principals, National Easter Seal Society, Bazelon Center for Mental Health Law, National Association of Protection and Advocacy Systems, Learning Disabilities Association, Brain Injury Association.

American Psychological Association, Adapted Physical Activity Council, National Consortium of Physical Education and Recreation For Individuals with Disabilities, National Therapeutic Recreation Association, National Coalition on Deaf-Blindness, American Council of the Blind, Children and Adults with Attention Deficit Disorders, American Occupational Therapy Association, American Association on Mental Retardation, Federation of Families for Children's Mental Health.

American Academy of Audiology, National Mental Health Association, National Association of Developmental Disabilities Councils, National Parents Network on Disabilities, Association for Education and Rehabilitation of the Blind and Visually Impaired, National Association of School Psychologists, American Foundation for the blind, American Association of University Affiliated Programs, Joseph P. Kennedy Jr. Foundation, American Academy of Child and Adolescent Psychiatry.

Justice For All, The Arc, Council of Great City Schools, National Association of the Deaf, Convention of American Instructors of the Deaf, American Speech-Language-Hearing Association, National Association of School Nurses, Washington PAVE, Project PROMPT, Vermont Parent Information Center.

Special Education Action Committee, Parent Information Center of Delaware, Federation for Children with Special Needs, Connecticut Parent Advocacy Center, Inc., Very Special Arts, American Counseling Association, American Physical Therapy Association, Council of Schools For The Blind, National Council On Independent Living, CAUSE.

Center for Access to Resources and Education, National Coalition For Students With Disabilities Education and Legal Defense Fund, National Down Syndrome Congress, Systematic Training of Military Parents, Washington State Special Education Coalition.

On the other very important controversial point that I spoke on, personnel standards, children with disabilities are now in a situation where they require people who have special training. That has been recognized for decades. We have steadily had programs to develop more teachers, to develop more people who are able to deal with these problems. This legislation all of a sudden, we not only cut out the development programs and the requirement for personnel development but the Republican majority has put in a waiver of the requirements, the qualifications can be waived for individuals. The waiver is an open door to a complete retreat from any quality standards for the personnel. Just as children who are in math and science classes should be taught by teachers who majored in math and science in college, we think that children who have special problems with respect to disabilities ought to be taught and handled by teachers and personnel who have had training in that area. The waiver says that you do not have to do it anymore. Yes, the waiver says that it is for a 3-year period, that unqualified individuals can teach children who have disabilities for 3 years only. For 3 years you can destroy a lot of lives. And the waiver is

such that large numbers of people will get these 3-year waivers.

The problem is money. School boards and local education agencies will see themselves saving large amounts of money by accepting unqualified people, giving the waivers, saving the money. In the meantime the children are the victims of unqualified personnel who do not know what they are doing.

Mr. Speaker, I again made a statement which I would like to read in its entirety:

This amendment concerns a provision which is at the core of the Federal Government's commitment to a free and appropriate education for children with disabilities. Without properly trained personnel, the best that children with disabilities can expect is to be warehoused. The worst that will happen under the tutelage of the untrained and inexperienced will be psychological and emotional damage, as well as a substandard education.

In a letter from the Center for Law and Education which I am attaching to this statement, a co-director concludes that we should just abandon this effort and leave the bill alone.

I would like to strongly echo these sentiments. IDEA, Individuals with Disabilities Education Act, was not broken. The current law did not need to be overhauled. The current law did not need to be replaced. This bill is not a reauthorization. The bill that passed out of committee last Thursday is an attack to establish a beachhead. From this beachhead the Republican majority, which has already drastically indicated its contempt for all public education, will attempt a total annihilation of Federal support for special education.

Like a sledgehammer pounding away at a thumb tack, massive power is being brought to bear on programs for the education of children with disabilities, a very tiny component of public education in America. A slander campaign waged against special education has generated distorted perceptions which scapegoat a very productive and beneficial program. Despite these distorted perceptions, special education is in no way a threat to mainstream education. This tiny minority deserves fairer treatment at the hands of the education majority. This minimal program for the most needy students also deserves continued support from both Democrats and the Republican majority.

I congratulate the community of people with disabilities and their consensus group which launched a monumental effort to maintain workable legislation consistent with the original intent of the law and bowing to no partisan dogmas. The language before us is in many ways improved beyond the original doctrinaire attack as a result of the efforts of these negotiators. But the revisions do not go far enough in several fundamental areas. Personnel standards is one of these areas.

This bill, with premeditated stealth, wrecks the carefully developed protections which have been thoughtfully crafted over many years with the input of both recipients and providers of service to children with disabilities. Obliteration of these requirements is a contemptuous and hostile act against children with disabilities. No member of this committee would ever support the wholesale waiver of standards for science and math teachers in the schools located in his or her district. Waiving personnel standards only serves one ignoble purpose: Compliance can be achieved cheaply. For less money, the quality of teaching and other services will most likely be adulterated.

Mr. Speaker, I wish to submit the statement in its entirety for the RECORD.

STATEMENT OF HON. MAJOR R. OWENS ''RESTORATION OF PERSONNEL STANDARDS'' MAY 30, 1996

This amendment concerns a provision which is at the core of the federal government's commitment to a Free and Appropriate Education for children with disabilities. Without properly trained personnel the best that children with disabilities can expect is to be warehoused; the worst that will often happen under the tutelage of the untrained and inexperienced will be psychological and emotional damage, as well as a substandard education.

In a letter from the Center For Law and Education which I am attaching to this statement the Co-Director of the Center, Kathleen Boundy, concludes as follows:

''Despite the earnest efforts of many who have attempted to improve this bill and existing law, it is our view that such efforts have ultimately been unsuccessful in both the Senate and the House and that Part B of IDEA, regardless of its shortcomings, should be left alone in 1996.''

I would like to strongly echo these sentiments. IDEA was not broken. The current law did not need to be overhauled. The Current law did not need to be replaced. This bill is not a reauthorization. This bill is an attack to establish a beachhead. From this beachhead the Republican Majority, which has already dramatically indicated its contempt for all public education, will attempt a total annihilation of federal support for Special Education.

Like a sledge hammer pounding away at a thumb tack, massive power is being brought to bear on programs for the education of children with disabilities, a very tiny component of public education in America. A slander campaign waged against Special Education has generated distorted perceptions which scapegoat a very productive and beneficial program. Despite these distorted perceptions, Special Education is in no way a threat to mainstream education. This tiny minority deserves fairer treatment at the hands of the education majority. This minimal program for the most needy students, also deserves continued support from both Democrats and the Republican majority.

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This bill, with premeditated stealth, wrecks the carefully developed protections which have been thoughtfully crafted over many years with the input of both recipients and providers of service to children with disabilities. Obliteration of these requirements is a contemptuous and hostile act against children with disabilities. No member of this Committee would ever support the wholesale waiver of standards for science and math teachers in the schools located in his or her district. Waiving personnel standards only serves one ignoble purpose: Compliance can be achieved cheaply. For less money the quality of teaching and other services will most likely be adulterated. Children will most certainly be shortchanged. But on the surface, the letter of the law will be met.

In this bill funding for staff recruitment and development has been gutted. Efforts to overcome the critical shortage of minority staff have been abandoned. The problem of qualified staff shortages will be solved superficially and dishonestly by simply ignoring the need to employ persons who are qualified. We are civilized leaders agreeing to a savage solution. We would never take the same route to resolve a problem of a shortage of airline pilots or a shortage of open-heart surgeons.

At this point it should be noted that the current law contains a component which would have offset the negative consequences of the waiver of personnel standards, but this has also been greatly reduced. Provisions which facilitated the recruitment, training and certification of personnel have been adulterated. During the negotiations with the Consensus group it was generally assumed that these provisions would remain substantially as they are in current law. The Republican Majority, unfortunately, violated the good faith effort of the negotiators and destroyed and most relevant parts of this component.

In summary, I urge the adoption of this amendment as the first giant step away from this bill's oppressive posture against children with disabilities. This oppressive posture of the Republican Majority generates an impact which is destructive and deadly.

Let us move forward in a bi-partisan spirit to ensure that this body creates the proper federal legislation and resources to provide quality programs and quality staff for children with disabilities.

Mr. Speaker, I would like to say that standing for children means that you stand for children with disabilities, and you stand for policies that are going to promote children across the board. We are fortunate in this Nation that we presently do stand for children. Never let us go to the other extreme and be in the position of Brazil and Colombia where they are killing children instead of standing for children. We stand for children and we should continue to stand for children.

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 Member (at the request of Mr. ABERCROMBIE) to revise and extend her remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Member (at the request of Mr. BARRETT of Nebraska) to revise and extend his remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on June 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. HOYER.
Mr. FAZIO of California in two instances.
Mr. LIPINSKI.
Mrs. MEEK of Florida.
Mr. BENTSEN in two instances.
Mr. LEVIN in two instances.
Mr. BERMAN.
Mr. WAXMAN.
Mr. MENENDEZ.
Mr. KENNEDY of Massachusetts.
Mr. STARK.
Mr. DEUTSCH.
Mr. HAMILTON.
Mr. BROWN of California.
Mr. STUPAK in two instances.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mrs. MORELLA.
Mr. HOKE.
Mr. SOLOMON.
Mr. PORTER.
Mr. GILMAN.
Mr. FRANKS of New Jersey.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mrs. CLAYTON.
Mr. KENNEDY of Massachusetts.
Mr. CHRISTENSEN.
Mr. SHUSTER.
Mrs. KELLY in two instances.
Mr. RICHARDSON.
Mr. HUNTER in two instances.
Mr. TORRES.
Mr. ACKERMAN.
Mr. NEUMANN.
Mr. GALLEGLY.
Mr. SANDERS.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 5, 1996, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report concerning the foreign currencies and U.S. dollars utilized by various individuals and delegations authorized by the Speaker of the House of Representatives during the fourth quarter of 1995 and the 1st quarter of 1996 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 12, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Greg Ganske	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Julie Pacquing	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Terry Peel	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Dudley Tadami	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Barry Jackson	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.88
	12/11	12/13	Croatia		188.00				34.94		222.94
Jim Varey	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Sam Farr	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Frank Mascara	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Roger Wicker	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. John Mica	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Maurice Hinchey	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Dan Miller	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Frank Riggs	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Helen Chenoweth	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Jim Bunn	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Ray Mock	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Martin Hoke	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Van Hilleary	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Jennifer Dunn	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Andrea Seastrand	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Ron Packard	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Committee totals					10,836.00		549.99		1,653.33		13,039.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RON PACKARD, May 28, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BOSNIA, CROATIA, AND HUNGARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 29 AND MAR. 4, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sonny Callahan	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Charles Wilson	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Bob Stump	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Bob Dornan	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Esteban Torres	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Charles Taylor	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Richard Hastings	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Mac Thornberry	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Victor Frazer	3/1	3/2	Italy		200.00		(3)				200.00
Hon. W. Livingood	3/1	3/2	Italy		200.00		(3)				200.00
Charles Flickner	3/1	3/2	Italy		200.00		(3)				200.00
Bill Inglee	3/1	3/2	Italy		200.00		(3)				200.00
Brett O'Brien	3/1	3/2	Italy		200.00		(3)				200.00
Mark Murray	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Sonny Callahan	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Charles Wilson	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Bob Stump	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Bob Dornan	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Esteban Torres	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Charles Taylor	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Richard Hastings	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Mac Thornberry	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Victor Frazer	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. W. Livingood	3/2	3/3	Croatia		280.00		(3)				280.00
Charles Flickner	3/2	3/3	Croatia		280.00		(3)				280.00
Bill Inglee	3/2	3/3	Croatia		280.00		(3)				280.00
Brett O'Brien	3/2	3/3	Croatia		280.00		(3)				280.00
Mark Murray	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Sonny Callahan	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Wilson	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bob Stump	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bob Dornan	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Esteban Torres	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Taylor	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Richard Hastings	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Mac Thornberry	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Victor Frazer	3/3	3/4	Hungary		212.00		(3)				212.00
W. Livingood	3/3	3/4	Hungary		212.00		(3)				212.00
Charles Flickner	3/3	3/4	Hungary		212.00		(3)				212.00
Bill Inglee	3/3	3/4	Hungary		212.00		(3)				212.00
Brett O'Brien	3/3	3/4	Hungary		212.00		(3)				212.00
Mark Murray	3/3	3/4	Hungary		212.00		(3)				212.00
Committee Total					9,688.00						9,688.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

SONNY CALLAHAN, Chairman, Apr. 1, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 24, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gardner Peckham	2/12	2/14	Germany		301.00						
	2/14	2/21	Bosnia		1,288.00						
	2/21	2/22	Croatia		228.00						
	2/22	2/24	Italy		337.00		1,515.75				3,669.75
Committee total					2,154.00		1,515.75				3,669.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM, Mar. 18, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3295. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Idaho-Eastern Oregon Onions; Assessment Rate (Docket No. FV96–958–21FR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3296. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final fule—Oregon-California Potatoes; Assessment Rate (Docket No. FV96–947–1IFR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3297. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Southeastern Potatoes; Assessment Rate (Docket No. FV96–953–1IFR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3298. A letter from the Assistant Secretary of Defense, transmitting the Department's report entitled ''Off-The-Shelf Systems'' a supplemental report to the section 366 National Defense Authorization Act, fiscal year 1996 report, which was submitted April 16, 1996, and numbered EC2378, pursuant to Public Law 104–106, section 366(c)(1) (110 Stat. 276); to the Committee on National Security.

3299. A letter from the Secretary of Defense, transmitting notification that the Secretary has approved the retirement of Lt. Gen. Arthur E. Williams, U.S. Army, on the retired list in the grade of lieutenant general, and certification that General Williams has served satisfactorily on active duty in his current grade; to the Committee on National Security.

3300. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 13th monthly report as required by 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.

3301. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Regulation E, Electronic Fund Transfers [Docket No. R–0830] received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3302. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Amendments to the Bank Secrecy Act Regulations Relating to the Recordkeeping for Funds Transfers and Transmittals of Funds by Financial Institutions [Docket No. R–0807] (RIN: 1505–AA37) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3303. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 1836, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

3304. A letter from the Acting Commissioner, National Center for Education Statistics, transmitting the annual statistical report of the National Center for Education Statistics [NCES] entitled ''The Condition of Education,'' pursuant to 20 U.S.C. 9005; to the Committee on Economic and Educational Opportunities.

3305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Nevada; Final Authorization of State Hazardous Waste Management Programs Revisions (FRL–5510–9) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program; Elimination of Direct Sale Program and IPP Written Guarantee (FRL–5513–4) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments and Containers (Amendment of final rule to postpone requirements) (FRL–5509–4) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3308. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Conform the Maritime Service Rules to the Provisions of the Telecommunications Act of 1996 (FCC 96–156) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3309. A letter from the Secretary of Energy, transmitting the annual report on the activities of the Office of Alcohol Fuels, pursuant to 42 U.S.C. 8818(c)(2); to the Committee on Commerce.

3310. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3311. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title II of Public Law 104–107 (Nonproliferation and Disarmament Fund [NDF] activities); to the Committee on International Relations.

3312. A letter from the Secretary of the Interior, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, together with the Secretary's report on audit followup, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3313. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–269, ''Omnibus Sports Consolidation Act Amendment Act of 1996'' received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3314. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–270, ''Public Utilities Board of Directors Amendment Act of 1996'' received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3315. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–271, ''District of Columbia Income and Franchise Tax Act of 1947 Conformity Amendment Act of 1996'' received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–272, ''Child Support Enforcement Temporary Amendment Act of 1996'' received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–273, ''Department of Corrections Privatization Facilitation Temporary Act of 1996'' received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3318. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–274, ''Business and Nonprofit Corporation Five-Year Annual Report Act Suspension Temporary Amendment Act of 1996'' received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3319. A letter from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (RIN: 0605–AA10) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3320. A letter from the Chairman, Board of Governors, Federal Reserve Systems, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3321. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the management response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3322. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, also the Commission's statistical tables and accompanying comments on audit reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3323. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize subsistence payment for employees performing certain duties; to the Committee on Government Reform and Oversight.

3324. A letter from the Director, United States Information Agency, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3325. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3326. A letter from the Secretary of the Interior, transmitting the 25th annual report of the actual operation during water year 1995 for the reservoirs along the Colorado River; projected plan of operation for water year 1996, pursuant to 43 U.S.C. 1552(b); to the Committee on Resources.

3327. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Glacier Bay National Park, Alaska: Vessel Management Plan Regulations (National Park Service) (RIN: 1024–AC05) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3328. A letter from the Program Management Officer, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—General Provisions for Domestic Fisheries; Amendment of Emergency Fishing Closure in Block Island Sound [Docket No. 960126016–6105–03; I.D. 040896B] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3329. A letter from the Program Management Officer, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—General Provisions for Domestic Fisheries; Amendment to Closure for American Lobster in Block Island Sound [Docket No. 960126016–6149–05; I.D. 052196G] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3330. A letter from the Secretary of the Interior, transmitting notification of the Secretary's decision to waive the 20-percent limitation for projects in the State of California (the San Sevaine Creek Water Project) notification received May 29, 1996; to the Committee on Resources.

3331. A letter from the Secretary of the Interior, transmitting notification that the County of San Bernardino (San Sevaine Creek Water Project) has applied for financial assistance under the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended, to provide flood protection, up to 25,000 acre-feet of annual ground-water recharge to the Chino Groundwater Basin, and direct benefit to an agricultural area of 29,500 acres; to the Committee on Resources.

3332. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation to strengthen Federal child protection laws; to the Committee on the Judiciary.

3333. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Certification of Designated Fingerprinting Services [INS No. 1666–94] (RIN: 1115–AD75) received May 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3334. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Continued Rotation and Rotor Locking Tests, and Vibration and Vibration Tests (Federal Aviation Administration) (RIN: 2120–AF57) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3335. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Child Restraint Systems (Federal Aviation Administration) (RIN: 2120–AF52) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3336. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (53)—Amendment No. 396 (Federal Aviation Administration) (RIN: 2120–AF63) (1996–0003) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3337. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tallulah, LA—Docket No. 95–ASW–12 (Federal Aviation Administration) (RIN: 2120–AF66) (1996–0041) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3338. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Las Vegas, NM—Docket No. 95–ASW–311 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0032) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3339. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Dumas, TX—Docket No. 95–ASW–30 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0031) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3340. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Brownfield, TX—Docket No. 95–ASW–29 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0030) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3341. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hobbs, NM—Docket No. 95–ASW–28 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0040) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Deming, NM—Docket No. 95–ASW–27 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0027) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3343. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carlsbad, NM—Docket No. 95–ASW–26 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0039) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3344. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Belen, NM—Docket No. 95–ASW–25 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0038) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Mena, AR—Docket No. 95–ASW–24 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0034) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Galliano LA—Docket No. 95–ASW–23 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0033) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3347. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Marshall, TX—Docket No. 95–ASW–22 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0048) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3348. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Livingston, TX—Docket No. 95–ASW–21 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0047) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3349. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Midlothian-Waxahaclie, TX—Docket No. 95–ASW–19 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0051) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3350. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Reserve, LA—Docket No. 95–ASW–16 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0049) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3351. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gainesville, TX—Docket No. 95–ASW–151 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0044) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3352. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hondo, TX—Docket No. 95–ASW–14 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0043) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3353. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Santa Fe, NM—Docket No. 95–ASW–13 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0042) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3354. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Docket No. 95–NM–172–AD) (RIN: 2120–AA64) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3355. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAe 125 Series 1000A and Model Hawker 1000 Airplanes (Docket No. 95–NM–180–AD) (RIN: 2120–AA64) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3356. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, Model MD–88, and MD–90 Airplanes (Docket No. 95–NM–188–AD) (RIN: 2120–AA64) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3357. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Exemption From Regulation—Boxcar Traffic Filing (STB Ex Parte No. 548) (49 CFR Part 1039) received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3358. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Miscellaneous (RIN: 2900–AI01) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3359. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objective of section 402 of the Trade Act of 1974—received in the United States House of Representatives May 31, 1996, pursuant to 19 U.S.C. 2432(c) and (d) (H. Doc. No. 104–223); to the Committee on Ways and Means and ordered to be printed.

3360. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Trade Act of 1974—received in the United States House of Representatives June 3, 1996, pursuant to 19 U.S.C. 2432(c) and (d) (H. Doc. No. 104–224); to the Committee on Ways and Means and ordered to be printed.

3361. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Removal of Toshiba Sanction Regulations (U.S. Customs Service) (RIN: 1515–AB96) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3362. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Enterprise Zone Facility Bonds (RIN: 1545–AM01) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3363. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 1033.—Involuntary Conversions (Revenue Ruling 96–32) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3364. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Form 5300 Series, Schedule Q (Announcement 96–53) received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3365. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 472.—Last-in, First-out Inventories (Revenue Ruling 96–31) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3366. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Revenue Procedure 96–35) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3367. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to reprogram $0.5 million in fiscal year 1996 funds made available under chapter 6 of Part II of the FAA, as amended for administrative and operations support for the International Customs Observer Mission [ICOM] in Bosnia, pursuant to 22 U.S.C. 2394–1(a) and Public Law 104–107, section 515 (110 Stat. 726); jointly, to the Committees on International Relations and Appropriations.

3368. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to assist in the reform of travel management in the Federal Government; jointly, to the Committees on Government Reform and Oversight and Science.

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. 848. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; with an amendment (Rept. 104–603). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NEUMANN (for himself, Mr. KLUG, Mr. GUNDERSON, Mr. PETRI, Mr. ROTH, and Mr. SENSENBRENNER):

H.R. 3562. A bill to authorize the State of Wisconsin to implement the demonstration project known as ''Wisconsin Works''; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Economic and Educational Opportunities, and 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. SHUSTER (for himself and Mr. OBERSTAR) (both by request):

H.R. 3563. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN (for himself, Mr. BEREUTER, Mr. GEJDENSON, Mr. HYDE, Mr. LIPINSKI, Mr. SOLOMON, Mr. OBERSTAR, Mr. COX, Ms. KAPTUR, Mr. LEACH, Mrs. MALONEY, Mr. ZIMMER, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. BROWNBACK, Ms. LOFGREN, Mr. HOKE, Mr. PALLONE, Mr. QUINN, Mr. HOLDEN, Mr. KIM, Mr. HOSTETTLER, Mr. GALLEGLY, and Mr. KING):

H.R. 3564. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on International Relations, and in addition to the Committee on Rules, 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. MCCOLLUM (for himself, Mr. HYDE, Mr. CUNNINGHAM, Mr. COBLE, Mr. BUYER, Mr. HEINEMAN, and Mr. BRYANT of Tennessee):

H.R. 3565. A bill to amend title 18, United States Code, with respect to juvenile offenders, and for other purposes; to the Committee on the Judiciary, and in addition, to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of Wisconsin:

H.R. 3566. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto Act; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, 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. BEREUTER:

H.R. 3567. A bill to fully capitalize the deposit insurance funds, to provide regulatory relief for insured depository institutions and depository institution holding companies, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CLINGER:

H.R. 3568. A bill to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. COX (for himself, Mr. GILMAN, Mr. SOLOMON, Mr. TORRICELLI, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. BURTON of Indiana, Mr. SCARBOROUGH, Mr. FUNDERBURK, Mr. BROWN of Ohio, Mr. DORNAN, Mr. ROHRABACHER, and Mr. BONO):

H.R. 3569. A bill to provide that most-favored-nation trading status for the People's Republic of China may continue provided that Taiwan is admitted to the World Trade Organization by March 1, 1997; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 3570. A bill to amend the Internal Revenue Code of 1986 to provide that gain on the sale of a principal residence shall be excluded from gross income without regard to the age of the taxpayer or the amount of the gain; to the Committee on Ways and Means.

By Mr. KING:

H.R. 3571. A bill to amend title 18, United States Code, to protect the sanctity of religious communications; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:

H.R. 3572. A bill to designate the bridge on U.S. Route 231 which crosses the Ohio River between Maceo, KY, and Rockport, IN, as the ''William H. Natcher Bridge''; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H.R. 3573. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA:

H.R. 3574. A bill to amend title 5, United States Code, to provide for the termination of any rights that a former spouse may have, in connection with receiving any portion of an annuity of a retired Federal employee, by reason of the remarriage of the former spouse; to the Committee on Government Reform and Oversight.

By Mr. RICHARDSON (for himself and Mr. SKEEN):

H.R. 3575. A bill to amend the Agricultural Market Transition Act to include native pasture for livestock among the list of crops specifically identified as eligible for non-insured crop disaster assistance; to the Committee on Agriculture.

By Mr. ROEMER:

H.R. 3576. A bill to designate the U.S. courthouse located at 401 South Michigan Street in South Bend, IN, as the ''Robert Kurtz Rodibaugh United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. SOLOMON (for himself, Mr. GILMAN, and Mr. COX):

H.R. 3577. A bill to oppose the provision of assistance to the People's Republic of China by any international financial institution; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 713: Mr. FAZIO of California.

H.R. 789: Mr. MCINTOSH.

H.R. 820: Mr. SCHIFF, Mr. BRYANT of Texas, Mr. CAMP, Ms. KAPTUR, Mr. BEILENSON, Mr. BARTON of Texas, Mr. EVANS, Ms. DELAURO, Mr. CHABOT, Mr. BROWN of California, and Mr. HASTINGS of Florida.

H.R. 1046: Ms. BROWN of Florida, Mr. FLAKE, and Mr. RANGEL.

H.R. 1073: Mr. COBLE and Ms. ROYBAL-ALLARD.

H.R. 1074: Ms. ROYBAL-ALLARD.

H.R. 1464: Mr. CAMPBELL.

H.R. 1656: Ms. ROYBAL-ALLARD.

H.R. 1733: Ms. SLAUGHTER.

H.R. 1757: Mr. LAFALCE.

H.R. 1758: Mr. GREEN of Texas.

H.R. 1776: Mr. JOHNSON of South Dakota and Mr. EVERETT.

H.R. 1797: Mr. CUMMINGS.

H.R. 2270: Mrs. SEASTRAND.

H.R. 2566: Mr. WAXMAN.

H.R. 2665: Mr. MANTON.

H.R. 2745: Ms. BROWN of Florida, Ms. MCKINNEY, and Mr. HORN.

H.R. 2748: Mr. HILLIARD, Mr. MINGE, Mr. EVANS, Mr. DURBIN, Mr. OLVER, and Mr. SANDERS.

H.R. 2749: Mr. HASTERT.

H.R. 2779: Mrs. CLAYTON, Ms. SLAUGHTER, and Mr. BARR.

H.R. 2827: Mr. FRELINGHUYSEN.

H.R. 2834: Mr. FLAKE.

H.R. 2849: Mr. HINCHEY and Mr. LAFALCE.

H.R. 2994: Mr. BOUCHER.

H.R. 3078: Mr. FUNDERBURK, Mr. SCHAEFER, and Mr. BOEHNER.

H.R. 3083: Mr. ROMERO-BARCELO.

H.R. 3118: Mr. SAXTON.

H.R. 3178: Mr. GEJDENSON and Mr. JOHNSON of South Dakota.

H.R. 3222: Mrs. CLAYTON and Mr. BEILENSON.

H.R. 3226: Mr. WARD, Mr. GANSKE, Mr. DOOLEY, Ms. RIVERS, Mr. CUMMINGS, and Mr. MANTON.

H.R. 3241: Mr. ROMERO-BARCELO.
H.R. 3246: Mr. DURBIN.
H.R. 3267: Miss COLLINS of Michigan and Mr. MILLER of California.
H.R. 3280: Mr. EVANS, Mr. GEJDENSON, Mr. LEVIN, and Mr. REED.
H.R. 3337: Mr. RANGEL and Mrs. LOWEY.
H.R. 3393: Mr. TALENT.
H.R. 3401: Mr. MILLER of California, Mrs. CLAYTON, Mr. FLAKE, Mr. BOEHLERT, and Ms. DELAURO.
H.R. 3430: Mr. STUPAK and Mr. PETERSON of Minnesota.
H.R. 3445: Mrs. LOWEY and Mr. MANTON.
H.R. 3460: Ms. SLAUGHTER.
H.R. 3521: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRAZER, Mr. CUMMINGS, Mr. FROST, Mr. RANGEL, Mr. MANTON, Mr. PAYNE of New Jersey, Mr. WATTS of Oklahoma, Mr. TOWNS, and Mr. WYNN.
H.R. 3551: Mr. SMITH of New Jersey, Mr. JONES, and Mr. TORRICELLI.
H.R. 3554: Mr. GORDON and Mr. QUILLEN.
H. Con. Res. 10: Mr. WELDON of Pennsylvania.
H. Con. Res. 26: Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. CUMMINGS, and Mrs. KENNELLY.
H. Con. Res. 47: Mr. DOOLITTLE and Mr. QUINN.
H. Con. Res. 51: Mr. TORRICELLI, Mr. BUNNING of Kentucky, and Mr. CUNNINGHAM.
H. Con. Res. 145: Mr. TORRICELLI and Mr. HORN.
H. Con. Res. 156: Mr. COLEMAN.
H. Con. Res. 181: Mr. BONILLA, Mr. JOHNSON of South Dakota, Mr. MINGE, Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. ROSE, Mr. POMEROY, and Mr. STENHOLM.
H. Res. 439: Mr. GUNDERSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 8: Page 95, line 12, insert before the semicolon the following; ", including the murders of Mireille Bertin, Michel Gonzalez, and Jean Hubert Feuille".

H.R. 3540

OFFERED BY: MR. ENGEL

AMENDMENT NO. 9: Page 10, line 24, insert before the period the following. ", of which $6,000,000 shall be for assistance for Kosova".

H.R. 3540

OFFERED BY: MR. FRANK of Massachusetts

AMENDMENT NO. 10: Page 97, line 5, insert the following new section:

PROHIBITION OF IMET ASSISTANCE FOR INDONESIA

SEC. 573. None of the funds appropriated in this Act under the heading "International Military Education and Training" may be made available to the Government of Indonesia.

H.R. 3540

OFFERED BY: MR. HALL of Ohio

AMENDMENT NO. 11: Page 97, line 5, insert the following new section:

PROHIBITION ON USE OF FUNDS FOR PROCUREMENT AND MANUFACTURE OF ANTIPERSONNEL LANDMINES

SEC. 573. None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the Federal official having authority to obligate or expend such funds that such country has used, or is likely to use, any part of such assistance for the procurement or manufacture of antipersonnel landmines.

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 12: Page 7, line 17, before the period insert the following: ": *Provided further,* That, of the amount appropriated under this heading, $140,000,000 should be made available for programs in Africa".

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 13: Page 7, line 21, strike "and chapter 10 of part I".

Page 7, line 22, after "$1,150,000,000" insert "(decreased by $539,300,000)".

Page 9, after line 18, insert the following:

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $539,300,000, to remain available until September 30, 1998.

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 14: Page 22, line 15, insert the following:

(n) The Congress—

(1) finds that the rising number of reports of religious persecutions in Russia is of concern;

(2) urges the Secretary of State to be attentive to this growing problem; and

(3) urges the Government of Russia to eliminate restrictions on religious institutions, such as the restrictions placed on the Jewish Agency for Israel, and to reissue operating licenses allowing such Agency to reopen their offices.

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 15: Page 97, line 5, insert the following:

DEVELOPMENT FUND FOR AFRICA

SEC. 573. For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, to be derived from amounts provided in this Act for "DEVELOPMENT ASSISTANCE", $539,300,000, to remain available until September 30, 1998.

H.R. 3540

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 16: Page 97, line 5, insert the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 573. None of the funds made available in this Act may be used for the School of the Americas.

H.R. 3540

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 17: Page 2, line 25, after the dollar amount, insert the following: "(reduced by $72,600,000)".

H.R. 3540

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 18: Strike Section 518A (page 50, line 3 through page 52, line 20).

H.R. 3540

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 19: Page 3, line 25, after the dollar amount, insert the following: "(reduced by $3,136,000)".

H.R. 3540

OFFERED BY: MR. MICA

AMENDMENT NO. 20: Page 7, line 4, after "$600,000,000" insert "increased by $23,287,500)".

Page 13, line 11, after "$465,750,000" insert "(decreased by $23,287,500)".

H.R. 3540

OFFERED BY: MR. MICA

AMENDMENT NO. 21: Page 11, line 20, after "$1,500,000" insert "(increased by $1,500,000)".

Page 13, line 11, after "$465,750,000" insert "(decreased by $1,500,000)".

H.R. 3540

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 22: Page 17, line 15, after the dollar amount, insert the following: "(reduced by $40,750,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: On page 3, line 25, after the dollar amount, insert the following: "(reduced by $2,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: On page 3, line 25, after the dollar amount, insert the following: "(reduced by $1,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: On page 4, line 25, after the dollar amount, insert the following: "(reduced by $4,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: On page 4, line 25, after the dollar amount, insert the following: "(reduced by $2,000,000)".

H.R. 2540

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $6,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $4,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $3,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $1,525,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $800,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $400,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: On page 27, line 24, after the dollar amount insert the following: "(reduced by $150,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: On page 27, line 24, after the dollar amount insert the following: "(reduced by $50,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: On page 27, line 24, after the dollar amount insert the following: "(reduced by $25,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 36: On page 28, line 1, insert after the colon the following:

''*Provided further,* That up to $20,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any high income country on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students:''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 37: On page 28, line 1, insert after the colon the following:

''*Provided further,* That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, and may also include individuals who are not members of the government:''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 38: On page 28, line 8, after the dollar amount, insert the following: ''(reduced by $60,000,000)''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 39: On page 28, line 8, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 40: On page 29, line 7, strike ''$35,000,000'', and insert ''$27,160,000'', and

On page 29, line 10, strike ''$323,815,000'' and insert ''$251,287,000''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 41: On page 29, line 7, after the dollar amount, insert the following: ''(reduced by $7,840,000)'', and

On page 29, line 10, after the dollar amount, insert the following: ''(reduced by $72,528,000)''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 42: On page 30, line 5, after ''Act:'', insert

Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 43: On page 30, line 5, after ''Act:'', insert:

''*Provided further,* That not more than $50,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States under the Arms Export Control Act to countries other than Israel and Egypt:''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 44: On page 31, line 4, after the colon insert the following:

''*Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency:''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 45: On page 31, strike everything starting on line 19, through, ''loans:'' on line 1, on page 31.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 46: On page 80, lines 15 and 16, strike ''110 percent'' and insert ''1000 percent''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 47: On page 80, lines 15 and 16, strike ''110 percent'', and insert ''500 percent''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 48: On page 81, line 21, strike ''5 percent'' and insert ''20 percent''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 49: On page 81, line 21, strike ''5 percent'' and insert ''15 percent''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 50: On page 81, line 21, strike ''5 percent'', and insert ''10 percent''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 51: On page 82, line 12, strike, ''of up to $25,000,000''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 52: On page 82, line 12, strike ''$25,000,000'' and insert, ''$50,000,000''.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 53: On page 93, strike everything beginning on line 1, through ''training.'' on page 93, line 21.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 54: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Cambodia and Thailand.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 55: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Indonesia.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 56: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Kenya.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 57: On page 97, after line 5, insert:

''SEC. 573. Not more than $50,000,000 of the funds made available under the heading ''Foreign Military Financing Program'' may be made available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 58: On page 97, after line 5, insert:

''SEC. 573. None of the funds made available under the heading ''Foreign Military Financing Program'' may be made available for any country when it is made known to the President that the government of such country has not agreed to the Department of Defense conducting during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign government and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 59: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Austria.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 60: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Finland.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 61: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Malta.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 62: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Portugal.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 63: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Spain.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 64: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Singapore.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 65: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for India.''

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 66: On page 97, after line 5, insert:

''SEC. 573. None of the funds appropriated under the heading ''International Military Education and Training'' may be made available for Bahrain.''

H.R. 3540

OFFERED BY: MR. RADANOVICH

AMENDMENT NO. 67: Page 97, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

''SEC. 573. Not more than $22,000,000 of the funds appropriated in this Act under the heading ''Economic Support Fund'' may be made available to the Government of Turkey, except when it is made known to the Federal official having authority to obligate or expend such funds that the Government of Turkey has (1) joined the United States in acknowledging the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923; and (2) taken all appropriate steps to honor the memory of the victims of the Armenian genocide.

H.R. 3540

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 68: Page 52, strike lines 14 through 20.

H.R. 3540

OFFERED BY: MR. SOUNDER

AMENDMENT NO. 69: Page 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute individuals controlling, supervising, or managing international narcotics cartels or other similar entities and the accomplices of such individuals, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering;

(B) is pursing international anti-drug trafficking initiatives;

(C) is cooperating fully with international efforts at narcotics interdiction; and

(D) is cooperating fully with requests by the United States for assistance in investigations of money-laundering violations and is making progress toward implementation of effective law to prohibit money-laundering.

H.R. 3540

OFFERED BY: MR. SOUDER

AMENDMENT NO. 70: Page 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico, as determined by the Director of the Office of National Drug Control Policy; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

(B) is pursuing international anti-drug trafficking initiatives.

H.R. 3540

OFFERED BY: MR. SOUDER

AMENDMENT NO. 71: Page, 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, unless the President determines and certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute individuals controlling, supervising, or managing international narcotics cartels or other similar entities and the accomplices of such individuals, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering;

(B) is pursuing international anti-drug trafficking initiatives;

(C) is cooperating fully with international efforts at narcotics interdiction; and

(D) is cooperating fully with requests by the United States for assistance in investigations of money-laundering violations and is making progress toward implementation of effective laws to prohibit money-laundering.

H.R. 3540

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 72: Page 97, after line 5, insert the following new section:

ACROSS-THE-BOARD REDUCTION OF AMOUNTS

SEC. 573. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) ''Trade and Development Agency''.

(2) ''Development Assistance''.

(3) ''International Disaster Assistance''.

(4) ''African Development Foundation''.

(5) ''Inter-American Foundation''.

(6) ''Peace Corps''.

(7) ''International Narcotics Control''.

(8) ''Nonproliferation, Anti-Terrorism, Demining and Related Programs''.

(9) ''Contribution to the Asian Development Fund''.

(10) ''Child Survival and Disease Programs Fund''.

H.R. 3540

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 73: Page 85, line 8, insert after ''Funds'' the following: ''(other than funds appropriated in this Act under the heading 'Economic Support Fund')''.

H.R. 3540

OFFERED BY: MS. WATERS

AMENDMENT NO. 74: Page 34, line 12, after the dollar amount, insert the following: ''(reduced by $8,000,000)''.

Page 34, line 24, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 34, after line 24, insert the following:

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $8,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, as authorized by Public Law 103–306, $25,000,000, to remain available until expended.

H.R. 3540

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 75: Page 97, after line 5, insert the following:

PROHIBITION ON DEVELOPMENT OF SHOPPING CENTER NEAR THE FORMER AUSCHWITZ CONCENTRATION CAMP

SEC. 573. It is the sense of the Congress that the Government of Poland should prohibit development of a shopping center within the 500-yard protective zone surrounding the former Auschwitz concentration camp in the town of Osweicim, Poland.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, JUNE 4, 1996 No. 80

Senate

The Senate met at 9:30 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:

Gracious Father, thank You for this time of prayer in which our minds and hearts can be enlarged to receive Your spirit. You are the answer to our deepest need. More than any secondary gift You can give, we long for the primary grace of Yourself offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

In the quiet of this moment we commit all our worries to You. We entrust to You our concerns over the people of our lives. Our desire is to give ourselves to the work of this day with freedom and joy. Give us strength when we are weary, fresh vision when our wells run dry, indefatigable hope when others become discouraged. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, on behalf of the leader, I want to announce that the Senate will be in a period for morning business today until the hour of 10:30 a.m. At 10:30, the Senate will begin 2 hours of debate. That time will be equally divided on the motion to proceed to S. 1635, the Defend America Act.

At 2:15 today there will be a cloture vote on the motion to proceed to S. 1635. If cloture is invoked today, it is hoped that we may begin consideration of the defend America legislation and complete action on that legislation.

As a reminder, the Senate will recess today between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

THE IOWA SESQUICENTENNIAL

Mr. GRASSLEY. Mr. President, today, I begin a series of remarks to celebrate the sesquicentennial of my home State of Iowa. It is my intention to say something on the history of Iowa, building up to the opening of the Smithsonian Institution's Festival of American Folklife on June 26. This year the festival celebrates Iowa.

So, I wish to inform my colleagues that they will shortly be receiving an invitation from the Secretary of the Smithsonian and the Iowa congressional delegation to attend a birthday party for Iowa. We will host the birthday party on June 26 from 6:30 until 8:30 at the Centennial Building of the Smithsonian located next to the Smithsonian Castle. I hope to see many of you as we enjoy cake and ice cream along with the other invited guests, including the President, Vice-President, Cabinet members, Supreme Court Justices, and foreign diplomatic corps. Many Iowa-based businesses will also be there. As a matter of fact, even the Maytag repairman, the loneliest man in town, may be there.

James K. Polk was our President when, on December 28, 1846, Iowa was admitted into the Union as the 29th State. But our history began long before that date. Before the coming of settlers from the East, Iowa was home to almost 17 different tribes of Indians over the years. Tribal names included the Ioway, Sauk, Sioux, Potawatomi, Oto, Missouri, and Mesquaki. The Mesquaki still live in Iowa on the Mesquaki Settlement in Tama County, which is some of the tribe's original land. This is a unique situation because this land is a settlement, not a reservation. It is comprised of land, now approximately 3,200 acres, which the tribe bought and owns outright.

Iowa is a very fertile land, with deep black soil and plentiful water. Little did the French explorers Louis Joliet and Father Jacques Marquette know when they came ashore in eastern Iowa from their Mississippi River travels in 1673 that this patch of land would become a modern-day international agricultural giant. Mr. President, 323 years later, Iowans proudly help to feed the world.

It is interesting to note that since 1880, Iowa has remained No. 1 in pork production in the United States. As Don Muhm, former Des Moines Register agriculture writer and very good friend of mine, writes in his book ''Iowa Pork & People,'' the peak in Iowa hog farms came in 1935, when swine was raised on 185,215 farms in the State. This dropped to 33,000 farms in Iowa in 1993. As I have proudly stated on this floor many times before, 1 in 4 pigs in the United States lives in my home State of Iowa. And 78 percent of this country's grain-fed beef is raised in Iowa. In 1991, Iowa ranked first in the Nation in the production of red meat. Last year, in 1995, Iowa had the honor of ranking No. 1 in the Nation in the production of both corn and soybeans.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The good soil and abundance of good water are key to Iowa's agricultural productivity. There are numerous rivers and streams in the State. While Iowa ranks 30th in the United States by size of population and 23d in terms of size in land area, Iowa ranks 5th in the United States in the number of bridges needed to cross those rivers and streams. There are 24,844 bridges in Iowa.

Getting our products, both agricultural and nonagricultural, to market takes good roads. Iowa has more miles of road than 40 of the other States.

From the time the first official settlement began in Iowa in June 1833 to the present day, Iowans have proven themselves to be an industrious and blessed people. Our history is as rich as our land. We are proud to be Iowans, and we are proud to be Americans. During the upcoming days I will continue my talks on Iowa, hoping to impart to you and to the Nation a small part of something that is almost too big to describe—the Iowa spirit.

The PRESIDING OFFICER. The Senator from Utah, [Mr. HATCH], is now recognized to speak for up to 20 minutes.

The Senator from Utah.

PRESIDENT CLINTON'S CODDLE-A-CONVICTED-CRIMINAL CAMPAIGN

Mr. HATCH. Mr. President, an administration's law enforcement philosophy manifests itself in many ways. I have spoken several times about soft-on-crime Clinton administration judges. President Clinton has been AWOL—absent without leadership—in the war on drugs. After years of declining use the drug problem is on the rise—on President Clinton's watch. Today, I want to speak about the Clinton coddle-a-convicted-criminal program.

The President is responsible for protecting the constitutional rights of convicted criminals incarcerated in State prisons. This is pursuant to the Civil Rights of Institutionalized Persons Act, sometimes called CRIPA, an act that I cast the deciding vote on and was prime cosponsor of, along with Senator Birch Bayh, many years ago, in the 1970's.

Convicted criminals do have some constitutional rights; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration, takes a very liberal view of these rights, and reads the rights of the accused and of convicted criminals more favorably than many of the rest of us.

Mr. President, the Clinton administration has asserted a number of instances where the constitutional rights of some of the most vicious criminals at the Maryland Correctional Adjustment Center, known as Supermax, are allegedly being violated. I cite a letter of Assistant Attorney General for Civil Rights Deval L. Patrick, to Gov. Parris N. Glendening, May 1, 1996. I want to focus on some of these alleged constitutional deprivations, or at least what the Clinton administration calls alleged deprivations of prisoners' rights.

I remind colleagues that Supermax was constructed to house inmates who by their own conduct create public safety justification for removal from traditional correctional facilities. Supermax inmates require close custody and a high level of supervision. Among the inmates at Supermax are 105 murderers, 19 rapists, and those who have histories of escape or attempted escape.

Mr. President, I hope my colleagues and others who are listening pause and brace themselves for the unconstitutional deprivations to which Maryland is allegedly subjecting these murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because ''food is served lukewarm or cold'' to these murderers and rapists. Doesn't your heart just bleed for these murderers and rapists and other criminals? They are getting their food served lukewarm or cold. The Clinton administration makes a Federal case out of it. President Clinton is forcing Maryland taxpayers to defend against this ridiculous constitutional claim. This is the evolving standard of decency in the hands of liberals wielding the vast power of the all-mighty Federal Government. It is an abuse of Federal power on behalf of murderers and rapists; that is, the administration's position in this matter.

If you do not believe me, Mr. President, let me read you the relevant paragraph from page 5 of the Clinton administration's May 1 letter:

> Food served to the prisoners at Supermax is prepared at the penitentiary across the street and brought to Supermax in bulk. At Supermax, the food is placed into individual compartmentalized thermal trays for distribution to the prisoners in their cells. Food placed in the trays is not promptly covered; trays brought to the housing units are not promptly served. As a result, food is served lukewarm or cold. Food must be served at temperatures that conform to accepted health standards.

CRIPA, or the Civil Rights of Institutionalized Persons Act, requires only enforcing the constitutional minimum. Instead, the Clinton administration makes a Federal case out of it, advancing a constitutional right for hardened, convicted murderers and rapists, so vicious and dangerous as to need special supervision, to have their hot food served hot, not lukewarm or cold.

This is nothing but a Clinton coddle-a-convicted-criminal approach. I might say a convicted-vicious-criminal approach. The Clinton administration is forcing the taxpayers of Maryland to pay the cost of responding to its ridiculous demand.

That is not all. The Clinton administration insists that Maryland provide these killers and rapists 1 hour of out-of-cell time daily. At least five times per week, this out-of-cell activity should occur outdoors, weather permitting. Again, from the letter of Mr. Patrick. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Here is how the Clinton administration describes general conditions at Supermax:

> Inmates at Supermax are subjected to extreme social isolation. Inmates are confined to single person cells 24 hours a day, except for a brief period (less than an hour) every 2 to 3 days when they are permitted, one at a time, out of their cells to shower and walk around a dayroom area. Inmates are not permitted outdoors due to staff shortages. Inmates eat all of their meals in their cells. Food trays are passed through a narrow food port in a cell door, solid except for a vision window. Inmates are not allowed to participate in any prison job opportunities or any other prison recreational or educational programs. No recreational equipment is provided. Inmates in adjoining cells can hear but not see each other. The sole opportunity for socialization occurs during the out-of-cell time, when the inmate released from his cell may socialize with other inmates on his block, who are locked behind their cell doors.

They go on to say:

> Supermax' failure to provide sufficient out-of-cell time on a daily basis as well as its failure to provide any opportunity to go outdoors is unconstitutional, especially given the highly restrictive regimen of daily life at Maryland Supermax.

Is it any wonder Supermax inmates are isolated? These prisoners have been removed from traditional maximum security prisons as a result of their own conduct.

But the Clinton administration's heart just bleeds for these hardened, convicted criminals. Pity the inmates at Supermax. Joe the murderer does not have enough time to socialize, schmooz, and compare notes with Harry the murderer and rapists Ben and John. Does your heart not just bleed for these criminals, Mr. President? These model citizens do not get to jump on an exercise bike. So let us sue Maryland. Let us establish a constitutional right for convicted murderers and rapists to socialize with one another. Again, I stress, these are not merely maximum security prisoners. These prisoners at Supermax are the worst people in the Maryland prison system.

It is true that some courts, including the fourth circuit decision the Clinton administration relies upon, have ruled that ''generally a prisoner must be provided some opportunity to exercise'' under the eighth amendment, but that is in general. *Mitchell* v. *Rice,* 954 F.2d 187, 192]. Even the total deprivation of

all exercise does not always violate the cruel and unusual punishment clause. According to the cited fourth circuit precedent, there is no per se rule requiring a minimum of exercise time in all cases. The issue turns on the particular circumstances.

Moreover, the Clinton administration's misleading reading of fourth circuit precedent favorable to the murderers and rapists of Supermax notwithstanding, the Mitchell versus Rice case does not suggest that there is a constitutional right for these prisoners to go out of doors.

Under the circumstances at Supermax; namely, the nature of the dangerous criminals locked up there, and their need for close supervision, the Clinton administration should let Supermax afford these inmates the brief time out of their cells every second or third day that the administration finds constitutionally objectionable. If Maryland correctional authorities want to provide more out of cell time, that should be in their discretion.

And I certainly believe the Clinton administration ought to drop its position that these particular murderers, rapists, and other closely supervised criminals, have a constitutional right to fresh air. Many, if not all, of the murderers in this group are lucky to be breathing indoor air at all, which is more than their victims are doing right now, I might add.

With respect to hot food, out-of-cell exercise time, and access to fresh air, the Clinton administration is seeking extraconstitutional conveniences and comforts for convicted criminals who do not deserve them.

The lesson is this: an administration's crime policies are a web of many factors. They include, for example, the kind of judges a President will appoint. They include the prosecutorial policies of an administration, its outlook on the drug problem and how to combat it. And they include the manner in which the constitutional rights of the accused and of convicted criminals are assessed.

A more liberal administration such as the incumbent administration will wind up, on balance, softer on crime. A conservative administration will be tougher on crime. And a conservative administration will not abuse its power by trying to coerce States into coddling convicted murderers and rapists.

Mr. President, the criminal justice system in this country has not been run very well. We should do everything in our power—the first time people are convicted—for people we really can rehabilitate, whose lives we can change. Rehabilitation is a very important part of this.

But, by gosh, we have no room for coddling these convicted murderers and rapists. We have no room for that. And to have this administration start to demand that they coddle these criminals and file lawsuits against States and have the taxpayers pay for the coddling of criminals—I am not just talking about criminals, but the most hardened criminals in America—I think is not only highly unusual with regard to the way I look at things, and I think most people in this country look at things, but it is typical for some of these more liberal thinkers who basically never blame the criminals for what they do, always blame society for not having helped them enough in these formative years.

The fact of the matter is, there is a word called ''responsibility.'' We have to start requiring people to be responsible in our society even though they may have come from the wrong side of the tracks. Many people grew up on the other side of the tracks, in extremely difficult circumstances, and overcame those circumstances without turning to crime.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair, in its capacity as a Senator from the State of Ohio, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

HEALTH INSURANCE REFORM LEGISLATION

Mr. KENNEDY. Mr. President, the Senate and House of Representatives have an excellent chance to complete action this week on the Health Insurance Reform Act—if Senators and Representatives are willing to put aside partisanship and Presidential politics and act in the public interest.

This legislation is what the American people need and deserve. If it were sent to the President today it would be signed into law tomorrow. But it has been languishing in Congress for several weeks, primarily because some Republicans insist that the bill must also include a highly controversial provision on medical savings accounts.

Senator DOLE has said on several occasions that he would like to achieve final action on this legislation before he leaves the Senate. If Senator DOLE is serious about such action, it is difficult to believe he cannot make it happen. We can break the logjam this week and pass a bill that both Republicans and Democrats can be proud of.

The consensus reforms in this legislation are essential and long overdue. Twenty-five million Americans a year will benefit from its provisions. The legislation eliminates the worst abuses of the current health insurance system. Under the current system, millions of Americans are forced to pass up jobs that would improve their standard of living or offer them greater opportunities, because they are afraid they will lose their health insurance. Many other Americans abandon the goal of starting their own business, because health insurance would be unavailable to them or members of their families. Still other Americans lose their health insurance because they become sick or lose their job or change their job, even when they have paid their insurance premiums for many years.

With each passing year, the pitfalls in private health insurance become more serious. More than half of all insurance policies impose exclusions for preexisting conditions. As a result, insurance is often denied for the very illnesses most likely to require medical care. No matter how faithfully people pay their premiums, they often have to start over again with a new exclusion period if they change jobs or lose their coverage. Some 81 million Americans have illnesses that could subject them to exclusions for preexisting conditions if they lose their current coverage. Sometimes, the exclusions make them completely uninsurable.

The reforms that passed the Senate 100 to 0 last April deal with each of these problems. Insurance companies are limited in their power to impose exclusions for preexisting conditions. No exclusion can last for more than 12 months. Once persons have been covered for 12 months, no new exclusion can be imposed as long as there is no gap in coverage, even if they change their job, lose their job, or change insurance companies.

The bill requires insurers to sell and renew group health policies for all employers who want coverage for their employees. It guarantees renewal of individual policies. It prohibits insurers from denying insurance to those who move from group to individual coverage. It prohibits group health plans for excluding any employee based on health status. Individuals with coverage under a group plan will not be locked into their job for fear they will be denied coverage or face a new exclusion for a preexisting condition.

The bill will also help small businesses provide better and less expensive coverage for their employees. Purchasing cooperatives will enable small groups and individuals to join together to negotiate lower rates. As a result, they can obtain the kind of clout in the marketplace currently available only to large employers.

There is nothing radical or extreme about these provisions. They were included in every proposal, Republican or Democratic, introduced in the last Congress, including Senator DOLE'S, When it became clear in 1994 that President Clinton's comprehensive health reform bill could not be enacted into law, Senator DOLE said that we should simply pass the things we all agree on. As he stated in August 1994 on the floor of the Senate.

> We will be back . . . And you can bet that health care will be near the top of our agenda. There are a lot of plans and some have similarities. Many of us think we ought to take all the common parts of these plans, put then together and pass that bill.

A week later, Senator DOLE described those common parts—provisions to help Americans who cannot afford insurance, who cannot get insurance because of preexisting conditions, or who cannot keep insurance due to a job change.

The bill that Senator KASSEBAUM and I introduced in 1995 followed that suggestion. It included only those reforms that had broad bipartisan support in the last Congress. We agreed to oppose all controversial provisions—even provisions we would support under other circumstances.

With Senator KASSEBAUM'S leadership, the legislation was approved by the Senate Labor and Human Resources Committee by a unanimous vote. By the time it was debated on the Senate floor, it had 66 cosponsors—28 Republicans and 38 Democrats—ranging from the most conservative Members of the Senate to the most liberal.

When the bill was taken up by the full Senate, Senator DOLE and Senator ROTH offered an amendment that had many constructive, noncontroversial provisions which strengthened the bill—fairer tax treatment for small businesses, deductibility for long term care expenses, tax relief for the terminally ill, and provisions to crack down on fraud in Medicare and Medicaid. Senator KASSEBAUM and I welcomed these provisions and accepted them.

But their amendment also included medical savings accounts, a proposal that would kill the bill. Fortunately, the Senate decisively rejected that proposal, and the amended bill, without medical savings accounts, passed the Senate unanimously.

Since then, unfortunately, a major impasse has developed over this issue. If the impasse can be resolved, the bill will pass. If not, the bill will die. Our best chance to resolve the impasse is now—this week. Senator DOLE wants the bill to pass before he leaves the Senate, and other Republicans are unlikely to reject a genuine request for action from their party's leader. Once Senator DOLE is gone, the prospects of ending the impasse are much more bleak.

Reasonable compromises are easily within our grasp on medical savings accounts. It is irresponsible for Republicans to hold the other bipartisan reforms in this bill hostage, if they can't get their way on medical savings accounts.

What happens to this bill is not going to make a difference in the outcome of the 1996 Presidential election. But it will make a difference, a very large difference, to the 25 million Americans who will benefit immensely from these needed health reforms. If we keep our eyes on them—if we keep those deserving families in communities across America uppermost in our minds, this bill will pass.

It is also clear who will get the blame if this bill dies. To kill this entire bill because they can't get all they want on medical savings accounts would be a flagrant and despicable abuse of power by the Republican Party—and the American people should vote accordingly in the elections in November.

SEBASTIAN J. ''BUSTER'' RUGGERI

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to a remarkable man, a brilliant trial attorney, and a dear friend, Sebastian J. ''Buster'' Ruggeri.

Buster is a legend in Greenfield, MA. He was born in 1914, 4 years after his parents arrived in Greenfield from Sicily, and grew up delivering groceries for his family's business. He went on to graduate from Rensselaer Polytechnic Institute in 1936, and Boston University Law School in 1939.

In 1942, after practicing law for several years, Buster joined the Air Force. He spent 3 years as a lawyer in the service, working his way up from private to lieutenant colonel and retiring as head judge advocate for a base of 40,000 service members in India.

After the war, Buster joined the Air Force Reserve squadron based in Greenfield. He became commander of 85 men, retiring as lieutenant colonel after 22 years.

After this outstanding service to the Nation, Buster focused his attentions once again on the private practice of law. He quickly became known as the dean of the county's legal community. He is one of the brightest, most dedicated, and effective trial lawyers in western Massachusetts. His passion and knowledge of the law and his commitment to justice led to a remarkably successful legal career.

Buster's interests extend to many other areas. He is a leading member of the Greenfield and Franklin County Democratic Committees. No Kennedy has ever gone to Franklin County without Buster's advice, assistance, and friendship. He used to hold strategy sessions for my brother during his campaign for President in 1960, and he's been a valuable friend and adviser to me throughout my years in the Senate.

In addition to these commitments, Buster always made time for community service. He is a longtime member of the Lions Club and the Elks Club, and served as deputy director for the Elks. Buster is also a distinguished member of the Veterans of Foreign Wars and the American Legion. His professional achievements also include serving as president of the Massachusetts Trial Lawyers Association and the Franklin County Bar Association.

I congratulate Buster on his remarkable career, and I wish him well as he continues his unique leadership for his profession, his community, and his country. I ask unanimous consent that a recent article on Buster's extraordinary life be printed in the RECORD.

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

A ''COLORFUL PISAN'' IN THE COURTHOUSE

(By Russell G. Haddad)

GREENFIELD.—By all accounts over the past half century observers could usually tell when attorney Sebastian J. ''Buster'' Ruggeri didn't have a strong case.

The demonstrative and gregarious Ruggeri never flinched from a weak hand. He would create a diversion from the facts of a case by waving his hands about and performing some theatrics.

''If he didn't have a strong case he would about at the jury,'' recalled former District Court Judge Allan McGuane could hear him from two floors away,

John A. Barrett, Franklin County's register of probate, recalls a time when Ruggeri had a 2 p.m. appointment in probate court, but called to say he would be late. He showed up 15 minutes late but has spent the previous hours appearing in courts in Boston, Worcester and Springfield before arriving in Franklin County,

It's just this kind of drive that over the years has earned Ruggeri, still practicing full time at 82, a reputation as an energetic trial lawyer who would take cases nobody else wanted.

Ruggeri—considered the dean of the country's legal community—still seems tireless. The self-described ''colorful pisan'' began practicing law in 1939, and seemed to thrive on crisis and providing that he could win despite the odds, his long-time associates say.

''In the courtroom you could feel his presence,'' Barrett said. ''He commanded the attention of everybody.''

Ruggeri, meanwhile, looks back on his legal career and takes pride in never doing anything halfway. He was a general practitioner, researching while, handling divorces, doing worker compensation cases, but also handled criminal cases, as serious as murder, and civil actions

''I was always intense in my practice and tried to treat everyone fairly,'' said Ruggeri.

He said his family nickname—first was used by his parents when they called him for dinner—was always ''Busty'' but became ''Buster'' when Sen. Edward Kennedy call him that years ago.

In his heyday, Ruggeri was known as one of the most imaginative and hardworking trial lawyers in western Massachusetts,

''I could always express myself,'' he said smiling. ''I'm at home being up front.''

His style worked in what Ruggeri describes as his most memorable trial—a 1975 murder case in which he defended Ernest W. Morran. Ruggeri in his closing statement hammered away at the prosecution's case slamming his fist on the jury box.

He ended his remarks reciting a Robert Frost poem to reinforce his argument that police had ignored Morann's version of what happened and arrested the wrong man in Ashfield woods on a snowy night in November 1974.

''Two roads diverged in a yellow wood And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
Two where it bent in the undergrowth.''

As if he were there today, Ruggeri finished:

''Two roads diverged into a wood and I . . .''
''. . . took the one less traveled by,
And that has made all the difference.''

Ruggeri explained that he learned early on in his career that he could sway juries by performing an impassioned plea. He had to convince the jurors that he believed in his client.

''You have become a part of it,'' Ruggeri said. ''I just about live it.''

Attorney John Callahan, who was a Northwest District Attorney from 1970 to 1978 and

faced off against Ruggeri on many occasions, said he was impressed with Ruggeri many, many times.

''He was bright. He was tenacious. He was very effective,'' Callahan said.

He recalled the Morran case, for which he was the prosecuting attorney. He said it stands out as a prime example of Ruggeri's skills and tenacity. Callahan said Ruggeri did an ''unbelievable job'' in cross-examining a pathologist testifying for the prosecutors.

The key to Ruggeri's success was preparation by hiring a pathologist of his own to inspect the evidence and guide him, according to Callahan.

''As far as I'm concerned it was one of the best jobs that Sebastian ever did,'' he said. ''Sebastian could try a case off the top of his head but seldom did when it was a serious matter. As he always did, he gave his heart and soul to the trial as he did with many others.''

Ruggeri was born in 1914, about four years after his parents, Anthony and Rose, moved here from Sicily. His mother and father, who worked for the Boston & Maine railroad in the East Deerfield yards never had any formal education but went on to build a successful grocery business, A. Ruggeri & Sons.

The oldest of four cones—he also has an older sister—Ruggeri later helped in this business delivering groceries. He has fond memories of those times when his mother would give cookies to neighborhood children and the market was a meeting place to talk about politics and the various happenings in town.

''People used to come in and chew the fat for an hour,'' Ruggeri said with a sparkle in his eye.

But above all else, his greatest impression of those days was his father, who opened the store in the 1920's in the basement of their house Deerfield Street house. Ruggeri said his father would work practically all day, yet, have time to instill morals and values in his children.

''I think the world of my Daddy,'' Ruggeri said affectionately. ''Me parents were next to God.''

However, he didn't always move in the direction his father and mother wanted. On graduating from Greenfield High School, Ruggeri attended Rensselaer Polytechnic Institute in 1936, earning a civil engineering degree. While his parents wanted him to become an engineer, he has designs on a legal career and eventually went to Boston University Law School and graduated in 1939.

''I thought engineering would be too quiet,'' the fragile-looking, but strong-willed Ruggeri recalled.

After three years of practicing law, Ruggeri joined the Air Corp in 1942. He spent the subsequent three years in the service, quickly working his way up from private to lieutenant colonel, retiring as head judge advocate for a base of 10,000 men in India.

After the war, he joined the 9286th Air Force Reserve Squadron, based in Greenfield. He later became commander of 85 men, retiring as a lieutenant colonel after 22 years.

A conversation about Ruggeri's military experience tends to get a bit dangerous. He becomes animated, excitedly pacing back and forth and swinging his arms as he tells stories of being in officer cadet school and his travels in India in the shadow of the Himalayan Mountains on the Chinese border.

Reared on local political gossip at the family store, Ruggeri eventually became a leader in the local and state Democratic Party, befriending the Kennedys and on numerous occasions hosting them at this 13-room James Street home.

In his Bank Row offices, photographs of John F. Kennedy and Robert F. Kennedy hang on the walls. A commemorative poster from the 25th anniversary of JFK's assassination is prominently placed in the waiting area just outside Ruggeri's office.

U.S. Sen. Edward M. Kennedy personally signed the poster with a message.

''To Buster—who started with Jack and has stood shoulder to shoulder with all the Kennedy brothers—Ted,'' the proclamation reads.

Kennedy, in a prepared statement, recently called Ruggeri ''great friend and key supporter'' for more than 40 years going back to JFK's first campaign for the U.S. Senate in 1952.

''Ever since, no Kennedy has gone into Franklin County without Buster's advice, assistance and friendship,'' Kennedy said. ''He's made an enormous difference, and I know that Jack and Bob felt the same way.''

Ruggeri, who was one of the guests invited to Rose Kennedy's funeral last year, boasts that JFK's run for the presidency began in his office as strategy sessions to take control of the state Democratic Committee were held there. He said he only asked for one job through his ties with Sen. Kennedy—U.S. ambassador to Italy.

''I speak Italian fluently and everything,'' said Ruggeri, who in recent years has been invited to join the Republican Senatorial Inner Circle. ''I could have fun in Italy.''

Over the years, Ruggeri acquired much downtown property in Greenfield, becoming the largest single landlord in town. His 37 properties include a sizable chunk of Bank Row, part of which is the former First National Bank building. He also owns an empty Federal Street office building as well as several residential properties, the Silver Arrow liquor store on French King Highway and the Ruggeri Shopping Center on Federal Street. He also owns 52 acres on Shelburne Road, which he hopes to sell for possible use as a shopping center.

Ruggeri, who started buying real estate soon after he began practicing law, said at one time the properties were considered a badge of honor. Now many of them are vacant and falling into disrepair and he owes more than $130,000 in back taxes.

At one time the commercial properties downtown, ''had a certain amount of honor to them,'' he said. ''I've got some temporary burden. I'm hoping 1996 will be better for me.''

The life of Franklin County's oldest lawyer has been full of community service. He is a longtime member of the Lions Club and Elks Club, having served as past district deputy for the Elks. He also is a member of the Veterans of Foreign Wars and American Legion organizations. His professional affiliations included being a past president of the Massachusetts Trial Lawyers Association and Franklin County Bar Association. Politically, he is a member of the Greenfield and Franklin County Democratic Committees.

Ruggeri and his wife, Margaret, were married 33 years before she died in 1974. They had five children together—Avis, Margaret, Phyllis, Christine and Paul, who died in a 1982 car crash.

Paul's death still appears to affect Ruggeri as he fondly remembers what his son, and paw partner, meant to him and the firm.

''He was bringing in young clients,'' Ruggeri said. ''My whole plans to turn the office over to him were shot to hell. He had a great future.''

Ruggeri's plans to retire and hand the firm to his son had been dashed, and made him push his career forward.

McGuane, a former state representative, thinks of Ruggeri as a ''remarkable man.'' He said Ruggeri belongs to the old school of being polite and courteous.

''He's honest. A man of his word,'' McGuane said. ''He always gave his client a full day's work for his pay whether win, or lose or draw.''

Over his legal career, Ruggeri said he has had no regrets despite having chances to become a federal judge on several occasions through his association with the Kennedys.

''I always wanted to be a small town lawyer,'' Ruggeri said, ''I had the freedom here.''

Hard work has become his trademark.

And Ruggeri is still going strong. He received a degree in patent law last summer from Franklin Pierce Law Center in Concord, N.H.

EXCELLENCE: A BOYD FAMILY TRADITION

Mr. HOLLINGS. Mr. President, I consider myself to be extremely fortunate to have a staff made up of people who are not only excellent at what they do, but are bright, interesting, and a pleasure to be around. Among them is a young man by the name of Moses Boyd, whose intelligence, determination and inimitable style have been a longtime asset to my office. Apparently, being hardworking and capable are traits that run in his family. I ask unanimous consent to have printed in the RECORD a column that Moses wrote as a tribute to a role model of his. She sounds like an incredible woman.

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

[From the State, Columbia, SC, Mar. 29, 1996]

MIDLANDS VOTING RIGHTS ADVOCATE SALUTED

(By Moses Boyd)

As part of last month's Black History celebrations, we would like to honor a living inspiration who made a significant contribution to the voting rights of many Richland County citizens.

She is Elease Boyd, my mother.

She was born in 1924 in Fairfield County, where she attended public schools. Married at 15, she gave birth to 14 children and enjoyed a loving marriage of more than 55 years until the passing of her husband last year.

While young, she became a Sunday school teacher at Zion Pilgrim Baptist Church. In that position, she instructed church members in reading and writing as well as Bible lessons.

Her interest in voting rights began in the 1950s. She regularly encouraged church members and community residents to register to vote, holding sessions on how to do it.

She persistently communicated her interest to organizations such as the National Association for the Advancement of Colored People. She once accompanied a group to one of Martin Luther King Jr.'s seminars on voting rights.

As a result of her interest, she was appointed in 1967 to the Richland County Board of Voter Registration.

She became the first African-American woman to serve as a registrar in South Carolina. In that role, she worked tirelessly to increase voter registration, particularly among low-income and African-American citizens.

Her service led to appointment as chairman of the board in 1980, making her the first African-American woman to serve in this capacity in South Carolina. She retired as board chairman in 1988.

Colleagues, associates, friends and observers have noted the vital role she played in ensuring voting rights.

She made an enormous contribution to residents of Richland County and South Carolina.

Congratulations, Mama.

FOSTER CHILDREN

Mr. DEWINE. Mr. President, I rise today to talk about an American tragedy. First, Mr. President, too many children in this country are spending the most important formative years in a legal limbo, a legal limbo that denies them their chance to be adopted, that denies them what all children should have: the chance to be loved and cared for by parents.

Second, we are sending many children in this country back to dangerous and abusive homes. We send them back to live with parents who are parents in name only, and to homes that are homes in name only. We send these children back to the custody of people who have already abused and tortured them. We send these children back to be abused, beaten, and, many times, killed.

Mr. President, we are all too familiar with the statistics that demonstrate the tragedy that befalls these children. Every day in America—every day—three children actually die because of abuse and negligent at the hands of their parents or caregivers, over 1,200 children per year.

Mr. President, almost half of these children, almost half of them, are killed after their tragic circumstances have already come to the attention of the local authorities. Tonight, Mr. President, almost 421,000 children will sleep in foster homes. Over a year's time, 659,000 will be in a foster home for at least part of the year.

Shockingly, roughly 43 percent of the children in the foster care system at any one time will languish in foster care longer than 2 years. Mr. President, 10 percent will be in foster care longer than 5 years.

Mr. President, the number of these foster children is rising. From 1986 to 1990, it rose almost 50 percent.

In summary, Mr. President, too many of our children are not finding permanent homes. Too many of them are being hurt, and too many of them are dying.

Mr. President, most Americans have probably heard of the tragedy that befell Elisa Izquierdo in New York City. Her mother used crack when she was pregnant with Elisa. A month before she was born, her half brother, Ruben, and her half sister, Cassie, had been removed from her mother's custody and placed into foster care. They had been neglected, unsupervised, and unfed for long periods of time. In other words, Mr. President, this woman left her children alone and simply did not feed them.

But then, Mr. President, amazingly, the children were sent back to the same woman, and then Elisa was born. When Elisa was born, she tested positive for crack. She was taken from her mother and transferred to her father's custody. Tragically, in 1994, Elisa's father died. Elisa was then 5 years old. The director of Elisa's preschool warned officials about the mother's history of child abuse and drug abuse. Without any further investigation and without ordering any further monitoring of Elisa's home situation, a family court judge transferred Elisa back to her mother.

In March 1995, when Elisa was 6 years old, she was admitted to the hospital with a shoulder fracture—a shoulder fracture, Mr. President. This is a little girl from a household with a history of child abuse, and she shows up at the hospital with a shoulder fracture. What did the hospital do? The hospital sent her back to her mother.

Eight months later, in November 1995, she was battered to death by that same mother. You see, Elisa's mother was convinced that Elisa was possessed by the devil. She wanted to drive out the evil, so she forced Elisa to eat her own feces, mopped the floor with her head, and finally bashed her head against a concrete wall. On November 2, 1995, Elisa was found dead.

Mr. President, this story then was on the front page of the New York Times, and for days after that the story was covered. Millions of Americans were, understandably, shocked. But you know, Mr. President, what shocked me when I read the story, when I heard about it, was that anyone would be shocked at all, because the horrible truth is that while this horrible tragedy captured the attention of the country, the sad fact is that atrocities such as this are happening against children every single day in this country. Children are being reunited with brutal abusers. They are abused again and again, and, yes, sometimes they are killed.

Here is another story. A Chicago woman had a lengthy history of mental illness. She ate batteries, she ate coat hangers, and she drank Drano. She stuck pop cans and light bulbs into herself. Twice she had to have surgery to have foreign objects removed from her body. Then when she was pregnant, she denied that the baby was hers. While pregnant, she set herself on fire. That is her idea of what being a parent is all about. On three occasions, her children were taken away from her by the department of children and family services, known as DCFS.

One of her children was named Joseph. Joseph's second foster mother—keep in mind that this was a child that was being pushed back and forth between foster homes, back and forth with his mother. Joseph's second foster mother reported to the DCFS officials that every time Joseph came back from visiting his mother, he had bruises. Yet, in 1993, all the children were returned to this mother—one last time.

A month later, in April 1993, this mother hanged Joseph; she hanged her little boy. She hanged her 3-year-old son. Her comment to the police was, ''I just killed my child. I hung him.'' She stood him up on a chair and said, ''bye.'' He said, ''bye.'' Then he waved. And she pushed the chair away. She hanged this little boy.

Mr. President, what kind of a person does something like that to a child? She told a policeman, ''DCFS was'' blankety-blank ''with me.''

Mr. President, why on Earth would anyone think we should keep trying to reunite that family?

Another example. Last year in Brooklyn, NY, there were allegations that baby Cecia Williams and her three older siblings had been abandoned by their mother. As a result, they were temporarily removed from their mother's custody. It turned out they had not been abandoned by the mother. She had actually placed them in the care of an uncle, and he had abandoned the children.

Later, Cecia and the other children were sent back home. Last month, after they were sent back home in New York, Cecia Williams died after being battered, bruised, and, possibly, sexually abused. Her mother and her boyfriend have been charged with the crime.

Cecia was 9 months old. Cecia is dead today—a victim of blunt blows to her torso, and lacerations to her liver and small intestinal area.

Another example. A young boy in New Jersey named Quintin McKenzie was admitted to a Newark hospital after a severe beating, for which his father was arrested. Quintin was placed in foster care. But when the charges were dropped, he was sent back to that family. In 1988, Quintin was 3½ years old when his mother killed him. She plunged him into scalding water because he had soiled his diapers.

In Franklin County, OH, the local children services agency, in another case, was trying to help Kim Chandler deal with her children—7-year-old Quiana, 4-year-old Quincy, and 1-month-old Erica. In July 1992, they closed the case on her. On September 24, 1992, all three children were shot dead, and Kim Chandler was charged with the crime.

In Rushville, OH, in March 1989, 4-year-old Christopher Engle died when his father dumped scalding water on him.

Mr. President, we could go on and on and on. Tragically, there is not a Member of the Senate who could not cite examples from his or her own State of these tragedies. I could multiply example after example of households like these—households that look like families but are not, Mr. President; people who look like parents, but who are not; people who never, never should be allowed to be alone with any child. I do intend, in the months ahead, to discuss many of these stories on this floor, Mr. President.

Why are atrocities like this happening? There are many factors contributing to this problem. In many cases, the abuse is caused by parents who were themselves abused as children. In other cases, the parent is deeply disturbed or

mentally ill. Often, the parent is a teenager, who is emotionally unprepared for the responsibility of raising a child.

All of these factors were present in earlier generations. What is different today is that too many of the young parents have no role models of good parenting. They did not have good parents themselves, so they have no idea how to be parents for their own children.

Another major problem, Mr. President, is the decline of the extended family, the support system that used to do so much to make sure children were taken care of. In many cases, it just does not exist today.

Add to all of this the relatively new phenomenon of crack. Since the late 1980's, we have seen an explosion of this new form of cocaine that is readily available, is cheap, and explosively addictive. Crack is so addictive that mothers have sold their children so they can get more of it. Someone said, when talking about crack, that crack is the only thing that has ever been invented by man that will cause a mother to behave not like a mother and abandon all the natural instincts that she might have—to leave that child, sell that child, to abuse that child.

Mr. President, put all these factors together and we have a major social problem on our hands. Now, we ask social workers to try to patch up the wounded. But the social workers are underpaid and overworked. When I was an assistant county prosecutor over 20 years ago, and then when I was the county prosecutor in Greene County, OH, I worked closely with these dedicated, hard-working social welfare professionals. I have great respect and admiration for them. They are literally at the front line of our efforts to save children. We expect the impossible from them and, frankly, do not give them all the tools and resources they need to do their jobs. Often, the only options they have, and the only choices they have for these children, are all bad—no good options, no good choices.

Many times, our social welfare agencies are simply overwhelmed. Some experts say that the social worker handling children ought to handle no more than 15 or 20 cases at a time. But the truth is that we have social workers today handling 50, 60, 70 cases. They do not have enough time or enough resources to solve the problems these kids have.

In summary, Mr. President, there are many causes for the tragedies I have discussed. Further, there are many things that must change, many things that we can do to help these children.

There are many things we can do, Mr. President, to lessen the time it takes for children to be adopted, and to lessen the time these poor kids have to spend in the legal limbo of the system. Further, there are many things we can do to lessen the odds of tragedies like the cases of Elisa Izquierdo and Joseph Wallace.

Mr. President, I intend to keep working to find solutions to these problems, recognizing that their causes are multiple—and that to solve them, we must do many things.

But today, I would like to focus on one of the causes of these tragedies, one that most people have not heard about. It is the unintended consequence of a small part of a law passed by the U.S. Congress.

In 1980, Congress passed the Adoption Assistance and Child Welfare Act—known as CWA. The Child Welfare Act has done a great deal of good. It increased the resources available to struggling families. It increased the supervision of children in the foster care system. And it gave financial support to people to encourage them to adopt children with special needs.

But while the law has done a great deal of good, many experts are coming to believe that this law has actually had some bad unintended consequences.

Under the CWA, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide:

> . . . that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.

In other words, Mr. President, no matter what the particular circumstances of a household may be—the State must make reasonable efforts to keep it together, and to put it back together if it falls apart.

What constitutes ''reasonable efforts''? Here is where maybe we have part of the problem.

This has not been defined by Congress. Nor has it been defined by HHS.

This failure to define what constitutes ''reasonable efforts'' has had a very important—and very damaging—practical result. There is strong evidence to suggest that in the absence of a definition, reasonable efforts have become—in some cases—extraordinary efforts. Efforts to keep families together at all costs.

Mr. President, much of the national attention on the case of Elisa Izquierdo has focused on the many ways the social welfare agencies dropped the ball. It has been said that there were numerous points in the story when some agency could have and should have intervened to remove Elisa and her siblings from her mother's custody.

I am not going to revisit that ground. Rather, my point is a broader one: Should our Federal law really push the envelope, so that extraordinary efforts are made to keep that family together—efforts that any of us in this Chamber or anyone listening would not consider reasonable?

Throughout human history, the family has been recognized as the bedrock of civilization. The family is where values are transmitted. It is where children learn behavior—develop their character—and form their personality.

Over the last couple of years, a remarkable convergence has occurred in American social thought. Liberals and conservatives are now in near-total agreement on the need to strengthen the family as an institution. Without stronger families, it will be impossible to avoid a social explosion in which troubled children turn into dysfunctional adults on a massive scale.

But what we are confronting in the terrible stories I have just recounted are not families. They are households that look like families—but are not.

If you look inside one of these households, you see some children. And you see some people who—superficially, at least—resemble parents. But this is not what you and I and most Americans mean when we talk about families.

In this type of family when we have heard the horror stories, the children are beaten and abused and neglected. Mr. President, what do we, as a society, do about these households—these households that are not families?

By 1980, the child welfare system in this country had come under some pretty strong criticism. That is why we have the bill. After many hearings, Congress concluded that abused and neglected children too often were unnecessarily removed from their parents—and very significantly that insufficient resources were devoted to the commendable task of preserving and reuniting families—and that children not able to return to their parents often drifted in foster care without ever finding a permanent home.

That is how the CWA came to be enacted. The phenomenon known as foster care drift—children who get lost in a child welfare system that cannot or will not find them a permanent home—simply had to be faced and reversed.

Let me interject at this point, Mr. President, that I had substantial experience on this issue before the passage of the CWA legislation in 1980. As long ago as 1973, I was serving as an assistant county prosecutor in Greene County, OH, and one of my duties was to represent the Greene County Children Services in cases where children were going to be removed from their parents' custody.

I saw first hand that too many of these cases dragged on forever. The children end up getting trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home, for years and years and years.

Congress enacted the CWA to try to solve this very real problem. There were good reasons for the CWA, and the CWA has done a lot of good. There are some families that need a little help if they are going to stay together, and it is right for us to help them. Not only is it right—it is also clearly in the best interests of the child to reunite families when we can.

Mr. President, I ask unanimous consent for 5 additional minutes, and I apologize to my colleague.

Mr. EXON. Reserving the right to object, I would like to see what the parliamentary procedure is and ask the Chair to make a ruling. I have 15 minutes that was assigned to me under the original schedule, and also Senator LEAHY. The time is about up. I would not object to the request from the Senator so he can finish his remarks so long as the same procedure would be afforded to this Senator after he has finished his presentation.

The PRESIDING OFFICER. Is their objection to the Senator's request?

Hearing none, it is so ordered.

Mr. DEWINE. I thank my colleague. Again I apologize for taking his time and the Senate's time. But I would like to complete. It should not take any more than just a few more moments.

We should not be in the position of taking children away just because the parents are too poor—or just because there is a problem in the family. If the problem can be fixed, we must try to keep the family together for the children's benefit. It is just that at some point, when it comes to cases of child abuse and child neglect, we have to step in and say: ''Enough is enough. The child comes first.''

And that is where we are now, in a lot of cases. Fifteen years after the passage of the CWA, I think we need to revisit this issue, and see how the system is working in practice.

I believe we need to reemphasize what all of us agree on—the fact that the child ought to come first. We have to make the best interests of the child our top national priority.

In many of the cases we have looked at, it looks like the CWA has been not been correctly interpreted. At least that is the way it appears. Try to imagine what the authors of the CWA—the people who stood on this Senate floor and the House floor in 1979 and 1980—what would they have said if they had been asked: ''Should Joseph Wallace be sent back to his mother? Should this little Joseph, this little boy, be sent back?''

I cannot believe that anyone would say he should have been sent back. And I cannot believe that it was the authors' intent that it would take place. I cannot believe that they would say, ''In that case, and in every case, the child must be reunited with the adult at all costs.''

No, I don't think so.

Reasonable people agree, Mr. President, on one point: Nothing—nothing—should take precedence over the best interests of the child. It is common sense. And I think we need to make sure the CWA is interpreted consistently—and correctly—to reflect that common sense.

It is my hope that an important new book will spark the national debate that America need to have on this issue. The book is called ''The Book of David: How Preserving Families Can Cost Children's Lives,'' by Richard J. Gelles.

Dr. Gelles is the director of the Family Violence Research Program at the University of Rhode Island. For years, Dr. Gelles thought children should be permanently removed from their homes only as a last resort, even if it meant that the children may spend years moving back and forth between birth homes and foster homes. He now says—and I quote:

> It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk.

He believes that the system is weighted too far toward giving the mother and father chance after chance after chance to put their life in order—putting the adults first, rather than putting the children first.

Even some social-work professionals will tell you how true this is. Krista Grevious, a Kentucky social worker with 21 years of experience, says:

> I think it's probably one of the most dangerous things we have ever done for children.

Patrick Murphy is the court-appointed lawyer for abused children in Cook County, Il. He says:

> Increasingly, people in this business do not look at things from the point of view of the child. But the child is the defenseless party here. We've forgotten that.

In 1993, Murphy published an article in the New York Times that put the problem in historical context. I quote from his article:

> The family preservation system is a continuation of sloppy thinking of the 1960's and 1970's that holds, as an unquestionable truth, that society should never blame a victim. Of course, the children are not considered the victims here. Rather the abusive parents are considered victims of poverty and addiction. This attitude is not only patronizing, it endangers children.

Marcia Robinson Lowry, head of the Children's Rights Project at the American Civil Liberties Union, sums it up. She says:

> We've oversold the fact that all families can be saved. All families can't be saved.

Mr. President, let me make this absolutely clear. I think there is nothing wrong with giving parents another chance. But we have to make sure the child comes first. Is that child going to get a second chance at growing up? A second chance to be 4 years old—the age when a personality is already fundamentally shaped?

Jann Heffner, the director of the Dave Thomas Foundation for Adoption, has a useful way of looking at this problem—the concept of ''kid days.'' When you are 3 years old, 1 month of experience does a lot to the formation of your personality. It is not a month that can be taken for granted, or treated as routine.

One helpful way of looking at it is this: If you are 50 years old, 1 year is 2 percent of your life. If you are 3 years old, 1 year is one-third of your life.

There is some important psychological activity going on with these children. And every day—every hour—really counts. Lynne Gallagher, director of the Arizona Governor's Office for Children, says:

> It's as though these people think we can put the kids in the deep freeze for awhile * * * and then pull them out when the parents are ready to parent.

We all know how crucial those formative years can be.

Let me return to the work of Dr. Gelles. He says:

> It is time to face up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children.

He advocates changes in Federal laws to protect children. He also thinks that child-protection officials should move to terminate parental rights sooner, thus freeing children for adoption.

I think the time is ripe for these changes. In New York City, Mayor Giuliani has pledged to shift the city's priorities away from family preservation—and toward protecting children from harm.

But we need to examine how much of the problem we face is a consequence of Federal law—the lack of precision of the CWA legislation back in 1980. And this is truly a national problem that needs a national response. According to the National Committee to Prevent Child Abuse, child abuse fatalities have increased by 40 percent between 1985 and 1995.

I think there is something the U.S. Congress should do about that. I think we should make it absolutely clear that the best interests of the child are the primary concern of social policy.

We need to examine, Mr. President, whether in fact the 1980 Child Welfare Act has been misinterpreted—and whether we need to clarify it so there can be no misunderstanding of Congress' intent. While family reunification is a laudable goal, and should usually be attempted, the best interests of the child should always come first. This, Mr. President, was the intention of the drafters of the 1980 law. Congress should reaffirm this—by making whatever clarification is necessary in the law.

To the extent that the 1980 law has been imprecise, ambiguous, and unclear, or just misinterpreted, it has contributed to the syndrome in which children move from child abuse to foster home to child abuse. It is time for us to break this cycle—to help children escape their abusers and find a permanent home before they have suffered absolutely irreparable physical and emotional damage.

If we make explicit our commitment to putting the best interests of the child first, in almost all cases that will mean family reunification. The best interests of the child are almost always served by reuniting and preserving families. But in the cases where family reunification is not in the best interest of the child, in those cases we must protect the child. Federal law must be clearly on the side of the child.

I intend to introduce—in the near future—legislation that will clarify once

and for all the intent of Congress on this issue. Congress should stand with the highest values of the American people. And the mind and heart of America are crystal clear on this issue: The children come first.

When they do not, we, as a society, as Americans, have every right to become outraged, to get mad—and demand change.

I simply conclude by saying we need to look at the best interests of the child. We need to reexamine this law. We need to look at how it is actually working.

I understand that this may be an uphill battle, that there is a reluctance to revisit this. But I think we should revisit it. I think we should look at it, keeping in mind only one thing, what really is in the best interests of children.

I ask unanimous consent that four articles on this subject be printed in the RECORD.

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

[From the Baltimore Sun, Dec. 4, 1995]

TINY COFFINS

(By Mona Charen)

WASHINGTON.—The death of 6-year-old Elisa Izquierdo, allegedly at the hands of her mother, has touched New York as few such cases do. Her funeral was attended by the city's mayor, the state's lieutenant governor and hundreds of mourners who didn't even know her.

It mystifies me that some cases of child abuse receive extravagant attention and evoke the tears and guilty questions they ought to arouse. Thousands of others are ignored, their funerals sparsely attended, their files closed, and we never ask how this is possible in a country that calls itself civilized. According to Richard Gelles of the University of Rhode Island, between 1,200 and 1,400 children are killed by their parents or caretakers every year in America. At least half are known to social-service agencies before they die.

Elisa Izquierdo had been tormented for a very long time. When she died from a severe beating, her body bore old scars of scores of other injuries. Neighbors recalled hearing her scream in pain and beg her mother not to hurt her. Her cousin, who had sued for custody, revealed that the mother had, among other tortures, forced the child to eat her own feces.

The number of New Yorkers who knew of Elisa's suffering but did nothing is astounding. She was being seen regularly by social-service workers at her kindergarten. She was known to the city's Child Welfare Administration and to a private agency that intervenes in troubled families.

Social service agencies nationwide complain that they are impossibly overburdened. ''There are people who have 40 cases,'' complained a caseworker to the New York Times. ''They don't have time to go back and make second visits.'' Budget cuts have made it even harder to do their jobs.

Who else can intervene?

Though I am generally opposed to bureaucracy, preventing child abuse is an exception. Who else but the government can intervene to protect these children? The number of children in foster care is increasing dramatically, from 434,000 in 1982 to more than 600,000 today. According to the American Public Welfare Association, 70 percent of those kids enter the system because of abuse, neglect or ''parental conditions'' including drug abuse. In the District of Columbia, social workers don't have enough cars or fax machines to keep abreast of their caseloads. If child protective agencies need more money, they should have it.

But the heart of the problem is not money; it is philosophy. Most social-service agencies pursue the goal of ''family preservation.'' Federal money is tied to state efforts to keep biological families together. Children, once removed from abusive homes, are returned again and again. Social workers see their jobs as the provision of ''services'' to parents who abuse their children. In one case the parents of 10 children were hurting some of them. The Child Welfare Administration assigned them a full-time housekeeper, lamenting only that budget cuts forced them to withdraw her after a year or so.

Unless social-service agencies nationwide can stiffen their spines, stop thinking of the abusing parents as the victims and focus on terminating parental rights in cases of abuse and neglect, this plague of tiny coffins will continue. There are thousands of would-be adoptive couples ready to provide loving homes for kids who have been abused. Yet the system frustrates them at every turn.

[From the Tampa Tribune, Apr. 21, 1996]

TAKE CHILDREN OUT OF HARM'S WAY

(By Joan Beck)

Every day at least three children in America die—killed by their parents or caretakers. Often they are also the victims of efforts by child protection agencies to keep families together, whatever the risks.

Such a child was David Edwards, dead at the age of 15 months, whose mother, Darlene, 23, called 911 one morning to say her son wasn't breathing. Paramedics arrived quickly and immediately began CPR, inserting a breathing tube into his throat and rhythmically compressing his chest in hopes of keeping blood flowing to his brain.

Continuing CPR, the paramedics rushed David to a Rhode Island hospital, where further efforts at resuscitation were futile. An autopsy showed signs of repeated child abuse and suffocation. Investigators found that after David's father, Donald, had left for work, Darlene, who had been working as a prostitute out of their apartment, had entertained a ''trick.'' To keep David quiet, she forcibly held him down and suffocated him.

What's chilling is that David was known to be at deadly risk. His parents had earlier lost custody of David's older sister, Marie, because of severe abuse. The state child protective agency had been called twice about David. His father had raged at the caseworker when she tried to check on the child. But the casework plan had been to keep the family together.

Questioned after David's funeral, attended only by his grandparents and a state investigator, Darlene was charged with murder. She pleaded guilty to manslaughter and was sentenced to four years in prison, followed by a long probation.

There's nothing new about David's story. Similar tragedies are old stuff in big-city newspapers and on TV stations. Only the names of the children are different.

But David shouldn't have died, insists Richard J. Gelles, director of the family violence research program at the University of Rhode Island. Contributing to David's death, he says, are the laws, casework philosophy and public sentiments that keep emphasizing the rights of biological parents and the goal of family preservation.

Like David, more than half of the annual toll of 1,200 children killed by parents or caretakers were already known by state or local child protection agencies to be in danger. Their deaths are heartbreaking evidence that current policies and services are failing and must be changed.

But the answers don't come easy. The problems are overwhelming the system and getting worse, as dysfunctional families and single-parent homes increase, drug abuse grows and state agencies are dangerously pinched for resources. In his new book, ''The Book of David'' (subtitled ''How Preserving Families Can Cost children's Lives''), Gelles points out the worrisome realities. State and local child protection agencies get almost 3 million reports of abuse and neglect every year; about 38 percent are substantiated. Many charges are dismissed—in part because some child abuse and neglect can be difficult to detect.

The caseworkers who must make the life-and-death decisions about which children are actually in danger and how to help them, Gelles says, are typically in their 20s—liberal-arts majors with about 20 hours of training. Part of that training is how to fill out paperwork, and some of it emphasizes keeping families together.

But family preservation, however appealing its philosophy and goals, has been dangerously oversold as an answer to child abuse and neglect, Gelles insists—and as cost savings for taxpayers.

He urges that the rights of abusing parents be terminated much faster—after no more than a year, for example, for those with drug or alcohol problems who are not making good progress in rehabilitation. He would also end parental rights quickly in cases like David's in which abusing parents have already lost custody of another youngster.

Gelles concedes that the foster-care system is overwhelmed with the needs of all the children who should be placed out of their homes for their own safety. But his other solutions only nibble away at the problem.

Making endangered children available for adoption at the youngest ages possible gives them the best shot they can have at a safe and benign childhood, Gelles points out. Adoptive parents are easiest to find for babies and toddlers, before a youngster has been permanently damaged emotionally or physically by abuse.

Even David's sister was eventually adopted, although she was permanently disabled by her parents' abuse. New parents could easily have been found for David had the rights of his biological parents been terminated, Gelles points out.

Gelles also recommends setting up more small residential group homes. He says this setting gives a child the chance to make the long-term attachment to a caring adult that is psychologically essential, although he does not recommend such homes for youngsters under age 3.

Most important, every kind of help for abused children must put their safety first, Gelles insists, even at the expense of the rights of biological parents or the benign-sounding goals of family preservation.

Better solutions to problems of poverty, unemployment, dangerous neighborhoods, drugs, teen pregnancy, crime and poor schools would also help, Gelles agrees, in hopes of reducing abuse and neglect. Better welfare policies could help families ''where the overriding problems are those of poverty rather than inflicted injury or sexual abuse.''

Gelles knows there is no single answer to problems of child abuse. He acknowledges that family preservation efforts do help in some instances, that foster care sometimes fails, that money and public patience run out. But he has done a public service with his insistence that we make the well-being of children the center of our welfare and protection policies—in ways that we don't now.

[From the Washington Post, May 12, 1996]

ADOPT A SENSE OF OUTRAGE

(By Mary McGrory)

After Sister Josephine finished her wrathful remarks about abused children at the spring adoption seminar in a Washington law office, the chairman, former Pennsylvania governor Robert P. Casey, spoke in praise of outrage.

''If you don't have a sense of outrage as a politician, you are not worth a damn. If you have lost it, get out of politics.''

He is quite right. Sister Josephine Murphy of the Daughters of Charity told of the grossly abused babies who pass through her hands at St. Ann's Infant and Maternity Home in Hyattsville, where she is the administrator. I add, in the interests of full disclosure, that I am a friend and fan of hers and awestruck at her competence. I believe she could run the Defense Department. I am familiar with her views on what she regards as the uneven contest between women and children—she notes with asperity the hullabaloo over rape in contrast to the relatively mild sentences for infanticide.

She described graphically the sufferings of the abused, abandoned and neglected; infants who have been burned at an open fire; children raped and assaulted—and sent back to their abusive homes by judges who don't care to know what is happening. She told of a 7-year-old boy who reproached her for sending him home. He warned her that when he grew up he was going to ''go out and kill my mother's boyfriend.'' She had a warning too. ''The money we don't spend protecting children we will have to spend on jails.''

The Family Reunification and Preservation Act is the cause of these grotesque practices. The body count of children abused to death in 1995 was 1,271, according to the National Committee to Prevent Child Abuse. Yet in the much-praised adoption reform bills being pushed through Congress in time for Mother's Day, no mention is made of this.

The law's folly—requiring social workers to make ''reasonable efforts'' to send a child back to abusive parents—was remarked upon at the seminar by William Pierce, president of the National Council for Adoption. Imagine, he said, if a wife-batterer were brought into court and the judge ordered the wife to return to him while he tried to straighten out.

The pendulum has begun to swing the other way, Casey says. Some states have passed laws requiring delinquent parents to improve within a year—or forego their parental rights.

Why don't politicians seize on this deadly danger to children? Well, it could be dangerous to them. Douglas Besharov of the American Enterprise Institute, a leading authority on child welfare, points out the political trickiness of revising the statute. ''Don't forget,'' he says, ''that six years ago David Dinkins ran for mayor of New York against [Ed] Koch on a charge that he was taking too many black kids away from their families.''

Maybe that is why today's mayor, Rudy Giuliani, one of the most astute politicians in the country, is avoiding the issue in the most notorious (and still reverberating) child-abuse horror: the murder of 6-year old Elisa Izquierdo by her mother. Giuliani has created a new child welfare agency and a review panel that issued a voluminous report and suspended two employees involved in the case. But he never came to grips with the crime in the courtroom.

Elisa had been in the care of her adoring father. When he died, his sister, Elisa's aunt, applied for custody. But under the Family Reunification Act, the judge gave Elisa into the care of her mad mother. Given that the numerous social workers involved should have been more watchful and more demanding, the mayor should have realized that the tragedy began with the custody award.

Beshasrov, who served on the mayor's commission, says the terrible irony is that the judge who made the decision had had Elisa's mother before her when the first custody choice was made. She apparently forgot all about it—and had no lawyer or clerk to remind her, thereby sentencing Elisa to beatings and tortures and eventual death.

Too bad Giuliani didn't read ''The Book of David,'' also a true-life tale, by Richard Gelles of the Family Violence Research Program of the University of Rhode Island. Gelles, author of 20 books about child welfare, is currently in Washington, working for Sen. Fred Thompson (R–Tenn) on adoption laws. David, 15 months old, died at the hands of his mother, a part-time prostitute. It was avoidable. His mother had also abused David's older sister, almost to death. Gelles shows the tension in social workers who must work under warring mandates: investigating abusive parents while drawing up plans to reunite them with their endangered children.

The policy, Gelles says, comes of ''a persistent unwillingness to put children first.'' It is also the unwillingness of public men to break shibboleths. We as a nation, profess to believe that all mothers are like Whistler's and that a ''family'' can consist of one female, a drug addict and a ''home,'' a drug den. As Casey says, outrage is needed.

[From the Weekly Standard, May 27, 1996]

TWO WORDS THAT KILL

(By Richard J. Gelles)

What if, by changing two words in a federal law, you could prevent the deaths of hundreds of children each year and also prevent tens or even hundreds of thousands of abused children from being victimized again and again?

For 16 years, child welfare policies have been guided by two words: ''reasonable efforts.'' One of the cornerstones of the Adoption Assistance and Child Welfare Act of 1980 (PL 96–272) was the mandate that states make ''reasonable efforts'' to keep or reunite abused and neglected children with their biological parents. This provision was designed to reduce the number of maltreated children placed in foster care. Although reducing the cost of out-of-home placement was certainly a factor behind the reasonable-efforts provision, the major rationale for these two words was the deep-seated belief that children do best when raised by their biological parents and that parents will stop maltreating their children if they are provided with sufficient personal, social and economic resources.

There was bipartisan support for the doctrine of reasonable efforts. Conservatives supported it because it was consistent with a family-values approach to social policy. Liberals supported it because it was in the best tradition of the safety net for children and families in need. Child advocates enthusiastically embraced ''reasonable efforts'' because they saw taking children from abusive parents as even more harmful than the abuse, because they felt there was subtle racism in the child welfare system that made minority children more likely to be placed in foster care, and because ''reasonable efforts'' created a new funding stream for a social service system whose funding, in the 1980s, was being restricted or cut.

Soon after the adoption of the doctrine of reasonable efforts, family-preservation programs were developed. These provide intensive services, such as parent education, help with housekeeping, and assistance dealing with the bureaucracy, to families deemed at risk of having their children removed. Financially supported and marketed by private foundations such as the Edna McConnell Clark Foundation, embraced by the Children's Defense Fund and the Child Welfare League of America, and ultimately the recipient of $1 billion of federal support, intensive family-preservation programs are touted as able to both preserve families and protect children.

But reasonable efforts and intensive family preservation have been a false promise. Child-welfare-agency directors and workers believe that family preservation and child safety can be balanced. Because they believe family-preservation programs are effective, child welfare agencies and workers often make every possible effort to preserve families, even when what they are preserving could hardly be called a family and even when there is no evidence that the parents can or will change their abusive behavior. There have been nearly a dozen scientifically reputable evaluations of intensive family-preservation programs and not one has found that such programs reduce costs, reduce out-of-home placements, or improve child safety. Similarly, research finds that children need a stable, giving caretaker, not necessary a biological caretaker.

It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk. More than 1,200 children are killed by their parents or caretakers such year, and nearly half of these children are killed after they or their parents have come to the attention of child welfare agencies. Tens of thousands, if not hundreds of thousands, of children are re-abused each year after they or their parents have been identified by child welfare agencies.

It is time to replace the words ''reasonable efforts'' with two others: ''child safety.'' It is time to fact up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children. Of course, the change will be a bit difficult than merely substituting two words. There will be howls of protest from advocates who will claim that abolishing ''reasonable efforts'' means that more children will be placed in foster care, thus straining already over-taxed state child welfare budgets. Claims that children are abused or harmed by foster care will also be trotted out, typically without actual research to support such claims. Indeed, some children are harmed in foster care, but research does show that abused children placed out of the home do better in the short and long runs than children left with abusive and neglectful parents. Advocates will also argue that child welfare policy should not be based on child fatalities, because such fatalities are rare. Well, child fatalities are not rare enough. Elisa Izquierdo in New York City, Joseph Wallace in Chicago, and hundreds of other less publicized child fatalities were the direct results of unreasonable efforts to keep children with their abusive biological caretakers. A change in two words will force child welfare agencies to take steps to enhance and speed up adoptions and to consider the use of congregate care facilities (or what some have called ''orphanages'') for some children who have no other safe permanent home.

The 1995 report on child fatalities by the U.S. Advisory Board on Child Abuse and Neglect was dedicated to children killed by parents or caretakers and concluded with a recommendation that all child and family programs make child safety a ''major priority.'' Changing two words in welfare reform legislation now before Congress would go a long way toward achieving that goal.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever time beyond the hour of 10:30 is taken in morning business be added on to the period of time for debate so that, on the Missile Defense Act, there is still a total of 2 hours equally divided between the two sides.

Mr. EXON. May I ask a question? Will the Senator yield for a question?

Mr. KYL. Certainly.

Mr. EXON. Would the Senator also add on 3 minutes for the Senator from Massachusetts?

Mr. KYL. Certainly. I will add that to the unanimous-consent request.

The PRESIDING OFFICER. Under the unanimous consent, the Senator from Nebraska has 15 minutes, the Senator from Massachusetts has 3 minutes, which will be added on to make 2 hours for missile defense.

The Senator from Nebraska.

Mr. EXON. Mr. President, if I have the floor, I yield 3 minutes to the Senator from Massachusetts at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

HIGHER EDUCATION

Mr. KENNEDY. Mr. President, I rise just to take a moment of the Senate's time to alert the membership, and also those who are interested in education, about the President's speech at Princeton University, which is taking place at 10:40 today. That will be a very important speech about this Nation's commitment in the area of higher education. What we are going to see at our universities, over the period of the next 7 years, is an expansion of the number of students by some 12 percent.

As we debated the recent budget resolution, there was going to be a continuing deterioration in the support for the Pell grants. Under the proposal that the President is advancing today, effectively what he is going to be putting before the Congress is a guarantee for continuing education for any high school students who get a B average in their senior year, to go to a community college and be able to put together an expanded Pell grant plus some refundable credits so that students will be able to attend community colleges.

More than 66 percent of the Nation's community colleges will be eligible. This, I think, is a strong commitment to provide incentives to young people to continue their education. It is a national commitment to make sure that education has the priority that I believe most families believe it should have, in terms of our Nation's commitment.

At an appropriate time I will present for the RECORD a statement and additional comments, but it does seem to me this is a bold initiative in the area of education that ought to have appeal to every working family in this country who dreams about educational opportunities for its children.

I thank the Senator from Nebraska and I yield whatever remaining time I have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 1635. The clerk will report.

The bill clerk read as follows:

A motion to proceed to the consideration of the bill (S. 1635) to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 2 hours allotted to this issue.

Mr. EXON. Mr. President, the Dole star wars bill the Senate is debating is a reckless and expensive attempt to recreate the nostalgia of the cold war through the regrettable and unwarranted use of fear and fabrication. Over the last several years, the majority has resolutely turned a deaf ear to the objections of millions of men, women, and children at risk while it continually snips away at America's safety net. But in a conversion worthy of Jekyll and Hyde, the majority is passionately arguing that we throw open the Treasury doors to create a new defense safety net to take the place of the social safety net it is intent on unraveling. Multibillion-dollar missile launchers will replace school lunches in this new gilded net. Guns in the sky will replace efforts to remove guns from our school playgrounds. Money that used to help the poor buy heating fuel in winter will now heat lasers orbiting the Earth.

The underlying premise of the Dole star wars bill is that the ballistic missile threat targeted toward the United States is so great, so urgent that nothing short of a crash program similar to the race to the Moon in the 1960's will do. No cost to the American taxpayers is too great. No arms control treaty is too valuable. The siren call behind the Dole star wars bill is a seductive one indeed: If you believe in a strong national defense, then you must be willing to shield America against missile attack—a missile attack anywhere, anytime—regardless of the consequences. But, like the sirens tempting Odysseus, to heed the call will bring catastrophe, not security.

The packaging of the Dole star wars bill is slick and the rhetoric is packed with chest-thumping patriotism. But the issue of missile defense is much more complex than it may seem to some. A number of questions need to be asked and answered before the Senate can judge the need to embark on a crash program to field a national missile defense system in 6 years.

What is the threat of ballistic missile attack facing the United States today and in the near future?

From where does this threat originate? And are there other less costly, more effective means of meeting this threat, whatever it is?

What is meant when the bill requires a defense against a ''limited, unauthorized, and accidental attack'' What is the likelihood of such attacks occurring? And what type of missile defense is necessary in order to blunt such an attack if there is one?

What type of attacks against the United States using weapons of mass destruction would the Dole star wars system be powerless to defend against? How are we as a nation addressing this terrorist threat and how would pursuing a star wars system affect the timeliness of these efforts?

What is the cost of the mandate contained in the Dole star wars bill and how will it be paid for? Or to turn the question around, what social program or other defense priority will suffer as a result of this expensive undertaking.

What are the consequences of fielding a missile defense system that violates the existing limitations of the ABM Treaty, as required by the Dole star wars bill?

Will implementation of the START I Treaty be endangered?

Will ratification of the START II Treaty by the Russian Duma be jeopardized if we renege on our ABM Treaty obligation?

Will it affect other arms control agreements pending or in the future if America backs down and violates a treaty, such treaties as the Chemicals Weapons Convention and the Comprehensive Test Ban Treaty?

Will implementation of the Dole star wars system prompt an expensive and destabilizing arms race which would otherwise not occur?

Is missile defense technology sufficiently mature to mandate a 2003 deployment date? Of course not.

Will the fly-before-you-buy principle be applied to this highly advanced and sophisticated technology through extensive testing and evaluation prior to the operational deployment?

What has been the record of missile defense testing to date? That is an important question.

Are we rushing to judgment on certain technologies which may be obsolete and marginally effective in order to meet an arbitrary date upon which there is no basis for its selection?

Finally, what are the alleged shortcomings of the administration's 3-plus-3 missile defense plan which the Dole star wars bill professes to correct?

The Secretary of Defense, the Chairman of the Joint Chiefs, and the service chiefs are in solid support of the two-step plan to develop the technology over the next 3 years and then—

and then, Mr. President, and then only—make a decision as to the wisdom of deploying in 3 years. Why is this unanimous opinion of the civilian and military leadership of this country in the Pentagon not sound?

These are just a few of the questions relevant to the Dole star wars bill at 9½ pages in length. That is what that bill takes up. The bill is deceptively modest, but beyond the printed words are many consequences, both intended and perhaps unintended, which must be seriously considered, I suggest, before far-reaching legislation is voted upon.

In a general sense, I am disappointed that the majority is insisting on raising the Dole star wars bill at this time. Why is that necessary? The issue is already intractably ensnarled in the web of Presidential politics, and I lament the unavoidable reality that support for the Dole star wars bill by Members of the majority party will be seen as some sort of test of party allegiance and debate concerning important national security issues, such as missile defenses, should be separated—should be separated—completely, Mr. President, from the game of Presidential chess playing.

Senator DOLE, in his May 23 opening statement on this bill, made it clear that the two shall be intertwined. Perhaps the most curious statement made by Senator DOLE during his initial floor debate was when he disavowed forcing the Secretary of Defense to do anything, though the bill mandates the deployment of a highly effective multilayered missile defense system capable of intersecting dozens of warheads. Senator DOLE is quoted in the CONGRESSIONAL RECORD as saying:

> The choice of what type of system is left up to the Secretary of Defense . . . The decision on what is affordable and effective is left up to the Secretary of Defense.

Why is it that the distinguished majority leader professes to defer to the Secretary of Defense on such fundamental aspects of the program details but feels compelled to overturn his wisdom on the need—on the need—for and timing of the deployment of a national defense missile system?

The Senate cannot have it both ways. If Congress forces the hand of the Pentagon contrary to its wishes to decide in 1996 that we shall deploy such a system by the year 2003, we cannot walk away from the cost of the decision, the limitation it places on the type of architecture to be used and the consequences such a preemptive breach of the ABM Treaty will have on other aspects of arms control treaties that are ongoing and also affects the future efforts to curb the proliferation of weapons of mass destruction.

Mr. President, approval of the Dole star wars bill will have a definite anti effect and serious consequences, not the least of which are in the area of cost. In the last 34 years, the United States has spent $100 billion on missile defense programs. To proceed, as the Dole star wars bill would have us do, would cost the U.S. taxpayers, according to the Congressional Budget Office, $31 to $60 billion, not including operating and support costs associated with the system once it is deployed or the cost of buying and launching the satellites necessary to maintain the system as existing satellites begin to fail.

According to CBO, the postdeployment costs would reach a few hundred million dollars annually by 2005 when ground-based systems and space-based sensors would be in place. After 2010, though, operating and support costs would increase significantly because of the need to launch replacements for any space-based system which wear out over time.

The CBO goes on to predict that at some point, new technology or reassessment of the defense situation could lead to changes in the system which could raise the costs even much higher. Overall costs to implement the Dole star wars bill could easily approach $70 to $80 billion. This is in addition to the $100 billion our Nation has already spent on missile defense programs.

Mr. President, a word of caution. Our Nation is also pursuing a multilayered theater missile defense system to protect our troops in the field against ballistic missile attack. I strongly support this, as does the President and the members of the Joint Chiefs. This Senator agrees with our uniform and civilian leaders that the theater missile defenses is our most immediate concern and deserves to be our top priority. But the pricetag for developing, producing, deploying, and operating these land-based and sea-based theater systems will add a minimum of $20 to $30 billion, increasing our running missile defense bill to nearly one-quarter of a trillion dollars before it is all over.

Before we can commit to building a $60 billion national missile defense system, perhaps there should be a more involved discussion, Mr. President, of who or what are we defending against. Three of the four nations capable of launching a nuclear-armed intercontinental ballistic missile are American allies. And the fourth, China, possesses an arsenal that could easily overwhelm the sort of limited defense mandated by the Dole star wars bill, though why China would launch such a suicidal nuclear holocaust is difficult to imagine.

The best national intelligence estimate we have is that the threat of a Third World nation possessing the capability to strike the United States is at least 50 years away. Furthermore, the nation most often mentioned as a rogue state and emerging threat to the United States is North Korea, though they have not ever developed or tested a missile anywhere near capable of striking a major U.S. population center.

Furthermore, current reports are that North Korea is economically bankrupt and in the process of melting down internally. Unable to feed itself, the North Korean Army is reported to be eating grass and roots in order to survive. What chance does the North Korean Communist regime have to survive another 15 years, not to mention at the same time developing and deploying a nuclear weapon and a missile delivery system that could be successful in targeting the United States, at least in that timeframe?

Most people in the United States understand that the United States must be more realistic, and the likely attack on American soil using a weapon of mass destruction would come in the form of a terrorist attack similar to what took place at the World Trade Center or in Oklahoma City.

Terrorist groups have the means today to launch an attack that could kill thousands of Americans using chemical and biological weaponry. As an open society, we are as a nation at extremely high risk and vulnerable to such attack. Only through the fine work of our intelligence and law enforcement community have many of these plots been foiled.

Why would a terrorist group or rogue nation spend 15 to 20 years and billions of dollars to manufacture a rudimentary——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Mr. President, I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Why would a terrorist group or rogue nation spend 15 or 20 years and billions of dollars to manufacture a rudimentary nuclear warhead and long-range ballistic missile delivery system which would lead a noticeable trail from where it was launched, when a weapon concealed in a suitcase or on the back of a rented truck can do the same job right now at a small fraction of the cost and with much greater anonymity?

Not only is the Dole star wars system useless in defending America against such a threat, it would divert scarce resources from the immediate and pressing concerns of combating terrorism and protecting our troops in the field against theater ballistic missile attacks.

Aside from the cost of the Dole Star Wars Program, Mr. President, the question of the need to pursue a crash program of a decision to deploy a system that is not in compliance with the ABM Treaty carries with it immense consequences, not only as to the reliability of the United States to uphold its treaty obligations, but also the future of ongoing arms control programs and policies. It would be sadly ironic from the standpoint of whether other nations would believe us if passage of the Dole star wars bill jeopardizes implementation of the START I and ratification of START II by the Russian Duma. That would be a tragedy, and we cannot accept that risk. These accords, if fully realized, would eliminate over 5,000 nuclear warheads designed to strike America.

We cannot be frivolous about the future of START I and START II. These are the most significant arms reduction treaties in the history of mankind, major strides away from the prospect of nuclear holocaust and the lingering shadow of the cold war. Abrogation of the ABM Treaty in the pursuit of enhanced national security would be foolhardy if it halted the destruction of the very nuclear weapon delivery systems we are trying to defend against. Such a scenario, if played out, would likely endanger other concrete efforts, such as the Chemical Weapons Convention and the Comprehensive Test Ban Treaty, to halt the spread of weapons of mass destruction.

In short, our actions, if we go for and vote for the Dole star wars bill, should not be considered in a vacuum. Intended or not, implementation of the Dole star wars bill would have a far-reaching, chilling effect on the future of arms control.

Often forgotten in the debate on the national missile defense is the question of whether technology is sufficiently mature enough to mandate the year 2003 as the deployment date. The record of missile interceptor testing to date and in the foreseeable future is one of more failure than success. In the rush to deploy a prototype system using highly advanced and sophisticated technology by the year 2003, we will be forsaking, Mr. President, the-fly-before-you-buy principle that has served us well in recent years.

Not only will we be limiting the testing and evaluation of the system in a push to field a system at an earlier and unnecessary date, we will be locking ourselves into certain technologies which may become obsolete by the year 2003.

Contrary to the claims of the proponents of this bill, the administration is pursuing a program to develop and deploy a continental missile system to meet the future threat. The so-called 3-plus-3 Program is a two-step plan to develop the necessary technology over the next 3 years and then make a decision as to the wisdom of deploying a system in the subsequent 3 years. The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs are in solid support of this reasonable and responsible approach. Our best war-fighters and intelligence experts agree that approval of the Dole star wars plan would be folly in that the threat simply does not exist in the near term to justify jeopardizing the arms control treaties that will allow the military to fund other spending priorities within the military.

The American people understand the folly of the Dole star wars bill as well. I have a collection of over three dozen newspaper editorials from around the country in opposition to this bill. I ask unanimous consent that excerpts of these editorials in opposition to the Dole star wars bill be printed in the RECORD so that my colleagues can better understand what the American public is saying about the Dole star wars bill before they cast their votes on this expensive, unnecessary, and destabilizing proposition.

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

AMERICA'S EDITORS OPPOSE NEW STAR WARS PLANS

Now, here's Dole & Co., seeking another $20 billion for that gold-plated rat hole, lest we become vulnerable to North Korea or Libya, a truly screwball idea. Never mind that a few well-placed cruise missile could erase both nations' military capability.—''Resurrection of Star Wars,'' the Chattanooga Times, Chattanooga, TN, May 15, 1996.

The Clinton administration . . . takes the reasonable position that Washington should be certain of the kind of threat it is trying to protect against before committing to such a system. . . . This new and unimproved proposal to commit as much as $20 billion to an unproven, destabilizing defense system is nothing more than a political ploy that trivializes a deadly serious issue.—''Indefensible Then and Now,'' St. Petersburg Times, St. Petersburg, FL, May 19, 1996.

One of the most wasteful items (in the House defense budget) is the $4 billion earmarked to construct a missile defense system by 2003. This dubious ''Son of Star Wars'' could wind up costing as much as $54 billion before it finally could be deployed.—''Fort Pork Gets Reinforced,'' the Miami Herald, Miami, FL, May 20, 1996.

The Defend America Act is a transparent effort to manufacture an issue to help resuscitate the Dole campaign. Election-year pressures are no excuse for spending billions of dollars to produce a missile defense system that is likely to be out of date the day it is completed.—''Star Wars, the Sequel,'' the New York Times, May 14, 1996.

It doesn't make any sense to be cutting budgets for students, the elderly, and low-income families so that the Pentagon can have billions more to develop a missile defense system that will be outdated by the time any nation poses a threat.—''Costly Rush to Star Wars Weapons,'' Idaho Falls Post-Register, Idaho Falls, ID, May 17, 1996.

Clinton's approach to spend a few million dollars on missile-defense research while monitoring hostile nations makes eminently more sense.—''Errant Missile: Clinton Should Challenge Defense Budget,'' Star Tribune, Minneapolis, MN, May 24, 1996.

Why waste billions on a system that will not work to defend against a threat that does not exist? Congressional Republicans are trying to buy an election issue with taxpayers' money.—''If Missile-Defense Systems were Horses,'' the Atlanta Constitution, Atlanta, GA, May 23, 1996.

When lawmakers fixate on boosting defense industries in their districts, when partisans demagogue a defend-America issue. . . . you can bet there'll be precious little peace dividend left to apply against America's mountain of debt.—''Cold Warriors Spend On,'' the Atlanta Journal/The Atlanta Constitution, Atlanta, GA, May 19, 1996.

Call it the $60 billion campaign promise. . . . There is no guarantee the new system will work. The United States spent $35 billion on Reagan's Star Wars dream and built nothing.—''Star Wars is an Awfully Expensive Republican Dream,'' the Hartford Courant, May 25, 1996.

And for all claims of defending America against any and all attacks, the most sophisticated space-based defense system is helpless in the face of a single, earth-bound terrorist hell-bent on destruction.—''Does U.S. Need New Defense System,'' the Plain Dealer, Cleveland, OH, May 5, 1996.

You do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.—''Offense is Best Missile Defense: America needs a system to protect deployed troops, but should take out attack capability of rogue nation,'' Patriot and Evening News, Harrisburg, PA, May 13, 1996.

If it makes sense to support Star Wars to defend our nation from a possible future nuclear attack by North Korea and Libya, doesn't it logically follow that we should discourage nations from spreading nuclear weapons to Pakistan? If we really want to protect our nation from nuclear attack, doesn't it make sense to do as much as possible to dismantle nuclear weapons that are already in place, able to reach the United States?—''What's Riggs' Defense Stand?'' the Napa Valley Register, Napa, CA, May 14, 1996.

Actions taken by Congress last week suggest that federal funding priorities remain as skewed as ever. . . . It is difficult if not impossible to accurately estimate the costs of Dole's ''Defend America Act.'' Costs could range from $5 billion. . . . to more than $44 billion. . . . This despite the fact that only China and the former Soviet Union possess ballistic missiles capable of reaching the United States at this time.—''How Much for Defense?'' Intelligencer-Journal, Lancaster, PA, May 16, 1996.

Political and budgetary considerations aside, a national missile defense system should not be developed until the proper technology is at hand.—''The Missile Flap,'' the Boston Globe, May 23, 1996.

Congress' worst-kept secret is out: Members are acknowledging . . . that defense spending is driven in part by its value as a local jobs program, not necessarily by the nation's priority needs. . . . Most contentious is the congressional stampede to rush new spending on a missile defense program when the CIA says the threat remains highly remove.—''Using Defense Budget as Jobs Program Robs Public,'' USA Today, May 20, 1996.

In the defense bills passed by the House and the Senate, GOP lawmakers seem to think money is no object. The same Congress that is shredding the safety net for the poor, raising the cost of college for students and shrinking Medicare is pushing on the Pentagon weapons the military doesn't want or need. That kind of profigacy surely deserves the veto president Clinton is weighing.—''The Defense Pork Barrel,'' the Sacramento Bee, Sacramento, CA, September 15, 1995.

The president must balance the true need for this investment in preparedness against the pledge to balance the budget in seven years and, more importantly, against the level of preparedness potentially lost in such areas as education, job training and health care if the money is to be found for the military.—''Military Questions and Spending.'' Bangor Daily News, Bangor, ME, May 16, 1996.

The GOP revival of Star Wars, dubbed by its sponsors the ''Defend America Act,'' looks more political than military in intent. . . . If ''SDI-the Sequel'' passes, Mr. Clinton should veto it, and remind Americans they need to be spending scarce resources on ongoing social and economic, not military, battles.—''Newt's War Toy,'' the Berkshire Eagle, Pittsfield, MA, May 12, 1996.

The administration's plan is realistic both in facing up to a rogue-missile threat and in taking into account the considered view of U.S. intelligence that the threat is more than 15 years away.—''Prudent Steps on Missile Defense,'' the Washington Post, May 14, 1996.

Shorter-range missiles are an immediate danger to US forces stationed overseas . . . Theater missile defenses thus make more sense and should have a faster development rack, as in fact they do. To try to invert these priorities and make a pitch for quick development of a system for national defense . . . is foolishness. It would divert money from more-important defense needs.—''Spacey on Defense,'' the Christian Science Monitor, May 17, 1996.

Those who oppose missile defense as destabilizing owe it to this nation to conduct a thorough review. It is appropriate to ask whether the U.S. should develop and deploy a more modest system . . . A thoughtful analysis produces this policy: robust research, yes, but no to setting an artificial date for deployment before these questions are answered.—''A Wise Pause on Missile Defense,'' Chicago Tribune, May 24, 1996.

Mr. EXON. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am standing in momentarily for Senator DOLE. I will call on Senator SMITH in just a moment.

First, I ask unanimous consent that the executive summary, some three or four pages of a document entitled the ''National Missile Defense Options'' prepared in response to the House National Security Committee by the Ballistic Missile Defense Organization, dated July 31, 1995, be printed in the RECORD.

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

(From the Ballistic Missile Defense Organization)

NATIONAL MISSILE DEFENSE OPTIONS

ABSTRACT

This document responds to a request from the House National Security Committee to report on specific programmatic, funding, and architecture options for the development and deployment of national missile defenses. As requested, it describes architecture options that contain only ground based elements, those that contain only space-based elements, and those with both. The architectures described in the report build on the current BMDO program, including the legacy from previous years. With adequate funding and streamlined acquisition, initial operational capability of these options ranges from FY2000 to 2007, preliminary cost estimates range from $4,800M to $43,100M (FY 95 $), and relative risks range from low to high. The architectures span a large range in the threat levels against which they can protect, in their estimated cost, and in their support to theater missile defense. None of the architectures has been formally evaluated for compliance with the ABM Treaty.

EXECUTIVE SUMMARY

In response to a request from the House National Security Committee, dated February 21, 1995, this report describes a variety of architectures that could be deployed for National Missile Defense. In keeping with the DOD thrust for acquisition reform, the costs and schedules are predicated on successful acquisition streamlining to reduce acquisition costs and shorten schedules for an operational capability.

Consistent with the specifics of the request, the report describes example alternative architectures that are compatible with technologies and prototypes being developed by BMDO, and that could be made available for deployment. The report provides estimates of their effectiveness, schedules, relative risks, and requirements for acquisition and deployment funding. The architecture options are meant to be representative of general classes of national missile defense systems. The performance levels, which are also meant to be representative, are in fact dependent on many variables, such as threat characteristics and operational procedures. The examples presented are not ''tuned'' to any particular threat or defense mission, so that modified weapon or sensor inventories could provide different performance and could handle different threats.

BMDO does not advocate any one or another of these architectures or architecture classes as end point systems. Rather, our current program has adopted a strategy of evolutionary defense. This strategy addresses the wide range of threat possibilities existing in the uncertain and unpredictable future. The range of such threats includes events such as a third world nation acquiring and threatening to use a few ballistic missiles armed with weapons of mass destruction, China using its ballistic missiles to prevent US action in Korea, an unauthorized limited attack used to instigate a conflict, or a return to a nuclear standoff with a major nuclear power. The BMDO program addresses all of these, consistent with the assessed likelihood of these threats and within its allotted funds.

With adequate annual budgets, all of the architectures presented here can lead to an initial operational capability between 2000 and 2007, but with varying risks. These dates are, in some cases, earlier operational timeframes than have been previously described for NMD options. These later dates were valid because the programs were budget constrained, used more traditional acquisition approaches, and risks were limited to be low to moderate.

Figure EX–1[1] identifies the four architecture classes discussed in the report—each with a range of capabilities and acquisition costs as illustrated. These architectures are classified by where their sensors and weapons would be based. Other concepts that include potentially promising sea-based or Navy systems will be addressed in future reports.

The costs reflected by this report are rough order of magnitude (ROM) projections of the remaining development and acquisition costs in FY95 dollars. They reflect anticipated savings from acquisition streamlining and have been developed using a standard set of assumptions, some of which might not actually be implemented on any given program. The candidate National Missile Defense elements discussed here are not now in an acquisition program and have not been subjected to the rigorous planning and costing reviews usually associated with defense acquisition.

Two measures of capability are reflected in the figure: the threat levels to which the architecture can deny damage to the United States with at least 50 percent probability, which is equivalent to enforcing less than one leaker (on average), and the area protected (i.e., US only or global). The use of damage denial probability was chosen as the appropriate measure of effectiveness for this report because it follows from the Operational Requirements Document (ORD) established for Ballistic Missile Defense and validated by the Joint Requirements Oversight Council (JROC). This requirement specified the confidence level and the probability that no warheads would penetrate a defense system in the face of a ballistic missile attack.

[1] Figure EX–1 not reproducible in the RECORD.

Threat levels considered in this report range from an attack by four unsophisticated warheads, to an attack by 200 MIRV warheads with complex payloads launched nearly simultaneously by 20 boosters. The largest attack used in this report is consistent with the existing JROC-validated operational requirement for National Missile Defense. This requirement was previously shown, in the GPALS COEA and other analyses, to require multilayer defenses with space based elements for high effectiveness. Some degradation in performance could arise due to the responses that threat countries might take to the presence of any specific defense we might deploy, but such responses can be offset by straightforward upgrades to the defenses discussed in this report. Threats containing greater than 200 warheads also remain possible for the foreseeable future.

The damage denial performance of an architecture is an extremely stringent measure of effectiveness, demanding that, on the average, leakage be reduced to one warhead or less. Less perfect defense performance, such as the negation of 190 of 200 attacking warheads, would also be highly valuable both as a defense and as a deterrent to the use of ballistic missiles.

Accordingly, in the body of this report, we also show how well each of the architectural variants could negate the warheads in the spectrum of representative attacks we considered.

Figure EX–2 provides a brief description and summary of the four architecture classes in this report, which are all supported by our NMD architecture strategy and modular approach. Additional design, performance, and programmatic details follow. None of the proposed systems has been formally evaluated for compliance with the ABM Treaty.

''All Ground Based'' architectures have BM/C^3, ground based radars and ground based interceptors. The ground based radars include early warning radars, other existing radars and BMD radars. In common with the other architectures, DSP or SBIRs (High) provide cueing to the BMD system. Entry level defenses with 20 interceptors at Grand Forks could deny damage against a few warheads, with moderate relative risk, by FY 1999 to 2000 for an estimated $3,500M (the BMDO Tiger Team ''2+2'' solution) or by late FY 2001 with low-moderate relative risk for an estimated $4,800M. Expanding the systems to multiple sites with more radars and interceptors, at costs up to about $12,200M, could increase the defense effectiveness. These expanded architectures could achieve ''good'' damage denial performance against threats of up to about 50 warheads.

''Ground Based/Space Sensor'' architectures contain BM/C^3, ground based radars, a space based sensor constellation, Space and Missile Tracking System (SBIRs [low]), formerly known as Brilliant Eyes), and ground based interceptors. The space sensors improve this architecture's performance. It could be operational by FY 2004 with moderate relative risk. This is BMDO's ''objective architecture'' that is the focus of the current NMD Technology Readiness Program. An initial one-site, 100–GBI option, Case A, costing an estimated $11,000M, could provide ''good'' performance for threats of about 20 warheads. Expanded inventories and additional interceptor/radar sites could achieve ''good'' performance against threat levels of 70 warheads or more with costs up to about $20,100M.

''All Space Based'' architectures would achieve a higher capability against MIRV systems and provide coverage of assets beyond the United States with costs starting at about $20,000M. Two types of space based systems are considered in this report, chemical lasers and rocket-boosted kinetic kill

interceptors. Space based chemical lasers offer the capability to intercept during boost phase against theater threats as well as strategic threats. This capability greatly enhances the performance of theater missile defense architectures, especially against advanced threats. A space based laser (SBL) system and associated BM/C³, with costs of $20,000M to $23,000M, could potentially reach IOC by 2007 with relatively high risk. An enhanced laser system, available at IOC two years later and with costs of $26,000M to $29,000M, would provide robustness against certain threats. The space based interceptor (SBI) system, including SMTS and BM/C³, and costing $20,000M to $23,000M, could reach IOC in 2004 at moderate to high relative risk.

Combinations of the two types of space based systems provide ''good'' or better damage denial performance at all threat levels up to 200 warheads, at a cost of $37,100M to $43,100M with IOC and relative risks as noted above.

Finally, combined ''Space and Ground Based'' architectures, which include BM/C³, weapons, and sensors on the ground and in space, can achieve ''good'' or better damage denial performance against all threat levels up to 200 warheads, with estimated costs of $30,700M to $35,100M.

The relative risks shown in Figure EX–2 are subjective estimates for the funding and schedules we show and the architecture's maturity. The adoption of more deliberate programs, coupled with the infusion of additional funding could clearly reduce risk in all areas. The time scale at which risk could be reduced, and the cost incurred to achieve the risk reduction, depend on the maturity of the programs and their technical challenges. It is likely, for example, that less time and funding could be required to reduce risks from moderate to low in ground-based systems than would be required to reduce risks for space based lasers from high to moderate. However, definitive risk reduction timelines and costs for all the architectures in this report have not yet been developed.

As shown in Figure EX–1 and EX–2, the architectures in this report span a considerable range in performance and cost. Ground based systems represent lowest-cost defense solutions for denying damage against up to 20 warheads. Space sensors would improve the cost effectiveness when threats approach the performance limits of ground-based systems. For high damage denial effectiveness and cost effectiveness against larger attacks, above about 70 RVs, space based weapons become essential. Finally, layered defense systems become cost effective for denying damage against 200 warheads.

FIGURE EX–2.

[Summary of the architecture options considered in this report including an estimate of dates for operational capabilities. The threat levels given represent an estimate of the maximum representative threat level for which each option could deny damage, with a probability of 50 percent or more (less than one leaker on the average)]

Architecture classes	Deployment	Operational date	ROM cost FY95 (in dollars)	Threat level warheads	Relative risk
All ground based	20 GBI, 1 Site *	2001	4,800M	4	Low-Mod.
	100 GBI, 1 Site	2003	6,500M	20	Low.
	300 GBI, 3 Sites	2004	12,200M	50	Low.
Ground based with space sensors	100 GBI, 1 Site, 18 SMTS	2005	11,000M	20	Moderate.
	300 GBI, 3 Sites, 24 SMTS	2006	17,200M	60	Moderate.
	630 GBI, 3 Sites, 24 SMTS	2006	20,100M	70	Moderate.
All space based	20 SBL (8 meter)	2008	20,000M–23,000M	60–100	High.
	20 SBL (enhanced)	2010	26,000M–29,000M	~200	High.
	500 SBI, 18 SMTS	2005	20,000M–23,000M	60–100	Mod-High.
	1000 SBI, 18 SMTS	2007	20,000M–23,000M	~200	Mod-High.
	20 SBL, 500 SBI	2008	37,100M–43,100M	>200	High.
Space and ground based	20 SBL, 100 GBI, 3 Sites	2008	32,100M–35,100M	>200	High.
	500 SBI, 18 SMTS	2005	30,700M–33,700M	>200	Mod-High.
	300 GBI, 3 Sites				

* An emergency-response variant of this architectural option could be made available by early 2000, at moderate relative risk, and for an estimated cost of $3,500M (FY95). See discussion in Section 3.

Mr. KYL. Second, Mr. President, let me make three quick comments regarding the statements of the Senator from Nebraska. Then I am going to call on Senator SMITH, a member of the Senate Armed Services Committee.

There is an old saying that ''if you can't defeat something on the facts, then call it names.'' Of course, we are not debating something today called the Dole star wars bill. There is no such thing. We are debating something called the Defend America Act, which is a bill designed to provide a ballistic missile defense for the United States. To denigrate this as some kind of star wars concept is to totally misrepresent it, and that is not the way to try to debate an issue on the merits.

Second, the Senator from Nebraska asked the question, why would the North Koreans want to develop a costly missile? Their troops are eating grass. Mr. President, it is hard to figure out why the North Koreans do what they do. But the fact is, our intelligence agencies report to us that they are indeed developing a missile. That is not contested by anyone. The only question is when that missile will be able to reach the United States. That is a fact.

Third, there are questions about the cost and a lot of misrepresentations about the cost. As I discussed for about an hour last night, according to the CBO, the cost of the kind of system that we are talking about here is between $10 and $14 billion. So let us not be misrepresenting the cost.

Finally, I think most startlingly, Mr. President, the Senator from Nebraska made the argument that the Russians might violate the START agreements if we go forward and, therefore, we should not go forward. I find this a truly remarkable statement. We are being held hostage to Russian blackmail that they might violate a treaty they have with us and, therefore, we do not provide for our national defense? That is startling. What do treaties mean?

Treaties are important. But so is providing for our national security by the acquisition of weapons both offensive and defensive. It seems to me, Mr. President, that we cannot be subjected to blackmail. The Russians have not even made this threat. It is Members of the United States Senate who assume that the Russians might violate treaties that they have signed if we go forward with the development of a national ballistic missile defense system.

So it seems to me that this really demonstrates the paucity of arguments that exist against this bill when we have to stoop to making the argument the Russians might violate a treaty they have entered into with us and, therefore, we better not go forward. If that is all the treaties mean to the Russians, then I suggest we need both treaties and a ballistic missile defense system.

With that, Mr. President, I yield 10 minutes to the Senator from New Hampshire, Senator SMITH, who is on the Senate Armed Services Committee.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Hampshire [Mr. SMITH] is recognized for 10 minutes.

Mr. SMITH. Mr. President, I thank the Senator from Arizona for yielding, and rise today, Mr. President, in very strong support of the Defend America Act.

I am proud to be an original cosponsor of this legislation. I commend the majority leader, Senate DOLE, for bringing this bill to the attention of the Senate and to the American people.

Mr. President, our Nation is walking a very dangerous tightrope. For reasons that are unknown and certainly inconceivable to most Americans, President Clinton refuses to defend our country against ballistic missiles. That is exactly what he is doing by opposing this bill, even though the technology to do so is available today. The truth is, our Nation is absolutely, completely vulnerable to ballistic missiles.

We have no defense—I repeat, no defense—whatever against a missile targeted on our territory, our people, our industry, or any of our national treasures—no defense. The Patriot missiles that everyone remembers from Desert Storm 5 years ago are not capable of stopping long-range missiles. In fact, they can only defend small areas against short-range missiles. The Patriot is what we call a point-defense system that we send along with our troops when we deploy them in harm's way.

Here at home, we have no defenses of any kind. We have no defense against long-range missiles from China, from Russia, from North Korea. I differ from the Senator from Nebraska. I have no idea, no idea whatever what the national security meetings, classified and

confidential on North Korea, I have no idea what is going on in those meetings. Apparently, the Senator from Nebraska does. I do not know if he has somebody sitting in on them or where he gets his information, but I do not have such information, and I do not think the intelligence communities have it either. We have no defense against missiles that Iran, Iraq, Syria, and Libya are vigorously seeking to acquire—vigorously. That is the truth. This is not some star wars program. That is an outrageous statement, as the Senator from Arizona pointed out.

In this Senator's view, it is unacceptable that we would refuse to defend ourselves from this kind of technology being spread around the world to these kinds of nations. When told of this situation, the vast majority of the American people not only become upset, they become enraged. They cannot understand why their elected representatives would be willing to leave them defenseless and then stand on the floor of the U.S. Senate and advocate leaving them defenseless against the likes of people like Saddam Hussein or Mu'ammar Qadhafi. Hardly reasonable, rational, leaders in the world today, let alone Kim Jong-il whom very few of us know much about at all. They cannot understand why the tax dollars that they sometimes so reluctantly, or willingly in reluctance give up, how can they not contribute for our national defense? That is what they are asking. That is what they are asking. They have a right to be upset. There is no excuse for not defending America against ballistic missiles.

The Republican Congress agrees with the American people and took action last year to defend all Americans—all Americans; not certain Americans, all Americans—against ballistic missiles, whatever their source. In the defense bill last year, Congress established a program to develop and deploy a national missile defense system for the United States. This program is not some elaborate star wars concept, but rather a very modest yet capable ground-based system that would provide a limited defense of America against accidental, unauthorized or hostile missile attacks.

I ask anybody out there listening, or anybody participating in the debate on the other side, are you certain, are you absolutely certain, that Qadhafi or Saddam Hussein, Iran or Kim Jong-il do not have the capability or will not have it in the very near future? If you are certain, you ought to vote for them. If you are not sure, you ought to be voting with us.

President Clinton vetoed the defense bill specifically because of the requirement to defend America. That is the main reason he vetoed the defense bill, because he did not want us, did not want us, to put this requirement in. In fact, in his statement of policy the President called national missile defense ''unwarranted and unnecessary.'' It is one thing to say ''unnecessary,'' that might be an opinion, but ''unwarranted''? This is a very insightful quote. It gets right to the heart of the differences between this President and this Congress. To President Clinton, providing for the common defense is ''unwarranted and unnecessary.'' That is what he says. To the Congress, it is the most fundamental of our constitutional responsibilities, the most fundamental. Simply put, it is a defining issue between the two of us. It is an issue that defines our Nation's character, right to the heart of character, a commitment to the American people. How could you not defend yourselves, your people, against the threat of an incoming missile? It does not have to be deliberate. It could be accidental. We have no defense.

It is an issue that defines the difference between the two political parties in this country. There cannot be compromise on it. There are people here on the floor and in this Senate who are trying to work out some compromise to give on something else, and we will give a little bit of something else. There is no compromise, no compromise on defending ourselves against incoming ballistic missiles. It is an issue that defines the very basic difference between the two men who are seeking the Presidency, President Clinton, and BOB DOLE, who is the author of this bill. It is a basic difference between the two men. It is an issue that history will undoubtedly look back on and pass judgment upon for better or for worse, an issue that will define our generation.

Mr. President, if we fail to take action to defend America now while we still have the chance, we will regret it. At some point in the very near future we will have waited too long. What is that point? Are you sure, folks over there, sure that we have not reached that point? At some point in the near future we will have waited too long. The theoretical threat of a hostile ballistic missile launch will have become a reality and we will have no defense. Will we be ready when the theoretical becomes reality? Will be we ready? Not if we listen to this side of the debate. Not if we do what they are asking us to do, we will not be ready.

What will it take for the President to recognize this? Must a missile equipped with a chemical, biological or perhaps a nuclear warhead, rain down upon the citizens of America before we act? Must tens of thousands of Americans die before we act? That does not have to happen. Let me tell you, had we not been far-sighted enough and thoughtful enough to provide the Patriot missile, we would have lost a lot more people in the Persian Gulf war. It is a good thing Saddam Hussein only has a Scud missile, or perhaps some of the families would be speaking here through us today.

To those of us who are cosponsoring this legislation, the time to act is now. Not tomorrow, not the next day, now. We have the capability to do it. Our Nation is in jeopardy, ballistic missiles and weapons of mass destruction are spreading throughout the world. That is a fact. I have had hearings. I have heard information on it. We have heard the testimony. We cannot stop this. We have to protect ourselves against them. Mr. President, 30 nations currently possess or are actively acquiring weapons of mass destruction, and the missiles to deliver them. They are not all friendly nations. Just recently, the United States admitted that Iran is covertly storing up to 16 ballistic missiles armed with chemical or biological warheads. Iraq is the most inspected and thoroughly monitored country in the world, yet they still have them. If we cannot find these missiles in the desert of Iraq, how are we going to track them in the valleys of China, North Korea, Iran, or Syria? The answer is, my colleagues, we cannot. We cannot track them. That is the point. Even if we could, we do not have the system to counter them. We cannot counter them even if we can find them.

The only solution is to develop missile defenses. This bill does that. It would require that our Nation deploy a national missile defense system capable of protecting all Americans by the year 2003. This is not about politics. It is not about partisanship. It is about national security and keeping faith with those who elected us and depend upon us to safeguard their lives and property, yet this bill is being filibustered, that is the bottom line, by the other side of the aisle—filibustering a bill to defend America. What an outrage. If we ignore this obligation, we will have failed in our most fundamental constitutional responsibility. You do not filibuster the defense of the United States of America. We can filibuster a lot of things around here, and we do it all the time, but not the defense of America. It runs against every principle I have ever stood for, and it ought to run against every principle that others in here stand for.

Mr. President, as we discuss and debate the merits of this legislation, I want to specifically address what I believe are some fundamental and extremely dangerous flaws in the administration's position. First off, the administration has continually emphasized that they see no long-range missile threat emerging within the next 15 years that could threaten the United States.

I would note that when the administration is pressed to describe how they came up with the 15-year number, versus 10 years, or 20 years, there is no real methodology. Essentially, it appears to have been a nice round number that the administration came up with.

The classified national intelligence estimate that the administration uses to support this assertion is anything but reassuring. And contrary to the assertions of the Clinton administration, it does not rule out a rogue nation acquiring ballistic missile capabilities that could threaten the United States.

Rather, it projects the view that it is unlikely that such a situation would arise.

Essentially, it relies upon the perceived intentions of other countries rather than their actual technical capabilities. That is a very dangerous way of assessing the threat environment, and it runs in direct conflict with our historical experience.

Our experience following World War II is very instructive. During 1945 and 1946, the United States conducted operation paperclip in order to employ Dr. Werner von Braun and his team of German scientists. My colleagues may recall it was von Braun and his associates who had created the German V–2 rocket. The transfer of these experts and their equipment provided the United States with nearly instant ballistic missile capability. Under the Hermes project, with the infusion of german technical expertise, we soon began launching V–2 rockets.

A year later, the development of a two-stage vehicle based on the V–2 was begun. The so-called bumper vehicle went on to establish range, altitude, and speed records. By the late 1950's, frustrated by difficulties in the Atlas program, Gen. Bernard Schriever, a pioneer of the U.S. Ballistic Missile Program, ordered that our existing Thor ballistic missile be modified to include a new second stage. This second stage provided strategic range capability for our ballistic missiles within a year, increasing the range of the Thor missile from 1,500 miles to approximately 5,000 miles.

Mr. President, the lesson here is quite simple. The acquisition of key technical experts can dramatically accelerate the pace of development for a country seeking to field ballistic missiles. In addition, the range of existing systems can be rapidly increased by incorporating additional stages. In the 1940's, designing and building ballistic missiles was a new and challenging endeavor. But with focus, determination, and national level support, it was done very rapidly.

By contrast, in the 1980's and 1990's, the schools and universities of the West teach advanced technology to students from all over the world. Missile designs are well understood, missile components are available on the world market, and whole missile systems can be bought and delivered, as in the case of the Soviet Scuds to China, the North Korean Scuds to Iraq, Chinese M–11 missiles to Pakistan, and Chinese CSS–2 missiles to Saudi Arabia. Since most of today's ballistic missiles are mobile, training and launching by customer nation crews can take place in the missile's country of origin, so that the first actual launch of a missile from the customer country may occur without advance warning.

Additionally, ballistic missiles do not need to have a long range to threaten the United States. In the 1950's, the United States launched several ballistic missiles from the deck of a ship, and sent them to high altitudes where their nuclear payloads were detonated. Most of the population of the United States live near the east and west coasts, and thus are highly vulnerable to a ship-launched missile that could be covertly deployed in merchant traffic several hundred miles off the coast at sea. The modifications to such a ship would not need to be obvious, a few test missile launches could be performed in remote locations to avoid detection.

The problem with the administration program is that it seeks to wait until the last possible moment to deploy missile defense. But historically, we have proven very poor at making such intelligence estimates. Just look at Iraq's nuclear, chemical, and biological weapons program. The real challenge for the United States is to deploy theater and national missile defenses as rapidly as possible in order to discourage potential proliferators from developing, building, buying, or otherwise acquiring offensive ballistic missiles. That is what deterrence is all about. But you can't have deterrence without the capability to actually defeat or defend against a threat. Without missile defenses there is no deterrence.

Perhaps most absurd is the administration's argument that the technology of the future will be more advanced than that of today, so we should wait for the future technology to be available before we begin formal acquisition of missile defenses. If we followed that model we would never procure any weapons systems because they would always be surpassed by future technology.

What this argument fails to recognize is that real objectives and deadlines are the critical instruments for focusing the efforts of the management and technical communities in government and industry. The experience of operating a real system with real military personnel cannot be replaced by paper and pencil, or computer system designs. In addition, the longer we wait to commit to deploy a national missile defense, the more we will encourage our adversaries to pursue their own offensive ballistic missile programs. Without an actual system deployed, or at the very least a commitment to, and timetable for, deploying a system, there is no deterrent value.

The Russians have now accumulated 30 years of experience in building and operating ballistic missile defense systems, including the nuclear-tipped Moscow area defense and several mobile systems such as the SA–5, the SA–10, and the SA–12. This unique experience has been cited by our military as a major advantage for the Russians. It must be rectified.

Mr. President, I also want to address the issue of how ballistic missile defense relates to strategic arms reduction. The administration and certain Members of Congress have falsely sought to link this legislation with Russian ratification of the START II Treaty. Simply put, it is bogus linkage.

The truth is that no provision in the Defend America Act threatens Russia or undermines the deterrent value of its strategic offensive forces. Nothing in this bill would disadvantage Russian security in any way. The numbers of defensive systems the bill envisions to combat accidental or rogue nation attacks are simply too few to affect the deterrent value of Russia's strategic arsenal.

The ABM Treaty was constructed during the cold war and is premised on mutual assured destruction. But the world is no longer bipolar, it is multipolar. Mutual assured destruction is not relevant in today's environment. It will not deter aggression by adversaries other than Russia.

The truth is defenses threaten no one. If Russia and the United States are no longer targeting nuclear weapons on each other, how could the deployment of a limited defense against other potential adversaries threaten Russia in any way?

We are providing billions in foreign aid to Russia to support them economically, politically, and to aid in dismantlement of their nuclear arsenal. When relations are this cooperative, how can anyone reasonably assert that we are provoking Russia or undermining the relationship by defending ourselves against the likes of Kim Jong-Il or Saddam Hussein.

The truth is that any linkage between the Defend America Act and the START II Treaty is purely artificial. It is pure fear mongering by those who use it for political purposes here at home. Frankly, it is shameful.

Those in Russia who are trying to link the two know full well that nothing in this bill threatens Russia in any way. They are merely trying to coerce further concessions. The truth is, we have consistently heard Russian officials seek to link START II to NATO expansion, compliance with the CFE Treaty, national missile defense, and virtually every other possible pressure point. Again, it is purely bogus linkage. And where I come from, it is called extortion. It should not be rewarded.

If we do legitimize this fallacy, and pay the ransom that some are demanding, where will it end? What will the next hostage be? How many times will we allow Russia to exercise a veto over our defense policy? And at what cost to our security?

Mr. President, let me close with one final observation. National defense should not be a partisan issue. As elected representatives, we have no more fundamental or important constitutional responsibility than to provide for the defense of this country. As it currently stands, this Nation, its people, treasures, and industry, are absolutely vulnerable to ballistic missile attack. The technology is here today, all that is lacking is the political will to do so. We cannot delay any longer. We must get on with the business of defending America.

If we allow politics to prevail and we leave our citizens naked against aggression, I fear that the results will be catastrophic. If we wait for a ballistic missile to rain down upon our Nation, wreaking chaos and destruction, it will be too late. We will have failed our citizens. We will have failed the Constitution. We will have failed this sacred institution.

I believe deep in my heart that history will look back upon this debate as a key point in our Nation's history. Let us consider the consequences of our actions very carefully. Let us keep faith with the American people who rely upon us to protect their security. They have no one else to turn to. It is our responsibility. It is our obligation.

I urge my colleagues to support the Defend America Act as reported by the Senate Armed Services Committee.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has an additional 2 minutes.

Mr. NUNN. How much time do I have?

The PRESIDING OFFICER. One hour.

Mr. NUNN. Mr. President, I have several people who would like to speak. Several people were down for 15 minutes, but I ask them if they can adjust that. Otherwise, we will not be able to get around on the requests. Senator EXON would like 2 minutes, which I will yield to him now.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 more minutes first.

Mr. NUNN. Following that, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, let me close with one final observation. I feel very strongly that this issue has become a partisan political issue. It should not be a partisan political issue. We have no more fundamental or important constitutional responsibility than to provide for the defense of this country. And to be on the floor filibustering a bill that defends America, protects America from incoming missiles is an outrage. We can disagree on the degree, we can disagree on the architecture, we can disagree on the timing. But we ought not to be filibustering it. We ought to be having an up-or-down vote on it. I think everybody ought to be on record today—not having it put off, but be on record today. Are you for it, or are you against it? We ought to be recorded so the American people can judge us when the time comes.

This Nation's people, treasury, and industry are vulnerable to missile attack. The technology is here. All that is lacking is the political will. We cannot delay any longer. We have to get on with the business of defending America. History, I think, will look at this debate as a key point in our Nation's history. Let us consider the consequences of our actions carefully and keep faith with the American people, who rely upon us to protect their security. They do not have anybody else to turn to. It is our responsibility, our obligation. All we are asking is that we exercise it. All the Senator from Arizona is asking for is a vote. All the Republican leader is asking for is a vote. We are not asking for anything else. We are not even asking for a victory, we are asking for a vote so that we can be recorded.

Mr. NUNN. Mr. President, I yield 2 minutes to Senator EXON, and then 10 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes. Following that, Senator DORGAN has 10 minutes.

Mr. EXON. Mr. President, I was struck to hear the term that people on the other side were startled that we would oppose this, that we are being blackmailed by Russia, and that we are being held hostage by Russia. Nothing could be further from the truth.

I simply say, Mr. President, that already the opposition is saying we are against missile defenses on this side. We are not against missile defenses. The talk was made about the Patriot, how important that was in the gulf war. This Senator and most of the Senators on this side were leaders, when we were in charge of the Senate, in developing the Patriot missile. What we are against is hastily moving, as the Dole star wars bill would do, to a missile defense that is untested, untried, with no assurance whatsoever that it will work.

Go with us. We are with the experts at the Pentagon. We are with the President. We want a missile defense, but we want it in a timely fashion and not rush to violate treaties that the United States of America signed in good faith.

I ask unanimous consent that two letters from CBO relating to the cost issue be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 15, 1996.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3144, the Defend America Act of 1996, as ordered reported by the House Committee on National Security on May 1, 1996. The bill calls for deployment by 2003 of a system to defend the nation against an attack by ballistic missiles, but does not specify how much funding would be available for this purpose. Based on plans and estimates of the Department of Defense, the costs of complying with the bill would total $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense.

Through 2010, total acquisition costs would range from $31 billion to $60 billion for a layered defense that would include both ground- and space-based weapons. The wide range in the estimate reflects uncertainty about two factors—the type and capability of a defensive system that would satisfy the terms of the bill, and the costs of each component of that system. These figures do not include the cost to operate and support the defense after it is deployed. The attachment provides additional details on these estimates.

Section 4 of the Unfunded Mandates Reform Act of 1996 excludes from the application of that bill legislative provisions that are necessary for the national security or the ratification or implementation of international treaty obligations. CBO has determined that the provisions of H.R. 3144 fit within that exclusion.

H.R. 3144 would not affect direct spending or receipts and thus would not be subject to pay-as-you-go procedure under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Raymond Hall and David Mosher.

Sincerely,

JUNE E. O'NEILL,
Director.

BUDGETARY IMPLICATIONS OF H.R. 3144, THE DEFEND AMERICA ACT OF 1996

This document addresses the budgetary implications of H.R. 3144, as ordered reported by the House Committee on National Security on May 1, 1996. The Defend America Act of 1996 would require the United States to deploy a national missile defense by the end of 2003 that provides ''a highly effective defense of all 50 states against limited, unauthorized and accidental attacks . . . [that would be] augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.'' Those two requirements form the basis of CBO's estimate. According to the bill, the initial defense must include interceptors, ground-based radar, space-based sensor, including the Space and Missile Tracking System (SMTS), and a battle management and command and control system to tie the components together. The interceptors can be ground-, sea-, or space-based. The space-based weapons could be lasers or kinetic energy interceptors (also known as Brilliant Pebbles). The layered defense that would eventually follow, according to the bill's second requirement, would likely be achieved by adding space-based weapons to the ground-based system.

CBO estimates that H.R. 3144 would cost nearly $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense. Through 2010, the system would cost between $31 billion and $60 billion. None of the estimates include the cost to operate and support the defense after it is deployed. Our estimates are derived from data provided by the military services and the Ballistic Missile Defense Organization (BMDO). While we have been unable to review many of the details behind those estimates, we believe that they are the best that are currently available. In some cases, though, we adjusted the Department of Defense's (DoD) estimates to better reflect procurement costs and potential risks. For example, we added about $3 billion to hedge against technical and schedule risks in the development programs. We also reduced the estimated cost of deploying 500 space-based interceptors by $4 billion. We did not, however, adjust the estimates to reflect cost increases that typically occur in developing systems that advance the state of the art.

Minimum Requirements and Costs. The low end of the range of estimates reflects what we believe would be the smallest system that would meet both of the bill's principal requirements. As proposed by the

Army, the initial defense would consist of 100 interceptors based at Grand Forks, South Dakota. Combined with SMTS, this system would be able to defend all 50 states against an unsophisticated attack of up to 20 warheads under many scenarios, according to BMDO. The interceptors would be armed with the Army's Exoatmospheric Kill Vehicle (EKV). To track incoming warheads, four new phased-array radars would be deployed, one each in Grand Forks, Alaska, Hawaii, and New England.

This initial defense would cost $14 billion—about $8.5 billion for the ground-based system and $5 billion for the SMTS space-based sensors. (The ground-based system could cost roughly $4 billion less if the Air Force's proposal for a Minuteman-based system was adopted.) The upper layer, which would be added sometime after 2006, would employ 500 space-based interceptors similar to Brilliant Pebbles—the less expensive of the two types of space-based weapons. It would make the defense capable of protecting the United States from a more sophisticated attack of up to 60 warheads according to BMDO, and would cost an additional $14 billion. CBO adds another $3 billion to these estimates to hedge against potential risk associated with the development programs. Thus, the total cost of the layered defense would be about $31 billion.

Potential Increases in Requirements and Costs. The bill specifies that the defense shall protect the United States against limited or unauthorized attacks, but does not specify how big the attack might be. The high end of the range reflects the costs of a system to protect the United States against a more potent threat—for example, an attack that could have 200 warheads accompanied by sophisticated countermeasures. DoD bases its operational requirement for a national missile defense on such a threat.

CBO assumes that the ground-based layer would include 300 interceptors deployed at 3 sites and would cost $13 billion, or about $4.5 billion more than the costs of meeting the minimum requirements. SMTS satellites would be deployed at a cost of $5 billion. The space-based layer would include a combination of 500 space-based interceptors ($14 billion) and 20 space-based lasers ($25 billion) for maximum effectiveness. Again, $3 billion is added in anticipation of technological and integration problems. The total cost of this high-end layered defense would be about $60 billion. Except for the lasers, this system would be similar to the Global Protection Against Limited Strikes (GPALS) system proposed by past administrations.

Cost Comparison. The estimate for the ground-based systems described above is about two-thirds less than previous estimates associated with earlier proposals, for example the GPALS system. The earlier proposals focused on the challenging threat of an unauthorized attack by the Soviet Union. Today the focus is on smaller and less capable threats—as a result, the defense's components may be somewhat less capable. Past proposals also called for a robust program that included substantial efforts to test the systems and to reduce and manage the technical and schedule risks associated with such an ambitious development effort. It is unclear how much these efforts can be reduced without increasing risk to unacceptable levels. But if current plans must be revised to include more thorough testing and larger efforts to reduce risks, and if the purpose of the defense evolves into protecting against larger and more sophisticated threats, costs of the ground-based systems could approach those developed for systems like GPALS—thus, costs of the high-end system could greatly exceed $60 billion by 2010.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 1996.

Hon. J. JAMES EXON,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: In your letter of April 4, 1996, you asked about the cost of deploying the national missile defense system proposed in the Defend America Act of 1996 (S. 1635). I have attached the cost estimate that the Congressional Budget Office (CBO) prepared for S. 1635, which should answer your questions.

At your request, CBO also examined the compliance issues that the Defend America Act could raise with respect to the Anti-Ballistic Missile (ABM) Treaty. Because the bill does not specify a missile defense system in detail, it is difficult to identify precisely the possible conflicts with the treaty. But some fundamental issues would arise regardless of the specific architecture of the defense. The bill anticipates those conflicts by requiring that the Secretary of Defense report to the Congress on the problems with the treaty that he expects to encounter in the course of developing and deploying the defense. The bill also urges the President to negotiate amendments to the treaty with Russia that would permit the United States to deploy its defense. If an agreement cannot be reached within one year of the enactment of the bill, however, it directs the President to consider withdrawing from the treaty.

In brief, our reading of the bill suggests that some systems would violate the treaty in its current form, while others may or may not. Space-based weapons would clearly violate the treaty's prohibition on ABM components that are based in space. Sea-based weapons are similarly prohibited. Together, those prohibitions would make it difficult to deploy a layered national missile defense that would comply with the ABM treaty in its current form.

Other issues are not as clear and are often debated. For example, in Article I of the treaty, each side pledges ''not to deploy ABM systems for defense of the territory of its country.'' Critics argue that deploying any national missile defense, no matter how capable, would violate that provision. But, the Army and Air Force claim that the small, ground-based national missile defenses that they have proposed would comply with the treaty.

Issues of compliance could arise even for a ground-based defense that complies with the numerical and geographic limits specified in the ABM treaty (no more than 100 ground-based interceptors and one ABM radar, all located at Grand Forks, North Dakota). The principal issue is whether the new tracking radars that would be deployed in the Pacific and on U.S. coasts would substitute for the ABM radar at Grand Forks. Under many scenarios, particularly attacks on Alaska and Hawaii, the Grand Forks radar would never see warheads or intercepts because its view would be blocked by the Earth's curvature. For the same reason, the radar could not be used to send course corrections directly to an interceptor. Instead, such a defense would use ground-based repeater stations to communicate with an interceptor. According to opponents, that would mean that forward-based tracking radars would substitute for the ABM radar, a practice that the treaty strictly prohibits. Supporters of the proposed defenses counter that forward-based radars would not be substitutes because the fire-control solutions and instructions to an interceptor for correcting course would still come from Grand Forks.

The degree to which the Space and Missile Tracking System (SMTS) conflicts with the treaty is also being debated. Critics of space-based sensors argue that they could, in effect, substitute for an ABM radar. The Russians have reportedly expressed similar concerns about SMTS. The argument is similar to that made against forward-based tracking radars: if an entire intercept can occur out of view of the ABM radar at Grand Forks, something must be substituting for the radar. Supporters of SMTS contend that the system would be an ''adjunct'' to the ABM system, much like the space- and ground-based early warning sensors that the United States deployed before the ABM treaty was signed in 1972. (An adjunct is a device that could not, by itself, substitute for or perform the functions of an ABM radar). Those early warning sensors were not limited by the treaty and advocates believe that SMTS should not be limited either. According to press accounts, the U.S. government reported to the Congress in 1995 that SMTS might, in some configurations, comply with the treaty. This document reflects a U.S. position and does not imply that Russia agrees with that interpretation. Differences would have to be worked out in negotiations.

Finally, your staff asked that we examine operating and support costs. We have not had time to analyze those costs fully, but we can report that those costs would reach a few hundred million dollars annually by 2005 when ground-based systems and space-based sensors would be in place. After 2010, operating and support costs would increase significantly because the Department of Defense would have to launch replacements for any space-based systems, which wear out over time. Of course, at some point new technology or a reassessment of the defense situation could lead to changes in the system, which could have a large impact on costs.

If you wish further details on our analysis, we will be pleased to provide them. The CBO staff contacts are David Mosher, who can be reached at 226–2900, and Raymond Hall, who can be reached at 226–2840.

Sincerely,

JUNE E. O'NEILL,
Director.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. DORGAN. Mr. President, surely the American people, who watch and listen, must think we have the attention of houseflies. We are having a debate here in the U.S. Senate about balancing the Federal budget, about amending the Constitution to require a balanced budget, about cutting spending, about being frugal, about dealing with this country's debt. And then immediately trotting on the floor of the Senate is a new proposal—by the same folks who say they lead in reducing the budget deficit, lead in reducing spending—they say to us now, ''We want to spend an additional up to $60 billion for, yes, a star wars program.''

I want to correct some of the statements that have just been made. There is no filibuster. The petition to invoke cloture, to close off debate, was filed simultaneously with the bill coming to the floor. How can someone, without even smiling about it, file a cloture motion before debate even begins? There is no filibuster.

We are going to have a debate on this. That is what we insist on. Those who want to initiate a $60 billion program without debate do no service to defense policy in this country, in my judgment.

Second, this bill is star wars. Here is the bill, page 6: ''Ground-based interceptors, sea-based interceptors, space-based kinetic energy interceptors, space-based directed energy systems.''

Call it what you want. It is star wars; $14 billion, my eye. We have spent $96 billion on star wars and missile defenses. This chart was put together by the Congressional Research Service, and we have funded so many programs over the last 40 years that nobody can read this. It is a national missile defense family tree that is so complex you cannot read it. It is a bunch of boxes and lines tracing the development of dozens of programs. These are the things that we have funded. This is all the work done for missile defenses.

What we have to show for all this in this country today is one abandoned antiballistic missile facility—it is in my State. Over $26 billion in today's money was spent on it. It was declared mothballed the same year it was declared operational.

Are there threats against this country? You bet. What are they? A glass vial of deadly biological agents to be brought in in someone's pocket, threatening a subway or a city is a threat. A truck bomb parked in front of a Federal building is a threat. A cruise missile armed with a nuclear warhead is a threat. An intercontinental ballistic missile is a threat. You can list a whole series of threats against this country.

Have we ever had an effective system to knock down any missile coming in? No, we have not. Why? Any missile launched against this country will have a return address. We will know exactly where it was launched from, and this country will vaporize them. That is what our nuclear deterrent has prevented from happening to our country for many years. That has been our missile defense for 40 years.

Now, do we need to research missile defenses? Yes, we are doing that. We are spending a great deal of money doing that. We spent $96 billion on all of this to date. But I want to talk about a number of different approaches to defending our country.

The best way to defend America is to destroy an adversary's missile before it is launched. I have a piece of metal here in my hand that comes from silo number 110, in Pervomaysk, Ukraine. This silo had an SS–19 in it. That SS–19 had 6 warheads, each of them 550 kilotons: each warhead 20 times the explosive power of the bomb dropped on Hiroshima. This twisted lump of metal was part of that silo with that missile. The silo does not exist anymore, because we helped to blow it up.

Let me show you a picture of it. This is that silo blown up, with the missile gone. There is no missile there. The missile was destroyed. Here is a man sitting on the floor—Senator NUNN—who, along with Senator LUGAR, with the Nunn-Lugar initiative, will, in my judgment, forever change the dimensions of this nuclear deterrent and these issues of nuclear threat by creating a program in which 212 submarine launchers are gone in the Soviet Union, 378 ICBM missile silos are eliminated, and 25 heavy bombers gone. Do you know what is indicated in this photo is today? This is silo 110. It just so happens—and it is a pure coincidence—that the Secretary of Defense is visiting silo 110 today. The U.S. Secretary of Defense is visiting this site. Do you know what is here today? Sunflowers—not missiles, but sunflowers.

What we have done is destroyed a missile in its silo by destroying the silo and moving the missile and warhead, and the missile is cut up and it is gone. That happens to be an effective missile defense. Senator NUNN and Senator LUGAR and others who fought so valiantly for this program are reducing the nuclear threat in this country.

I have a picture of the destruction of a heavy bomber. Here they are sawing off the wings. This picture shows Russians using American equipment to cut up a Russian bomber. That heavy bomber—it is a TU–95 Bear bomber—could launch 16 cruise missiles against our country.

Defending America means that you get the enemy, through arms agreements, to reduce these kinds of weapons. The fact is what the other side brings to the floor of this Senate—and they can protest forever about it, and they are wrong—is a proposal that will threaten the arms agreements by which missiles and bombers and other strategic weapons are being reduced now in other parts of the world. The fact is they want to abrogate the arms control treaties. In my judgment, that is shortsighted.

The Ukrainian President on June 1st—a couple of days ago—certified that his country, which used to have 4,000 strategic and tactical nuclear warheads, now has zero—zero. The Cooperative Threat Reduction Program in the Defense Department, with the leadership of Senators NUNN, LUGAR, and others, has done a remarkable job. Is this the only thing we ought to do? No. It is remarkably successful. We should do many additional things, but the last thing we ought to do is jump on this horse and ride off into the sunset to build a $60 billion program that threatens to undermine all of these arms agreements that have led to all of this progress. This makes no sense at all.

I thought you all were conservatives. You keep coming to the floor talking about the deficit, and the first thing you do when we finish that discussion is come to the floor with a big, spanking new, gold-plated weapons program that is going to cost $60 billion, a program we have already spent $96 billion on according to the Brookings Institution. I am telling you, it does not add up.

Do those who oppose the so-called Defend America Act, which is really a star wars program, believe Americans should not be defended? Of course not. There are dozen of ways of defending America. We ought to do research and deploy, and do a whole range of them, the most important of which, in my judgment, is the deployment and implementation of the Cooperative Threat Reduction Program initiated by Senators NUNN and LUGAR. But there are others.

President Clinton says, let us do the research necessary—several billion dollars. Let the system be available for deployment if we see that the threat exists. And I know we have all of these claims by others about Korea. Look, Korea spends from $2 to $5 billion a year on their entire defense program. We are a country that spends $270 billion a year. There is no credible evidence that Korea has tested anything close to a weapon that is going to deliver a nuclear warhead to parts of the United States. Worry about a suitcase bomb put in the trunk of a Yugo car parked at the dock of New York City. That is a threat. Worry about a biological agent. That is a threat. But this bill would put all of our eggs in this basket and say that the sky is the limit, even though it is the taxpayers' money. This bill would have us embark on a $60 billion spending program, and when we are finished we might have covered—unlikely, but maybe—one small slice of the range of threats that confront this country. I think if you talk about shortsightedness, this bill ranks up there with an Olympic performance.

Our military leaders in the Department of Defense have told us that this bill would endanger our security. General Shalikashvili wrote to Senator NUNN to say that ''efforts which suggest changes, or withdrawal, from the ABM Treaty may jeopardize Russian ratification of START II and could prompt Russia to withdraw from START I.''

In other words, this bill could pull the rug out from under the very thing that is reducing the nuclear threat, the very thing that results in weapons being destroyed. A missile silo that used to hold a missile with six warheads aimed at American cities and American military targets now has sunflowers planted on top of it. The missile and its warheads are gone.

This proposal pulls the rug out from under that kind of an approach. I just do not understand that proposal at this time being brought to the Senate.

No matter what claims are made on the other side, this is not a debate between those who think Americans should be defended and those who believe Americans should not be defended. That is preposterous. That is an absurd contention. All of us believe we ought to spend money wisely to defend this country's liberty. All of us believe we ought to make the investments necessary to guarantee the safety of the American people.

Let me thank the Senator from Georgia for the time. We will have more to discuss about this subject later, and I

am anxious to engage in further debate when we get to debate on the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I yield 10 minutes to the Senator from Indiana, Senator COATS, a member of the Senate Armed Services Committee.

Mr. NUNN. Mr. President, following Senator COATS' remarks, I will yield 10 minutes to the Senator from New Mexico, Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I appreciate the opportunity to add some words to this debate. Obviously, we all believe that while we can debate what the fundamental role of the Congress and the Government is, priorities ought to be established. This is true particularly in the domestic spending areas where there is no constitutional responsibility of the Federal Government. However, there is a clear constitutional responsibility for Congress to provide for the national defense. In that regard, we are addressing what I think is one of the most fundamental and most important decisions that this Congress is going to make in the next several days; that is, what kind of defense we will provide for the United States? To date, our country has enjoyed the benefit of its strategic location—surrounded by oceans east and west, and friendly neighbors to the north and south. Our strategic location has enabled us to ensure the defense of American soil. Today, however, the advance of technology, the development of long-range ballistic missiles, and the proliferation of those missiles among nations who have not had a history of responsible leadership poses a real threat to the United States. Over the last several years we have engaged in a debate over how to best address this emerging new threat.

The Senator from North Dakota raised the issue of other compelling threats. Indeed, there are other threats Americans face from a biological, chemical, or nuclear weapons delivered through ballistic missiles. A truck packed with explosives, a ship cargo container that sailed up into one of our ports, or any number of other means of delivering weapons of mass destruction are clearly threats we must take seriously. However, the fact that these threats exist does not mean we should ignore the very real threat posed to American citizens by proliferating ballistic missile technology. people.

The Senator from North Dakota talked about other effective deterrents. He discussed the success that Americans had with a strategy of deterrence through mutual assured destruction. During that particular era, there were two superpowers engaged in a standoff. Mutual assured destruction seemed the most feasible strategy to counter Soviet missile threats. But, in that era, there was no threat of missile proliferation such as we face today. There was a very serious, but very definable, cold war between the two superpowers, each possessing thousands of nuclear warheads that could be used in retaliation against the other should a first strike be launched. As we all know, the strategy of mutual destruction is no longer a viable means of deterrence.

There is a also a moral imperative at issue with the concept of mutual assured destruction. Simply to say that our best protection against a missile attack that could injure or kill millions of Americans is our capability to respond in kind against the country that launched the attack, violates basic moral considerations our Nation could not support today.

I found it interesting that the Senator from North Dakota spoke of sunflowers now growing over former missile sites. Most of us would like to see sunflowers growing over every missile site, not only in the former Soviet Union but in other countries around the world. Unfortunately, this has not been the case. More than 25 countries—including China, North Korea, Libya, Syria, Iran, Pakistan, and India—possess or are seeking to acquire ballistic missiles capable of carrying nuclear, chemical, or biological warheads. They are actively pursuing ballistic missile technology for their fields—not sunflowers. And, as we all know, we have had little success discouraging these nations from acquiring missile technology.

North Korea has been developing ballistic missiles such as the Taepo Dong II, a missile with a range of up to 6,000 miles that can certainly target Alaska and Hawaii. North Korean President Kim Jong-Il has reportedly ordered the development and deployment of strategic long-range ballistic missiles tipped with more powerful warheads. By many estimates, in less than 10 years, North Korea will be able to deploy an operational intercontinental ballistic missile force capable of hitting the American mainland.

The administration is ignoring these very serious trends. Instead, it has adopted a wait-and-see strategy in its approach to the defense of our Nation. Much of the administration's position is derived from a recent national intelligence estimate report by U.S. intelligence agencies. The NIE claims that no country will be able to acquire ballistic missile technology capable of reaching the United States for at least 15 years. But NIE's choice of 15 years is based on calculations most Americans would hardly find reassuring. The 15-year estimate is based primarily on the indigenous development of missile systems, ignoring the rapid rate of ballistic missile technology proliferation so evident today.

In addition, the NIE based its threat calculations without regard to Hawaii and Alaska. The report projects that no rogue nation will possess the technology capable of hitting the lower 48 States for 15 years. In qualifying its estimate, the NIE discounts the more immediate threat of North Korea's Taepo Dong II missiles to these States. Yet, in August 1994, John Deutch, then Deputy Secretary of Defense, testified before Congress that ''If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.'' At that time, the CIA estimated that this system would be deployed before the year 2000.

It is unfortunate that the United States today has little control over the proliferation of ballistic missile technology. But, the time has come for us to recognize this fact and act accordingly. Mutual assured destruction and other strategies have come and gone. They are no longer appropriate for the era in which we live, nor the threats America might face in 21st century. The administration's position of adhering to a policy whose assumptions are based on the perceived intentions of countries rather than their emerging capabilities and the realities of the world today is a serious mistake.

Even the NIE report warns that a future political crisis in Russia or China could lead to an unauthorized ICBM launch against the United States. Russia today is embroiled in political turmoil resulting from reform and the civil war in Chechnya, while China remains in the throes of uncertain changes in political leadership. Both China and Russia have also been actively selling technology to other nations. Indeed, recent reports indicate that China is attempting to buy SS–18 missile technology from Russia and the Ukraine—technology that would significantly enhance China's ability to target American soil. Technology transfers such as these give countries a major advantage in developing indigenous nuclear weapons and delivery systems, to include ballistic missiles. Libya and Iraq's leaders have made their desire to obtain such weapons quite clear, while North Korea has been willing to oblige by selling its missiles to interested parties.

There are many other countries actively engaged in buying advanced technologies and missiles. If rogue nations are successful in buying systems already developed, or can acquire the technology to build their own indigenous systems, the United States may well face a threat even sooner than expected. In testifying before Congress earlier this year, Jim Woolsey—President Clinton's first Director of Central Intelligence—addressed the grave nature of ballistic missile technology, stating that:

> Ballistic missiles can, and in the future they increasingly will, be used by hostile states for blackmail, terror, and to drive wedges between us and our friends and allies. It is my judgment that the administration is not currently giving this vital problem the weight it deserves.

Who is to say that the current intentions upon which the administration rationalizes its position may not quickly shift to the disadvantage of the

United States? Should one of these countries decide to target the United States—for the reasons Jim Woolsey cited—how will we defend America? Reassurances that a ballistic missile defense system is under development will do nothing to defend American citizens, just as it does nothing to deter future aggressors.

Even if NIE's 15-year threat window were realistic, a strategy of waiting to deploy a defensive system until we are certain we will face an imminent attack fails to recognize the reality that deploying a new system with advanced technology will invariably require fine-tuning. This hedge strategy risks the welfare of American citizens in the face of a direct threat to our national security.

Proliferation of nuclear, biological, chemical weapons and the means to deliver them is a dangerous game. While we must continue our efforts to prevent rogue nations from acquiring this technology and thus endangering us, we must also concede that ultimately we are powerless to deter the acquisition of this technology. If we cannot deter the proliferation of ballistic missile technology, we must at least diminish the incentive for attacking the United States and nullify the potential consequences of such an attack. We can do this by developing and deploying a national missile defense system. In the end, it is the only plausible strategy to protect American citizens from the future threat of a ballistic missile attack. As former British Prime Minister Margaret Thatcher recently remarked:

> Acquiring an effective global defense against ballistic missiles is . . . a matter of the greatest importance and urgency. But the risk is that thousands of people may be killed by an attack which forethought and wise preparations might have prevented.

It is the reality of the proliferation of ballistic missile technology, the capability of providing nuclear, chemical or biological destruction through the delivery on ballistic missiles, and the proliferation of those missiles that demands we give serious consideration to a national missile defense system. We are making positive strides in providing theater missile defense protection for our troops abroad. But, in my opinion, we are not taking the steps that we need to take to provide that same kind of protection to Americans here at home.

It is a risky strategy to continue to postpone the basic decisions that need to be made relative to deployment of a national missile defense system. We can argue over timing. We can argue over the deployment. We can argue over the cost that is appropriate in relationship to our budget each year. But we must not deny our citizens protection from the grave potential of a future ballistic missile attack on the United States.

There is a little doubt that the cloture vote which will take place at 2:15 will succeed. The previous speaker has challenged us to get to the debate. We will need his help in order to get to that debate. Indeed, we are going to need help from those who have opposed the proposal before us in order to get to the heart of the critical issues addressed in the Defend America Act.

The PRESIDING OFFICER. The Senator from New Mexico has 10 minutes.

Mr. BINGAMAN. Mr. President, I also rise in opposition to the motion to proceed on this bill, this so-called Defend America Act. The bill is bad policy for many reasons. Several of my colleagues have already mentioned some of those.

First, the bill would undermine Russia's ratification of the START II Treaty, and undermine the implementation of the START I Treaty. These treaties will destroy vastly more Russian nuclear weapons than any missile defense program that is being proposed in this legislation.

A second reason the bill is bad policy is that the bill would mandate the premature deployment of a national missile defense that we do not know today how to deploy, whatever the proponents of the bill may argue.

A third very significant reason why this bill is bad public policy is that it would divert many billions of dollars—the estimate is about $60 billion—from higher Pentagon priorities, particularly around the turn of the century when the Republican defense budgets fall below the President's defense budgets.

I do think we need to ask where the money is coming from. As the Senator from North Dakota said a few moments ago, it is ironic that the effort is being made to move ahead on this legislation the same week the Senate is being asked to once again vote on whether or not to embrace a balanced budget constitutional amendment. We also need to ask at what expense to our other defense capabilities would we be adopting this kind of legislation. The Joint Chiefs of Staff believe those other defense capabilities are more important. We need to heed their advice on this.

The proponents of this bill do not know what system they are demanding to deploy. They do not know what it will cost. They seem at best indifferent to the reaction that we would find in Russia, and at worst they seem to rush to embrace the demise of the Anti-Ballistic Missile Treaty as a welcome consequence of this bill.

We need to ask ourselves why is this not the position of the Joint Chiefs of Staff? Why do the Joint Chiefs put higher priority on preserving START I and going forward with START II and on developing other defense capabilities, including theater missile defenses? The proponents of this legislation have no answers to those questions.

Let me spend a few minutes talking about some of the reasons I am deeply skeptical of our ability to develop highly effective national missile defenses, as called for in this bill, in the timeframe that is set out and required by this bill. I have followed this debate fairly closely since March 1983, shortly after I came to the Senate and President Reagan gave his famous star wars speech. We now know, many years later, that President Reagan had essentially been sold a bill of goods by the proponents of star wars. He was told that an x-ray laser, driven by a nuclear explosion in space, could wipe out a whole swarm of attacking Soviet ICBM's. But the x-ray laser proved to be neither technically sound nor politically viable. The nuclear component of the SDI program was gone within a couple of years. Instead, the goal became a nonnuclear national missile defense composed of a wide range of kinetic-kill and directed-energy weapons coupled with advanced space and ground sensors that could provide some sort of astrodome-like, leak-proof protection for the American people against all ballistic missile attacks.

Mr. President, there was almost no one in the technical community at the time who thought that it was possible to develop what I just described. I distinctly remember being briefed at Sandia National Laboratories in the mid-1980's on their red team analyses of the various proposals being put forward as part of the strategic defense initiative [SDI] by contractors. The red team always won. Nevertheless, we spent billions of dollars in pursuit of this goal that not even the proponents of this bill support today.

It was not until Senator SHELBY and I offered an amendment in 1989 that Congress even tried to look at the component parts of the SDI Program and put some priority on those that made sense, at the same time scaling back those that did not. That amendment, which was debated on the eve of Iraq's invasion of Kuwait, put first priority on developing theater missile defenses, and it called for sharp cutbacks in the more exotic space-based SDI systems, such as the system that was then known as Brilliant Pebbles.

The Persian Gulf war heightened the consensus that our first priority should be theater defenses, if we could come up with some type of theater defenses that, in fact, were effective. The Patriot interceptor clearly had been ineffective against the Iraqi Scud attacks during the war, as the Senator from Arizona noted yesterday. So in 1990, under Senator NUNN's amendment, priority was once again given to theater defenses.

Why has it been so hard for us to come up with effective theater missile defense systems? Since 1989, we have spent over $10 billion on developing theater missile defenses. The President proposed another $2 billion in fiscal year 1997, the budget that we are still working on. Some of these systems, such as THAAD, are now entering testing, but, thus far, they have not had great success in the way of hitting targets.

Why is that, Mr. President? It is true because hitting a bullet with a bullet is

a very, very difficult thing to accomplish. A theater ballistic missile will be moving at up to 5 kilometers per second or 3 miles per second as it approaches its target. Think about that. Three miles per second. An interceptor missile sent up to intercept it travels at approximately the same speed and it has to maneuver so that it ends up in the same breadbasket-sized space at precisely the right moment as the two missiles approach each other at up to 6 miles per second. That is a pretty good trick.

The Congress has been calling for highly effective theater missile defenses for at least 7 years now. We have been supporting research for far longer. And yet, as I said, we have not hit very much. We all hope that our investments in THAAD and Navy Lower Tier and improved Patriot and MEADS and Navy Upper Tier will eventually result in a reasonably effective theater defense capability. We know that that is a capability our military commanders want because finding and destroying small truck-mounted Scud-sized missiles before they were launched proved very difficult in the Persian Gulf war.

However, after 7 years, in which Congress consistently approved the requests for theater missile defense system funding—in fact, added funds during several of those years—we still do not have a highly effective theater missile defense, although we, hopefully, have some promising candidates. Anyone who told us that theater missile defenses would be easy back in the 1980's should have conceded their mistake by now. Anyone who promised astrodomes for national missile defense should have lost credibility with Congress and the American people a long time ago.

Yet, it is that same crowd who is pushing this legislation. They are much more careful about promising astrodomes now. Instead, this bill calls for deployment ''by the end of 2003'' of ''a National Missile Defense system that—

(1) Is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized or accidental ballistic missile attacks; and

(2) Will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.''

Seven years from now, according to this bill, we are supposed to have solved a harder problem than theater defenses, namely national missile defense, and deployed a system. The proponents totally disregard the lessons of how hard it has been to develop theater defenses over the past 7 years. These technological developments can-not be made on a congressionally mandated time schedule.

We also need to ask what the threat is that is conjured up to justify spending this $60 billion contemplated in this bill. Is it a real threat like the mobile Scuds that our troops faced in the Persian Gulf? The intelligence community does not think so. Yet, the threat you hear the most about from the proponents of this bill is the potential threat that North Korea could develop a missile, the Taepo Dong II, capable of attacking the Aleutian Islands sometime soon. The proponents attack the intelligence community for not leaping to the conclusion that this threat justifies deployment of a national missile defense now.

Let me put a few facts on the table about this potential threat.

North Korea's total gross national product is about $25 billion. That is less than one-third of 1 percent of the U.S. gross national product. In fact, that country is bankrupt, Mr. President. Its people are malnourished, if not starving. Its total defense budget is less than $6 billion, which is approximately one-fortieth of our own, and yet those who want to pursue a crash national missile defense system criticize the intelligence community for unanimously judging that it might be difficult for North Korea to develop a long-range missile in the next 15 years.

If North Korea's Taepo Dong II—a missile that does not today exist—is the justification for this bill, it is a pretty thin justification indeed. But let us take this argument further. Let us give the proponents of this bill the benefit of the doubt. Let us say that this bankrupt country actually started building such an intercontinental ballistic missile tomorrow. Are we a pitiful helpless giant incapable of responding? Does our $267 billion defense budget provide our President and our military leaders no options to deal with this threat? Should we sue for peace? Of course not.

The Taepo Dong II, if it ever exists, would be a large immobile missile. We would know about its development immediately through our intelligence capabilities. And we would be able to destroy it by a preemptive strike long before it was ready to be launched, just as Israel once dealt with the Iraqi nuclear complex.

If the threat is a rogue nation, like North Korea, Iraq, Iran, or Libya, developing an ICBM, then clearly preemption with our existing military capabilities would clearly handle such a threat with very high confidence. It is a far higher confidence level than we are ever likely to achieve with a national missile defense system. The American people would support such a preemptive strike, just as they support today the threat of preemption which Secretary Perry has made to the underground Libyan complex should it begin to manufacture chemical weapons.

There is an editorial, which I want to cite on this point, that was in the May 13, 1996 edition of the Patriot & Evening News out of Harrisburg, PA. This is an article called ''Offense is Best Missile Defense.''

The author makes the obvious point about the threat from rogue states. He says:

If a nation hostile to the United States should acquire the capability to send a missile our way, dare we wait until it is fired to see if our missile defense system actually works? Or would we in fact use other military means to go in and put it out of commission before it was fired?

The answer surely is that you do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.

Mr. President, I ask unanimous consent that the full text of this article appear at the end of my remarks.

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

[See exhibit 1.]

Mr. BINGAMAN. So, Mr. President, the threat of a rogue nation really cannot and should not be the justification for this bill and the expenditure of tens of billions of dollars.

But let us also look at the technical side of national missile defense. As the senior Senator from Ohio, Senator GLENN, has said many times on this floor, we do not today know how to do this, whatever a contractor may claim. With ICBM's we are talking about bullets intercepting bullets with closing velocities of up to 10 miles per second. The President and Secretary Perry propose to continue research in this area at the rate of half a billion dollars per year to see if we can solve the technical problems. That is an adequate amount in my judgment, given how little has been delivered thus far after the expenditure of many tens of billions of dollars. I am from Missouri like Harry Truman when I hear any promises about how close we are to solving the technical problems of national missile defense. Someone is going to have to show me with real test results. I have heard such promises before. The American people have heard such promises before.

Mr. President, if the threat from rogue states is remote and capable of being handled by other means, as I believe it is, if we have no technical solution in hand, if we risk undermining the benefits of START I and the START II Treaty as well, then why on Earth should we move ahead to pass this bill? The proponents threaten us with some variation of the astrodome 30-second political spot. They feel the American people will be outraged that we do not have a national missile defense system. But it is much more likely that the American people will see this legislation for what it is, a fiscally, technically, and strategically unsound bill that will damage both our Treasury and our security.

Mr. President, I believe it would be folly for us to proceed to enact it and the American people will not be fooled into believing otherwise. I appreciate the time and yield the floor.

EXHIBIT 1

[From the Harrisburg (PA) Patriot & Evening News, May 13, 1996]

OFFENSE IS BEST MISSILE DEFENSE

AMERICA NEEDS A SYSTEM TO PROTECT DEPLOYED TROOPS, BUT SHOULD TAKE OUT ATTACK CAPABILITY OF ROGUE NATION

Should the United States develop and deploy a system to destroy incoming missiles fired by a rogue state, such as Iran or North Korea?

That is the issue in what the House leadership has dubbed ''Defend America Week,'' as it considers legislation that would deploy a missile defense system by the year 2003.

At stake, Republicans argue, is the nation's security in a world where all sorts of nations are equipping themselves with or seeking weapons of mass destruction.

Also at stake are billions of dollars, and perhaps the ability of our military forces to carry out more conventional missions, for the defense pot isn't likely to get much bigger even if Congress votes for deployment of expensive defensive missiles.

Is such a deployment necessary? The Clinton administration proposes to spend $600 million annually for five years to develop a system, but not deploy it unless a clear threat emerges. No nation that might pose such a threat has the capability to launch a missile that can reach American shores. And the best intelligence estimate is that such capability is at least 15 years away.

It should be noted that the administration does propose to fund the development and deployment of a theater anti-missile system to protect American military forces overseas from attacks such as those by Scud missiles we saw during the Persian Gulf War.

Not only is there no immediate threat that would require deployment of a national missile-defense system, the so-called ''Defend America Act'' doesn't even define the type of system that would be developed or deployed. That suggests a considerable gap between the idea and an actual system capable of picking off a missile before it inflicts harm on this country.

Indeed, one of the arguments against early deployment is that the pace of technology could well render such a system obsolete in the estimated three years required for it to become operational.

The costs are not inconsequential. Deployment of even a modest, single site, ground-based system could amount to $5 billion, though it would be of doubtful worth. A more ambitious system would cost on the order of $25 billion. A multi-site system could run $44 billion or more, but would also violate the ABM treaty with Russia, which limits each country to one ABM site.

More to the point, if a nation hostile to the United States should acquire the capability to send a missile our way, dare we wait until it is fired and see if our missile defense system actually works? Or would we in fact use other military means to go in and put it out of commission before it was fired?

The answer surely is that you do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.

Mr. KYL. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Senator INHOFE, a member of the Senate Armed Services Committee.

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. Inhofe, is recognized for 10 minutes.

Mr. INHOFE. Mr. President, I thank the Senator for yielding.

We are in the middle of a debate we have heard over and over. I do not think I have heard anything today or yesterday that I have not heard already and we have not discussed at some length.

The Senator from New Mexico mischaracterizes the threat that exists out there. I hope we can go back and recall some of that debate because it started, in characterizing the threat, 2 years ago, when James Woolsey, who has already been identified as the CIA Director under President Clinton, who has stated that we know of between 20 and 25 nations that have or are in the final stages of developing weapons of mass destruction, either biological, chemical, or nuclear, and are developing the missile means in delivering those weapons. He said this 2 years ago.

I suggest that those who look wistfully back and say, ''Isn't it wonderful that the cold war is over,'' that the threat could very easily be, and I think it is, greater than it was during the cold war. During the cold war, we had the U.S.S.R. and the United States as two superpowers. So it made some sense to some people to come up with agreements to downgrade nuclear capability because there were only two nuclear superpowers out there. But if we are talking about 25 to 30 nations now and we establish some type of relationship with Russia, since the U.S.S.R. is no longer in existence, then we still have 25 or 30 other nations that are building up their nuclear capability at the same time we are tearing ours down.

Is the threat out there? The Russians have the SS–25, the SS–18, which is a MIRV'd missile, I think, with 10 warheads. They have the capability of launching. And North Korea's Taepo Dong II missile that the Senator from New Mexico talked about, that is something that the experts say is within 5 years—and I have heard lower figures than that—of being able to reach the United States. We are talking about technology that exists. We are talking about missiles that can reach long distances and can reach the United States from such places as China, Russia, and North Korea.

I also suggest that we do not need to talk about the gross national product of North Korea. That should not enter into this debate. I do not care what their gross national product is. If they have a Taepo Dong II missile that can reach the United States, it only takes one. Coming from Oklahoma, I can tell you, one bomb is enough.

So when you look at the threat, I think you need to consult the individuals who are the experts and the ones who said we know what capability is there.

We have had this debate already. We had this debate in 1991. We decided we would protect ourselves against the threat of a missile attack by the year 1996. Here it is 1996.

We are having this debate again. Technology has improved. As far as the Senator from New Mexico's statement about hitting a bullet with a bullet—yes, that is a difficult thing, but there is not a person in the United States who was not watching CNN during the Persian Gulf war, and we all saw Patriot bullets hitting Scud bullets. That was 5 years ago. Mr. President, we can hit a bullet with a bullet.

When you are talking about the proper function of Government, I cannot think of any function that is more significant than protecting the citizens of the United States.

We had a lot of discussion about the cost of this. I hear these figures being batted around, $30 and $60 billion. The fact is we already have somewhere between $44 and $50 billion invested in our Aegis ships. We have 22 cruisers and destroyers already floating out there with launching capability.

We want to get them upgraded so they can reach up into the upper tier and defend us against missile attack. I do not see anything un-American about that. That money has already been spent. We have that investment. We are down now to a very small amount of money that could bring us to the reality of being able to defend ourselves.

Here is Team B of the Heritage Foundation, which is made up of a lot of very knowledgeable people, such as Lt. Gen. James Abrahamson, former SDIO Director and Associate NASA Administrator, and Lt. Gen. Daniel Graham, the former Director of the Defense Intelligence Agency.

We have all of these people sitting down determining the cost of actually coming up with a system that will protect America using the Navy's Aegis system. They say it is going to be somewhere in the neighborhood of $3 billion, plus $5 billion if we are going to field the satellites we need to be able to detect where one of these missiles is launched.

To be able to use our satellites to detect a missile that is coming toward the United States will cost, according to the Heritage experts, approximately $5 billion. If you take the CBO report and look at what it really says—and they talk about the figures $31 to $60 billion—what they are talking about is if you want to buy every available missile defense technology there is.

What we are suggesting in this bill right here is that the President and the Secretary of Defense look at all the technology, look at the land-launched missiles, look at the Navy's Aegis system and space systems and pick the right combination that will defend America.

What the CBO did was to add up the cost as if we adopted everything. It is like going into a used car lot and buying every car in the lot, not just the one that is going to take care of our needs.

So the cost is not that much. If the CBO is right, and if it is between the $30 and $60 billion—let us assume it is $40 billion—that is the total cost from 1997 to the year 2010. That is 14 years.

So we would be taking approximately $3 billion a year.

The Senator from North Dakota talked about the fact that there was not any real threat from North Korea. I suggest that the Senator go back and reread what Gen. Gary Luck, the United States commander in South Korea, came out and stated this year before the Armed Services Committee. He said we have very serious threats. Granted, we are talking about more of a theater missile problem there in Korea. But he said: With 37,000 Americans in South Korea, we need to start working on this system right now because we know what the Taepo Dong II missile is advancing and we know what kind of threat it will be not just to South Korea but to the United States.

So I would like, rather than to listen to someone who has very little knowledge about the technology that is available out there, to listen to those who are the experts. I also add that the experts—I was very proud of the four chiefs of the four services the other day coming out and saying that out military procurement is underfunded by $20 billion underfunded—recognizing we in America are not paying proper attention to defending America. It took a lot of courage for them to say that.

The Senator from North Dakota goes on and on talking about $60 billion, $90 billion, large sums of money, as if none of that has already been spent. I suggest, Mr. President, that the vast majority of what we need for missile defense has been spent, that we could take the amount of money that has been spent and spend about 10 percent more and have a system in place that would be able to shoot down an ICBM missile if it came toward the United States.

Coming from Oklahoma, I think I am probably a little more sensitive to what kind of a disaster can take place. I was there the day after the bombing of the Federal building in Oklahoma City. It is easy to sit here, read the accounts in the paper, maybe watch TV and not be too impressed with how personal this is. When you have a close friend whose son and daughter were in that building, were killed in that building, and they did not know it for 3 days; when you see the disaster, the millions of dollars that were lost, the half billion dollars that was identified in property damage, the 168 lives; and then you realize that the explosive power of the bomb that went off in Oklahoma City was equal to a ton of TNT, while the smallest nuclear warhead that we know about today that our intelligence community can document is 1 kiloton, a thousand times the size of the bomb that wiped out the Murrah Federal office building in Oklahoma City—I just say to those who like to keep their head in the sand, those who like to believe that there is no threat out there, a lot of the experts disagree with you. And what if you are wrong?

The PRESIDING OFFICER. Time has expired. Who yields time?

Mr. NUNN. Mr. President, I believe the Senator from Michigan, Senator LEVIN, had been on the floor and would like to speak. But he is not here now.

Mr. KYL. If he is not here, Mr. President, I will yield 5 minutes to the Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi, Senator COCHRAN, is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I thank my distinguished colleague from Arizona for yielding time to me.

The most often heard criticisms of this legislation that have come to my attention and that I have read in the op-ed pieces and the newspapers consist generally of three main arguments: First, the system costs too much; second, we will violate the ABM Treaty; third, this is not the real threat we are dealing with right now, that it is more of a terrorism threat, that people could bring a nuclear weapon in a suitcase and put it anywhere in the United States, and that this is what we have to concentrate our attention on.

Let me take those arguments and just say that on the basis of the facts—not the rhetoric, not the eye wash, not the double-talk, but the facts—before our Committee on Defense Appropriations, we have heard of a system that, using a sea-based system, we can deploy a missile defense system with existing ships, cruisers, that are now in the inventory of the U.S. Navy and at sea around the world that have a firing system that is capable of being used for launching interceptors. This can be deployed over a 5-year period at a cost of between $2 and $3 billion.

Think about that. That is within the budget request being submitted by the President of the United States for missile defense. Other testimony came from the Air Force. The highest ranking officers of the Air Force described before our committee a ground-based system, the technology for which already exists and is proven to be very promising in this area. The cost? $2 to $2.5 billion. Now, come on.

There was testimony from the Army, the highest ranking officials in the Army, about a ground-based system for missile defense. One estimate was from $5 to $7 billion over a period of years to deploy this system.

The reason those costs are so low is because we have already invested substantial sums of money. Those investments are not wasted if we will go ahead and deploy a system in an orderly way, using the technology that is there.

Second, opponents of national missile defense say we will violate the ABM Treaty. The Defend America Act, which I am cosponsoring, along with a number of other Senators, specifically provides that the President pursue high-level discussions with the Russian federation to achieve an agreement to amend the ABM Treaty to allow deployment of the National Missile Defense System being developed for deployment under section 4. It does not say violate the treaty. It suggests that if there is a need to amend the treaty to keep from violating it, the President should work to accomplish that objective. We do not know what the Russians would say to that kind of proposal, but we ought to at least explore it. But to say that the Defend America Act violates the ABM Treaty is just not true.

Third, opponents of national missile defense say that the kind of threat that we are confronting right now isn't that serious. Well, it is. There are some 20 countries, maybe more, who either have or are in the process of acquiring missile technology capable of delivering lethal warheads, nuclear, biological, and other types of lethal warheads over long distances that could create mass destruction, putting at risk, right now, our troops in South Korea, those deployed in other regions of the world. Our interests everywhere are threatened.

Now, of course, we are worried about terrorism. That is why we passed the antiterrorism bill the other day. Of course, we are worried about doing enough in terms of surveillance and keeping up with what is going on and what kind of threats exist against the United States and its citizens. That is why we have intelligence-gathering agencies. That is why we are urging that the President submit a request for more funds for these things rather than less. So we are fighting that battle. We are dealing with that threat. To use as an excuse that we should not have a missile defense system because there are other threats that may be more obvious, does not argue, in any way, against the passage of this bill. That is the point.

I am tired of hearing these same old arguments, dredged up, reused and rephrased, in the New York Times editorial page and by others contributing their information through that source to this debate. I think they are wrong. They are certainly not accurate.

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COCHRAN). The Senator has 36 minutes and 7 seconds.

Mr. NUNN. I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. Mr. President, Senate bill 1635, the so-called Defend America Act, is really misnamed. It should more appropriately be called the Reducing America's Security Act, because it would reduce our security by jeopardizing the massive reductions of former Soviet nuclear weapons that are scheduled to take place under START I and START II.

Those reductions are not going to take place, we have been so informed, if we unilaterally commit to deploy a system which violates the agreement between ourselves and Russia, the ABM

Treaty. That is the bottom line. Everybody can try to wriggle away from that and try to avoid that issue if they want, but we have an agreement with Russia. That agreement prohibits or precludes the kind of systems which the Senator from Mississippi just described. Sea-based ABM systems are not allowed under that agreement. We have been told if we commit to deploy systems which violate that agreement with Russia that they will not proceed to dismantle weapons under START I and they will not ratify START II.

That is the issue which we face. Which course of action is more in our security interest: proceeding with huge reductions in Russian nuclear weapons or violating an agreement with Russia and keeping those weapons in place?

It is not whether there is a potential threat. There is a potential threat. The question is whether or not we address that threat in a rational, reasonable way, which does not create greater dangers to ourselves. If we address a potential threat in a way which causes Russia to say, ''OK, you are committing now to violate an agreement which you have worked out with us, and we are, therefore, going to stop dismantling our nuclear weapons under START I and we are not going to ratify START II,'' we have not only cut off our nose to spite our face, but we have produced a far more threatening situation involving thousands of nuclear weapons which will continue to exist, which otherwise will be dismantled.

Now, that is not just Democrats in the Congress talking, and that is not just the administration talking. That is the Chairman of the Joint Chiefs of Staff. That is the Chiefs of Staff themselves. That is our regional CINC's around the world. They are telling us it is not in our interest to proceed down the line of threatening an agreement which will result in Russia, saying, ''OK, if you are going to have prohibited defenses, then, folks, we are not going to dismantle the weapons that we otherwise were willing to dismantle.''

Of course we want to defend against potential threats. But we do not want to do so in a way which creates worse threats for ourselves. That is what the Chairman of the Joint Chiefs of Staff is telling us. That is in a letter to Senator NUNN, in which he tells us that the Chairman, the Chiefs, the CINC's, do not approve a course of action which threatens to undermine an agreement that we have with Russia.

His letter to Senator NUNN reads:

> In response to the recent letter on the Defend America Act of 1996, I share congressional concern with regard to the proliferation of ballistic missiles and the potential threat that these missiles may present to the United States and our allies.

Then he says:

> Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I.

Continuing:

> I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we may face.

We have our highest uniformed military authority, not just the civilian heads of the Department of Defense, but our highest uniformed military authorities who have said they do not want us to commit now to deploy a system by a year certain, as this bill requires. That unilateral commitment to deploy a system which would violate the ABM Treaty, as would the system which my good friend from Mississippi just outlined, the sea-based ABM system, that will lead Russia to withdraw from START I and not ratify START II, leaving us in a much more threatening situation than the one which we would otherwise face.

What the Defense Department wants us to do instead is put ourselves in a position where we can deploy, should the threat warrant it and should the costs make it cost-effective and the technology make it militarily effective. That is the so-called 3-plus-3 approach. It gets us to a position where we can decide within 3 years to have a deployed system within 3 additional years. But it would not commit us now, prematurely, to such a deployment both for the reason which I just gave, which is that it threatens the ABM agreement with Russia which has allowed them to dismantle thousands of weapons and would cause them to stop dismantling more, but also from the Defense Department perspective, it prematurely commits us to technologies before we know what are the best technologies in order to meet this potential threat.

So the question is not whether we want to defend America. Of course, we want to defend America. The question is how best to defend America, how best to defend against potential threats, and how best to do so without creating a worse situation for ourselves. I want to emphasize this fact so this does not appear to be Senator DOLE and Speaker GINGRICH on the one side and the administration on the other side. This is the Chairman of the Joint Chiefs and the Joint Chiefs themselves.

At the end of his letter, as he emphasized, ''I have discussed the above position with the Joint Chiefs and the appropriate CINC's, and all are in agreement.'' What they are in agreement with is the danger of ruining our chances for continuing massive reductions of former Soviet nuclear weapons by threatening the ABM Treaty, and also in agreement on the administration's approach which I have just outlined, the so-called 3-plus-3 approach.

There are other threats, as my good friend from Mississippi has pointed out. There are lots of threats, lots of terrorist threats we face, including threats that could come in a suitcase, threats that could come in trucks, threats of chemical weapons, threats of biological agents, and we must spend a lot more time and more resources addressing terrorist threats. We have to rate these threats in terms of likelihood.

The head of the CIA, John Deutch, has ranked threats, and when he ranked the threat of terrorists using weapons of weapons of mass destruction, whether chemical or biological weapons or nuclear weapons, with the threat of ballistic missiles delivering nuclear weapons or other weapons of mass destruction by rogue states, he listed the missiles delivering the weapons as a far distant third. And so we, too, must make decisions on allocations of resources, based on the likelihood of the threat. That is part of our job in Congress.

Now, the CBO has estimated this Dole-Gingrich missile defense system could cost $60 billion, roughly. The CBO estimate apparently is not accepted by the folks who insist that we accept CBO estimates on everything else. I think it is obvious why there is the inconsistency here, and it is an inconsistency. If there is an estimate of a certain amount by CBO, it seems to me that we ought to be consistent and say, OK, if we are going to accept the CBO numbers in terms of budget deliberations, the estimates should be given some kind of a prima facie credibility in terms of other areas as well.

So there is a significant cost here. Is it worth it? We do not know yet. The answer is that it may be, but may not be. If it creates a system which can effectively defend us from in-coming missiles, and if there is a real threat of those missiles coming in, and that system will not create worse threats than the ones we are considering, it may well be. So we have to weigh the likelihood of the threat.

When is the threat likely to emerge? The CIA estimate is not in the next 15 years, in terms of any new states having the capability to hit the continental United States, other than Russia and China. And so we have to weigh the likelihood of those threats and the cost of defending against those threats against all the other aspects that go into this kind of a decision.

We have other ways to defend ourselves. We have arms control and threat reduction efforts, like the START I and START II treaties and the Nunn-Lugar Cooperative Threat Reduction Program that are leading to massive reductions of former Soviet nuclear weapons. We have deterrence, which is a very critical way of defending ourselves—frequently not even considered anymore, but still it was the heart of the ABM Treaty. So there are other ways in which we can and want to and must defend ourselves, in addition to having some kind of an anti-ballistic missile system, as we clearly see in the case of Russia.

There are two nations that already have such ballistic missiles: Russia and China. The Russians are now reducing their nuclear weapons under the

START I Treaty, and once the START II Treaty enters into force Russia will make even greater reductions. These two treaties will result in the reduction of two-thirds of the nuclear weapons that the Soviet Union deployed at the end of the cold war. That is a huge increase to our security—a two-thirds reduction in nuclear weapons. Mr. President, I want to emphasize that the reductions we expect from START I and START II will be some 6,500 nuclear weapons that were deployed as recently as the end of 1991—far more nuclear weapons than those of all the other nations combined that possess nuclear weapons.

In addition to these reductions, the United States and Russia have de-targeted their missiles. That means that if there were an accidental launch of a Russian missile—which the intelligence community estimates to be a very very remote possibility—the missiles would land in the ocean and not on each other's territory. So we have already taken the most important step to reduce the risk of an accidental launch of a Russian missile by detargeting our missiles.

Mr. President, Americans are understandably far more concerned about the threat of terrorists bringing weapons into the United States. Here are some polling results: 67 percent believe that it is more likely that the United States will be attacked by terrorists bringing weapons into the country than being attacked by nuclear ballistic missiles. Only 3 percent of those polled thought the threat of ballistic missile attack was more likely than terrorist attack.

Our intelligence community has the same assessment of the relative likelihood of threats to our Nation. It views the threat of a terrorist attack in the United States using chemical or biological weapons as more likely than a ballistic missile attack. In testimony before the Governmental Affairs Permanent Subcommittee on Investigations earlier this year, Director of Central Intelligence John Deutch said that terrorists would be most likely to use chemical weapons to attack the United States, than biological agents, and finally nuclear weapons. Director Deutch said that ''chemicals are the weapon of choice for a terrorist group.'' Nothing in this Dole-Gingrich legislation would do anything to prevent a terrorist attack, such as the Tokyo subway gas attack. This bill focuses exclusively on the much less likely prospect of a ballistic missile attack against the United States

And on the view of the threat and appropriate funding level, the senior military leadership believe there are higher priorities that should be funded ahead of unrequested missile defense funds. For example, at the beginning of this year the Joint Requirements Oversight Council, which is made up of the Vice Chairman of the Joint Chiefs of Staff and all the Vice Chiefs of Staff, sent a memorandum to the Under Secretary of Defense for Acquisition and Technology stating their views on prioritizing and funding missile defense programs. The memorandum states:

> This memorandum is to inform you of the Joint Requirement Oversight Council's (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.
>
> The JROC believes that with the current and projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the U.S. homeland, the funding level for NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP [Future Years Defense Plan]. Those funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.
>
> We believe the proposed TMD/NMD acquisition levels are balanced and proportional and offer great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

So these are the views of the senior military leaders. They know the threat and they know what is a reasonable and prudent response to the threat. They also know that there are more pressing defense needs on which to spend our limited resources than committing to spend tens of billions on a missile defense system in carrying out a commitment to deploy a system by 2003, without even knowing the results of development and testing. That is why they recommended these more prudent levels of spending, which is consistent with what the Defense Department requested this year.

The (DOD) plan is to develop our missile defense technology so that we can make a deployment decision in 3 years if needed, and then be able to deploy a system after 3 more years, as early as 2003, if there is a threat that warrants deployment and if it is cost-effective. This so-called ''3 plus 3'' plan makes no commitment now to deploy. It commits us to improve significantly our missile defense technology and capability so we could deploy if and when that makes sense in terms of threat and costs.

By committing now to building a system that will be operational in 2003, the Dole bill could lock in the least capable technology and provide us with what the Pentagon terms a very ''thin'' system. It would thus deny us the ability to pick the best technology available in case a serious threat does emerge. The Defense Department has testified to Congress that for each year beyond 2003 that we wait before deploying a system we will increase the capability of the system we might not prematurely commit, but develop it properly and eventually build. Since there is no threat now from rogue nations, we should take the time to get it right in case we need to deploy. That is the Pentagon's plan and we should support it and reject the Dole-Gingrich plan.

Mr. President: Let me cite the provisions of this legislation that are of greatest concern:

Section 3 states:

> It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that —
>
> (1) is capable of providing a highly effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and
>
> (2) will be augmented over time to provide a layered defense against larger and more sophisticated threats as they emerge.

Section 4 states:

> (a) To implement the policy established in section 3(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.
>
> (b) The system to be developed for deployment shall include the following elements:
>
> (1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or more of the following:
>
> (A) Ground-based interceptors.
>
> (B) Sea-based interceptors.
>
> (C) Space-based kinetic energy interceptors.
>
> (D) Space-based directed energy systems.

I would point out, Mr. President, that all of the last three of these elements are strictly prohibited by the ABM Treaty.

Finally, Section 7 states:

> . . . Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 4.

Mr. President, it seems clear to me that when the bill states that the President would need an amendment to the ABM Treaty ''to allow deployment of the national missile defense system being developed for deployment under section 4'', as this bill does, it is an abundantly clear indication that the bill envisions a system that would not be permitted by the ABM Treaty. That is exactly what this bill is about. The administration sent to Congress yesterday its statement of administration policy concerning this bill. I will quote the first sentence of this administration statement. ''If S. 1635 were presented to the President in its current form, the President would veto the bill.'' Mr. President, yesterday was a historic day for U.S. and international security. We learned that the last of the nuclear weapons left over from the former Soviet Union have been removed from Ukraine. So Ukraine is nuclear weapon-free, as it promised. When the Soviet Union collapsed it gave rise to four nations with nuclear weapons on their soil: Russia, Ukraine, Belarus, and Kazakhstan. In addition to Russia, there were suddenly three new nuclear weapon states that had more nuclear weapons than the rest of the other nuclear weapon states—Britain, France and China—combined. Through hard work and cooperation, we are on the path to making those three states nuclear weapon free. Ukraine is to be commended for this

action. But this kind of cooperative threat reduction is not possible when we threaten to unilaterally violate a key treaty with Russia, or take actions that will jeopardize the huge reductions in former Soviet nuclear weapons. If we want to increase America's security, we should support cooperative threat reduction efforts—not threaten them. The Senate should reject this Dole-Gingrich legislation that would reduce America's security.

Mr. President, in closing, I ask unanimous consent that three documents be printed into the RECORD at this time. One is the letter which I have made reference to from General Shalikashvili, which I have quoted. Next is the document from the Joint Requirements Oversight Council [JROC] which has prioritized and recommended an appropriate level of funding for the theater missile defense and national missile defense programs, and other aspects, which are relevant to this debate. Last is a statement of administration policy regarding the Dole-Gingrich bill.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 1, 1996.

Hon. SAM NUNN,
U.S. Senate, Committee on Armed Services, Washington, DC.

DEAR SENATOR NUNN. In response to your recent letter on the Defend America Act of 1996. I share Congressional concern with regard to the proliferation of ballistic missiles and the potential threat these missiles may present to the United States and our allies. My staff, along with the CINCs, Services and the Ballistic Missile Defense Organization (BMDO), is actively reviewing proposed systems to ensure we are prepared to field the most technologically capable systems available. We also need to take into account the parallel initiatives ongoing to reduce the ballistic missile threat.

In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the costs and risks we may face.

We can reduce the possibility of facing these increased cost and risks by planning an NMD system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program (NDRP), which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

In closing let me reassure you, Senator Nunn, that I will use my office to ensure a timely national missile defense deployment decision is made when warranted. I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI.

THE VICE CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
Washington, DC.

Memorandum for the Under Secretary of Defense for Acquisition and Technology.

Subject: National missile defense.

1. This memorandum is to inform you of The Joint Requirements Oversight Councils (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.

2. The JROC believes that with the current and projected missile threat, which shows Russia and China as the only countries able to field a threat against the US homeland, the funding level for NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP. These funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.

3. We believe the proposed TMD/NMD acquisition levels are balanced and proportional and offer great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

W.A. OWENS,
Vice Chairman of the Joint Chiefs of Staff.
THOMAS S. MOORMAN, JR.,
General, USAF, Vice Chief of Staff.
J.W. PRUEHER,
Admiral, US Navy, Vice Chief of Naval Operations.
F.D. HEARNEY,
Assistant Commandant of the Marine Corps.
RONALD H. GRIFFITH,
General, US Army, Vice Chief of Staff.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 3, 1996.

STATEMENT OF ADMINISTRATION POLICY

[THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.]

S. 1635—Defend America Act of 1996—(Sen. Dole (R) KS and 23 cosponsors).

If S. 1635 were presented to the President in its current form, the President would veto the bill.

S. 1635 would commit the United States now to deployment by 2003 of a costly system for national missile defense (NMD) to defend the United States, inter alia, from a long-range missile threat from countries other than the major declared nuclear powers. For the reasons explained below, committing the United States now to such a deployment is not only unnecessary, but could be harmful to our broader national defense interests.

The costly deployments required by S. 1635 would divert vital defense funds from other more pressing defense needs. The bill encourages deployment of space-based laser satellites that would cost billions and would violate the ABM treaty. The CBO has estimated that such an NMD would cost $31–$60 billion through 2010. These amounts do not even include the costs of operating and supporting such a system. Such unnecessary NMD spending—within the defense budget levels proposed by the Administration through 2002—would jeopardize modernization efforts for other, more pressing defense missions. Moreover, the budget resolutions passed by the House and Senate would provide $10 to $16 billion less in 2001 and 2002 for defense than the Administration's budget plan. Proceeding with the NMD program envisioned by this bill, under these defense budget levels, would cripple modernization.

The immediate commitment to a specific system to defend against a threat that does not now exist is both imprudent and dangerous. By mandating an NMD deployment decision now, the bill would force the Department of Defense (DOD) to commit prematurely to a technological option that may be outdated when the threat emerges. The bill embraces much of the failed ''Star Wars'' scheme, which depends on advances in technology that are at least a decade away.

The Administration's Deployment Readiness Program will continue to develop national missile defense technology for three years—the minimum time needed to develop a workable defense—after which time the United States can make an informed decision to deploy a system by 2003 if so warranted by the threat. The Intelligence Community has estimated that there will be sufficient warning time to make this timetable possible. This ''3+3'' approach to national missile defense ensures that a system will be fielded with the best technology available if and when the threat emerges. The Administration approach also preserves the correct priority in the Ballistic Missile Defense program. This program fully funds Theater Missile Defense to defeat a threat that is here and now, and complements a comprehensive defense against weapons of mass destruction that includes prevention, deterrence, and defense.

Finally, by setting U.S. policy on a collision course with the ABM Treaty, S. 1635 would put at risk continued Russian implementation of the START I Treaty and Russian ratification of START II. These two treaties together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The PRESIDING OFFICER (Mr. ASHCROFT). Who yields time?

Mr. NUNN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time during the quorum will be charged equally to both sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. 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. MURKOWSKI. Mr. President, I rise today to voice my strong support for the Defend America Act. I won't comment on every aspect of this important legislation, but there are certain issues which bear highlighting.

Although we in Alaska may sometimes wish we were further away from Washington, DC, I think the citizens in my State would be shocked to learn that this administration apparently dismisses the strategic importance of Alaska, the other noncontiguous State, Hawaii, and U.S. territories. Have President Clinton and his advisers forgotten which State Japan chose to strike first, and what event drove us into World War II?

President Clinton has said, ''The possibility of a long-range missile attack on American soil by a rogue state is more than a decade away.'' This statement ignores testimony in 1994 by John Deutch, then Deputy Secretary of Defense, ''If North Koreans field the Taepo Dong 2 missile, Guam, Alaska and parts of Hawaii would potentially be at risk.'' Does the President really mean that Alaska is not American soil?

As President Clinton's first Director of the CIA, James Woolsey, stated,

> [T]he contiguous 48' frame of reference for this NIE (National Intelligence Estimate), if the document is used as a basis for drawing general policy conclusions, can lead to badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future—threats to our friends, our allies, our overseas bases and military forces, our overseas territories, and some of the 50 states.

Very few of those in opposition to this bill give much thought to the actual nature of the threat that currently exists. As I've mentioned, the intelligence community has documented that the North Koreans are developing the capability to strike my State of Alaska with intercontinental ballistic missiles. That is not to mention those nations with adequate current capability such as Russia and China or those nations racing to gain such technology such as Iraq, Iran, and Libya.

I have heard several of my colleagues dismiss the threat from North Korea because that country is on the verge of collapse. I would remind my colleagues of some historical facts. First, North Korea has a history of reckless, irrational acts. This is the country which launched the invasion of South Korea in 1950 resulting in the deaths of 3 million of her countrymen and more than 33,000 American troops; a country whose agents detonated a bomb in Rangoon killing 16 South Korean officials; a country whose agents blew up a Korean Airlines flight killing 115 passengers and crew; and a country whose military hacked American personnel to death in the DMZ. Using missile blackmail may be just the type of desperate act North Korea might try to get the United States to start talking about a separate defense treaty, something that country has sought for years.

Third, if anything, the United States is extending the life of the North Korean regime by providing vast sums of free oil and expensive nuclear reactor technology under the terms of the agreed framework.

So I would not be so quick to dismiss North Korea as a threat.

An extremely important aspect of this bill is that it would allow the United States to act in its best interests abroad without the fear of having U.S. cities held hostage by hostile nations possessing intercontinental missiles. For instance, during the recent series of Chinese missile tests off the coast of Taiwan, President Clinton rightly sent in United States warships to stabilize the situation. During the crisis, a high level Chinese diplomat stated in a thinly veiled threat of nuclear missile blackmail that the United States would not come to the aid of Taiwan because it was more worried about Los Angeles than Taipei.

And although we are not debating this particular aspect of missile defense right now, I believe Majority Leader BOB DOLE was exactly right in his recent speech on Asia when he called on President Clinton to begin to work with Japan, South Korea, and our other Asian allies in developing, testing, and deploying ballistic missile defenses—a Pacific democracy defense program. I believe this concept should be extended to Taiwan, which we know from the recent Chinese tests of missiles just off Taiwan's shores, is vulnerable to missile blackmail. The United States is committed by law to providing for Taiwan's defense, but thus far, we leave her defenseless to this significant threat.

Mr. President, the United States is a global power with vested interests both politically and commercially all over the world. We simply cannot allow U.S. policy to be determined by those who would practice missile blackmail.

It is a fact that today in 1996, with the Soviet Union and the specter of communism no longer casting a shadow over global peace, the world is in many ways even more dangerous than when the cold war raged.

In place of a global struggle between the West and expansionist communism, we now have the proliferation of weapons and missile technology that has the potential to make every nation hostile to the United States and our allies a serious threat by virtue of simply buying what they need on the open market. Despite very detailed arms control treaties that are in place, we have seen time and again, that nations determined to get weapons technology usually do.

Let's take a look at Iraq, the world's most heavily inspected country, where United Nation's teams have been on the ground for years, and where we are constantly surprised by new revelations of Iraqi efforts to rebuild their offensive capabilities.

During the days of the cold war, the policy of both the United States, and the Soviet Union was called MAD, or mutually assured destruction. This policy was based on mutual fear. Should the Soviets launch an attack on the United States, our response would have been reciprocal in nature. Essentially, if you attack us, we will attack you. The Defend America Act seeks to move us away from such a hair trigger defensive posture. Indeed, according to the Washington Post ''both countries have more to fear from rogue nations than each other.''

Many of those wanting to acquire ballistic missiles today, not only lack the stability of our old nemesis, but have actually used weapons of mass destruction on their neighbors and their very own citizens. These same countries have also stated very publicly their desire to purchase weapons technology that would allow them to reach the United States. Libya's Mu'ammar Qadhafi has often spoken of his desire to ''have missiles that can reach New York'' to serve as a deterrent to United States diplomatic action.

Most Americans will remember watching Iraqi Scud missiles rain down on Israel and Saudi Arabia during the gulf war. In fact, the greatest single loss of American life in the gulf war occurred during a Scud missile attack.

The situation is so dire that the Secretary of Defense, William Perry, recently issued a report declaring that the proliferation of missile technology ''presents a grave and urgent risk to the United States and our citizens, allies, and troops abroad.''

The need for a missile defense system is obvious. It would provide a limited defensive capability to defend the United States against a limited attack by a rogue nation, accidental or unauthorized launch against the United States.

Lastly, I would like to address the issue of cost. This is very important because the opponents of this bill are making claims that have little to do with reality. The Congressional Budget Office did indeed issue a report saying that a particular configuration of a missile defense system could cost upward of $30 to 60 billion. However, if one were to actually read the bill, it does not mandate any particular type of system configuration. In the letter accompanying the report, CBO Director June O'Neill stated that the costs for such a system ''would be $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense.''

The Washington Times in an article last month wrote that the difference of $3 billion is a hedge amount used by the CBO against technical or schedule risks that are typically associated with such an undertaking. The $31 to 60 billion numbers are for something far more grandiose than the bill envisions.

I would also like to pose one question to my friends in opposition to this bill: What price would they place on Anchorage? Or Los Angeles or New York or any American city? What is the price we are ready to pay to protect ourselves from some maniac who finds himself in charge of nuclear, biological, or chemical weapons and the means to deliver them?

I guarantee that, God forbid, should an American city ever be hit like the Israeli cities were during the gulf war, there would be a hue and cry across this land asking why we do not put up even a limited defense capability when we clearly had the know-how.

To paraphrase Oscar Wilde, the opponents of this bill seem to know the price of everything and the value of nothing. This bill will give the United States a limited capability to defend itself at a modest cost in an increasingly unstable world and should be passed.

Thank you Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I rise today to speak in opposition to S. 1635, the so-called Defend America Act. I know supporters call it the Defend America Act, but I'm going to call it what it is—the De-Fund America Act.

Why do I call it that? Because its main effect will be to add tens of billions of dollars, if not more, to the deficit over the next 15 years, without increasing the security of the United States one bit.

As a strong supporter of a balanced budget amendment to the Constitution, I cannot support this bill. I do not know how anyone can bring this fiscal black hole to the floor, and with a straight face bring up consideration of the balanced budget amendment in the same week. Something is wrong with that picture.

As an editorial in the Des Moines Register said on May 6, 1996, ''[b]ackers [of this version of National Missile Defense] find it most profitable to start with a few billion, and when it's gone, point to the past expenditures as justification for future shovelings down the same rathole.''

The same editorial says that De-Fund America Act booster, Representative CURT WELDON, told industrial supporters, ''[i]f you keep relying on the facts and logic, then we're going to lose this battle.'' I couldn't agree more.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

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

Mr. HARKIN. According to the CBO, the ballistic missile shield mandated by the De-Fund America Act will cost between $30 and $60 billion just to develop and deploy. Ironically, the very same people who insisted that President Clinton rely on the CBO in the budget negotiations are the ones now claiming that the CBO can't be trusted on the De-Fund America Act.

The defunders think the CBO numbers are too high. I should state here that I don't necessarily trust the CBO numbers either—I think the numbers are way too low.

For one thing, the CBO has not yet come out with specific numbers on how much this technology will cost to operate, but it has told my staff that the operational cost will be an additional ''hundred of millions dollars a year during the early stages.'' I suspect the total figure will exceed $100 billion once all of the costs are calculated.

Mr. President, we've already spent about $100 billion in 1996 dollars to build a technological defense against ballistic missiles. During the Reagan star wars years alone, the United States taxpayers forked over $38 billion. Proponents of this act are quick to point out that it is not star wars. And I agree. It is not even star wars. Like most sequels, this one is not as good as the original, and the price of admission has increased. The proponents of the De-Fund America Act want the taxpayers to fritter away another $100 billion on a still unrealistic but wimpier version of President Reagan's fantasy.

The defunders also claim we have no defense against intercontinental ballistic missiles. Mr. President, it is true that we do not have a way to shoot down intercontinental missiles after they have been launched. But we do have a demonstrated cost-effective means of eliminating them.

Existing arms control agreements have already resulted in the destruction of over 300 intercontinental ballistic missiles and over 800 ballistic missile launchers, and the removal of over 3,800 nuclear warheads from deployment. Furthermore, these agreements have persuaded Kazakhstan, Ukraine, and Belarus to give up nuclear weapons altogether. In fact, just yesterday President Clinton announced that the last nuclear warhead was removed from the Ukraine.

The De-Fund America Act is like a million-dollar mansion consisting of a leaky roof but no walls. It may provide very expensive protection from skydiving intruders, but it leaves the occupants unprotected from the more mundane threats. Mr. President, Americans know all too well that weapons of mass destruction are more likely to arrive by rented truck than ICBM. Wasting $60 to $100 billion on this not-even-star-wars program is fiscally irresponsible.

I urge my colleagues to oppose S. 1635, the De-Fund America Act.

EXHIBIT 1

[From the Des Moines Register, May 6, 1996]

''DEFRAUD AMERICA WEEK''

Somebody forgot to tell Congress that the Cold War ended.

Somebody also forgot to tell Congress that even if Russia were still a superpower with the demonic intention of destroying the United States, a ''Star Wars'' system would offer little if any defense.

Somebody forgot to tell Congress that the nation is trying to face up to its deficit problems, trying to economize by dumping wasteful, illogical, unworkable projects.

But congressional Republicans are sailing blithely onward, their vision apparently clouded by the same hypnotic hype that put Star Wars on the drawing boards 12 years and 29 billion wasted dollars ago.

They have launched an effort to deploy a national missile defense system by 2003. A spending bill comes up for consideration next week.

Total cost is unknown. Backers find it most profitable to start with a few billion, and when it's gone, point to past expenditures as justification for future shovelings down the same rat hole.

Whose missiles will it defend us against? Questions like that are out of order. According to a publication of the Union of Concerned Scientists, Pennsylvania Congressman Curt Weldon, organizer of the Congressional Missile Defense Caucus, told industrial supporters last year, ''If you keep relying on the facts and logic, then we're going to lose this battle.''

The Star Wars pushers are calling next week ''Defend America Week.'' A wag suggests ''Defraud America Week.''

Mr. MCCAIN. Mr. President, the Defend America Act would put the United States on the right track to defending Americans against the threat of ballistic missile attack.

Despite the claims of the opponents of this bill, the threat to U.S. citizens from ballistic missiles today is real. China and Russia currently possess nuclear-tipped ICBM's which could strike major United States cities. Press reports indicate that China is also seeking to increase its ICBM force by acquiring some of Russia's SS–18 ICBM's. More than 25 countries have or are in the process of acquiring weapons of mass destruction and the means to deliver them.

Yet today, America has absolutely no means of protecting our citizens from a ballistic missile strike. Even after a high-ranking Chinese official voiced a veiled threat of nuclear attack on Los Angeles, no one seriously believes China, or any other nation, today intends to launch such an attack. But the fact remains that we cannot defend our population from the devastating effects of an accidental launch of a single ballistic missile from China or Russia.

If we do not act now, we will have no capability to protect the citizens of Alaska and Hawaii if North Korea were to launch its newest missile, the Taepo-Dong II, which may be operational in 3 to 5 years. And we are not taking effective action to defend against the proliferation of missiles and technology to rogue nations who are actively seeking to acquire them, including Iran, Iraq, Syria, and Libya.

Mr. President, ballistic missiles are the only offensive weapons in the world against which our country has deliberately chosen not to defend itself. Why do we have no defense against the most devastating offensive weapon in the world today?

There are several good reasons for deploying defenses against ballistic missiles. The potential for an accidental ballistic missile strike on the continental United States exists today, and future threats are emerging. Providing a credible defense against missile attacks would serve as an additional deterrent against their intentional use. In addition, defenses would help stem proliferation by making ballistic missiles less attractive to potential adversaries.

Senator DOLE recently called on President Clinton to apply to East Asia what the President recently discovered about Israel: missile defense is essential to our allies' security. Senator DOLE urged the formation of a new Pacific democracy defense program with Japan, South Korea, and our other Asian allies to develop, test, and deploy ballistic missile defenses. With American leadership and know-how, we can create an allied missile defense network that provides protection for people and territory from the Aleutians to Australia. The Defend America Act would provide the same protection for Americans at home.

Mr. President, the Clinton administration has tried to downplay the

threats from ballistic missiles and the advantages of defenses by issuing intelligence estimates that conclude that no new missile threats will exist for 10 to 15 years. This is simply wishful thinking that ignores current reality.

President Clinton has stymied every effort of the Republican-led Congress to build a missile defense system for our Nation. He vetoed last year's defense authorization bill which included a provision that would have focused the Defense Department's missile defense program on building a limited defensive capability for the United States as rapidly as possible. President Clinton has also refused to consider meaningful changes to the ABM Treaty of 1972 which would permit the deployment of effective missile defenses for America.

Now, the Senate Democrats refuse to allow a full debate on Senator DOLE's bill, the Defend America Act, which would put the United States on a rapid track toward deploying a system to defend the American people against limited, accidental, or unauthorized ballistic missile attacks. The American people should hear a full debate on this matter.

As a fiscal conservative, I believe we must balance the clear need for missile defenses with our ongoing efforts to balance the Federal budget. We must focus on deploying an effective missile defense system that is affordable within the constraints of a limited defense budget and which is balanced against other high-priority defense programs. But we must remember that being a day late and a dollar short in addressing the ballistic missile threat to this Nation could cost far more than money.

Mr. President, the fact is that an effective defense against a limited missile attack is both feasible and affordable. Opponents of any type of national missile defense have purposely misconstrued a recent Congressional Budget Office cost estimate of the Defend America Act. They have chosen the highest figure contained in the CBO report and are claiming that it is the cost of the missile defense system supported by Senator DOLE and Republicans in Congress. That is patently false.

Senator DOLE's Defend America bill says that the United States should have a highly effective system to defend against limited ballistic missile strikes. The bill does not specify all of the components of such a system; it leaves that to the experts at the Pentagon.

The CBO estimated that the missile defense system required in the Defend America Act would cost less than $14 billion over the next 13 years—or about a billion dollars a year. That is less than one-half of 1 percent of the annual defense budget, now about $267 billion. Compared to the cost of the *Seawolf* submarine, $2.5 billion per submarine, or the B–2 bomber, over $1 billion per aircraft, $1 billion a year to defend all of America from the devastation of a ballistic missile strike is clearly affordable.

The Pentagon has also proposed some very cost-effective initial missile defense systems. The Air Force has proposed a 20-interceptor system that would cost about $2.25 billion and could be deployed in just 4 years. The Army has a more extensive 100-interceptor system that would cost about $5 billion. Last year, the Clinton administration's Secretary of Defense said it could be done for about $5 billion.

The Defend America Act does state that, as threats emerge in the future, the United States should have a more capable, layered missile defense system. CBO estimated the cost of a robust layered system at $31 to $60 billion. That estimate assumes we would decide to deploy space-based interceptors, space-based lasers, and just about every other possible technology. But nothing in the bill requires those technologies to be included in a missile defense system, unless the threat clearly justifies their deployment.

Mr. President, the Clinton administration's false confidence that America is safe from missile attack jeopardizes the safety of all Americans. The Republican Congress, led by Senator DOLE, is prepared to provide for America's common defense, a duty set forth in the Constitution. It is time we deployed a system that will defend Americans at home.

Mr. DOLE. Mr. President, it is unfortunate that we need to vote on a motion to proceed to legislation dealing with an issue so critical to America's future as national missile defense. In his speech to the Coast Guard Academy, the President stated that he supports missile defense. Yet, today I expect that a majority of the other side of the aisle—at the Clinton administration's request—will vote against the motion to proceed to the Defend America Act. The fact is that the President speaks of his support for national missile defense, but acts in opposition to it. Last year the President vetoed the Defense authorization bill specifically citing the provision making it U.S. policy to deploy a national missile defense system by 2003. Many of my colleagues on the other side of the aisle also profess their support of missile defense but are quick to add that they cannot support this bill. It is hard to understand their reasons. They cite technological questions, mention costs, but ignore the fact that this bill puts the very decision of what system is chosen in the hands of President Clinton's own Secretary of Defense. That leads me to one conclusion: The Clinton administration and its allies seek to avoid debate on defending America. This is unfortunate and irresponsible. I believe that an open debate and discussion on this national security issue is vitally important because there are many misconceptions—about the threat our Nation faces, about the present state of our missile defense programs, about the cost of an effective national missile defense system.

The greatest misconception held by a majority of the American people is that the United States can defend itself against ballistic missile attack. Most Americans think that if a ballistic missile is fired at the United States, we can shoot it down. The truth is, we cannot. We have no defense—I repeat—no defense against ballistic missiles.

As we enter the 21st century, there is no greater threat to our Nation, than that posed by the proliferation of weapons of mass destruction and the means to deliver them. The list of countries acquiring chemical, biological, and nuclear weapons, and ballistic missile technology numbers around 25 at present—and is steadily growing. President Clinton's former CIA Director, Jim Woolsey, testified at length to the Congress on the nature of the proliferation threat and was critical of recent intelligence estimates which were narrowly focused and based on questionable assumptions. You would not know from some of today's remarks by opponents of the Defend America Act that the cold war is over. The Soviet Union no longer exists. Yet, the Clinton administration, some on the other side of the aisle—and even some members of the press—are acting as if we are still in the 1970's and 1980's. They speak of star wars, space shields, mutual assured destruction. But, the world has changed. We must look to the future, not the past.

I would like to quote from one of the key Clinton administration arms control experts, Mr. Bob Bell. He is quoted in today's Washington Post defending changes being made to the Conventional Forces in Europe [CFE] Treaty, saying ''* * * were we going to take account of this change in the strategic situation over the last five years * * *?''

That is what we are talking about here—taking account of the change in the strategic situation. This bill recognizes that the threat our country faces has changed and it seeks to respond to it in a measured and responsible fashion.

The Defend America Act does not require abrogation of the ABM Treaty. It urges the President to negotiate with the Russians on changes to the ABM Treaty—just as the administration has been doing with other arms control treaties only at the Russians' request. Which makes me wonder if the Russians asked for changes to the ABM Treaty would the Clinton administration have a different position?

As for our ability to defend America—there should be no doubt that we have the technological capability to effectively defend our citizens from the growing threat of ballistic missiles. What is needed is the will and leadership to deploy an effective national missile defense system by 2003. A national missile defense system cannot be built overnight. The development and production of new tanks, new

fighter planes takes years. And, when these new weapons systems, for example the Stealth fighter, are finally deployed they are not obsolete.

Finally, on the matter of cost. The CBO estimates are so wide ranging that they are almost irrelevant as a guide to decisionmakers. We need to look at our defense needs and affordability. And an effective national missile defense system can be deployed affordably. One can add any number of unnecessary requirements to a number of weapons system thereby making them unaffordable. This is no different than building a house. A family of four probably needs a three bedroom home—not a 10-bedroom mansion. This does not mean that a 10-bedroom house cannot be built—if one has the money.

Mr. President, let us get past the distortions and the hollow rhetoric and move toward a serious debate on defending America. I would like to quote from a great western leader, former Prime Minister Margaret Thatcher:

> With the collapse of the Soviet Union there was also a dispersal of weapons of mass destruction and of the technologies to produce them. This has gone much further than we envisaged; and it now constitutes quite simply the most dangerous threat of our times. Yet there is still a conspiracy of silence among Western governments and analysts about it.

Mr. President, let us end the conspiracy of silence. The American people deserve better. The most basic responsibility our Government has to its citizens is to protect them from harm. To ignore the changing world and cling to past thinking is inexcusable.

Mr. GLENN. Mr. President, I rise today to present some brief remarks about the latest Republican missile defense proposal, the Defend America Act. Though I have spoken at some length on missile defense issues and the Anti-Ballistic Missile [ABM] Treaty—see CONGRESSIONAL RECORD, September 6, 1995, p. S–12659–12667, and August 3, 1995, p. 11253–11255—I want to take this opportunity to explain how it is not only possible for a patriotic U.S. Senator to vote against a bill bearing such a proud title, but to do so without hesitation.

In good conscience, I just do not believe that the national security interests of the United States would be advanced by this legislation and would like now to outline my reasons why I have come to this conclusion.

THE ABM TREATY

First, I believe the ABM Treaty is worth preserving. This bill sets a course that will lead inevitably to a U.S. departure from that treaty. this is reason enough to oppose this bill.

The ABM Treaty has advanced U.S. security interests and it has done so without unilaterally restricting America's ability to defend itself, as some of the treaty's critics have suggested. Critics forget that the treaty is bilateral and has substantially restricted Russia's freedom both to deploy its own defenses against or strategic missiles and to proliferate strategic missile defense systems to other countries. The demise of the ABM Treaty would release Russia from those restrictions. The treaty has worked to help preserve and stabilize nuclear deterrence, which remains a vital element in maintaining our national security even in a post-cold-war world.

I do not believe that the treaty has unduly restricted U.S. missile defense options. We have already spent a fortune on missile defense and have little to show for it. A recent study by the Brookings Institution has concluded that America has already spent some $99 billion dollars on missile defense since 1962. and contrary to the blanket claim by some of the proponents of the pending legislation, our Government is aggressively working to improve U.S. defenses against theater missile attacks. Indeed, it is the present administration that is spearheading our national effort to place theater missile defense at the forefront of our missile defense priorities. Because the ABM Treaty does not prohibit the United States from investing in theater missile defenses, the treaty is an inappropriate target of the repeated Republican attacks we have been seeing in recent years.

The ABM Treaty is not unchangeable. It has specific provisions for consultations leading to amendments of the treaty. These provisions do not include, however, the freedom for one side to pass legislation unilaterally reinterpreting key provisions of the treaty. The current bill, however, accelerates the deployment of antiballistic missile systems that have capabilities against strategic ballistic missiles. It also specifically includes air-based, space-based, and all ground-based interceptors as elements of the national missile defense architecture, despite the requirement in the ABM Treaty that such systems shall not be developed, tested, or deployed. I believe that America's interests are best preserved by sticking to the consultative procedures provided in the ABM Treaty and for adapting the treaty to changing conditions only via this process of mutual agreement.

COST

Enough has been said and written about the sky-rocketing costs of missile defense. I will not add much to this discussion other than to echo the concerns that people across the Nation have been expressing about the staggering $99 billion that the Brookings Institution has estimated that the United States has already spent since 1962 on missile defense systems. This, coupled with the Congressional Budget Office's recent estimate that the Defend America Act will cost the U.S. taxpayer as much as another $60 billion—and this does not include operation costs—leads to a form of ''sticker shock'' that comes close to rivaling GAO's estimated $250 billion that will be needed to clean up our nuclear weapons complex.

It is worth noting here that the current U.S. funding levels and priorities for missile defense have been solidly and consistently supported by both the military and intelligence communities.

THE THREAT

Thanks to the leadership of this administration, we are focusing our missile defense expenditures on real threats, that is to say, theater missile threats, rather than nonexistent ICBM threats from so-called rogue nations that our entire national security establishment continues to define as long-term in nature. This threat definition has the support of the Secretary of Defense, the Director of Central Intelligence, the Chairman of the Joint Chiefs of Staff, and other top U.S. national security officials throughout the Government. Incidentally, it also has the overwhelming support of editorial opinion from newspapers from across the country.

The Defend America Act, however, operates from a fundamentally different set of assumptions. It assumes the present existence of a grave missile threat to America's homeland and it presumes that the best way to address missile threats is via expensive taxpayer-funded missile defense projects.

Nobody disputes that missile proliferation is a danger that America must take seriously in the years ahead, and indeed, it is a deep awareness of this threat that has driven a wide range of U.S. efforts aimed at the nonproliferation of ballistic missiles. Our approach is not driven narrowly by the dream of a technical fix—which will always remain out of reach—but a combination of technological, political, and diplomatic efforts not just to defend ourselves against imminent attacks, but more importantly, to prevent the acquisition of destabilization missile systems in the first place, to retard or reverse the growth of existing missile systems, and to eliminate outright missile systems via multilateral negotiations.

With respect to dealing with the missile proliferation threat, let me put it this way: the best Defend America Act is one that would strengthen export controls, strengthen sanctions, strengthen multilateral regimes, strengthen transparency of missile projects around the world, eliminate destabilizing missile systems, and improve U.S. capabilities to collect and to analyze data about missile proliferation. Yet there is absolutely nothing in this bill that addresses this integrated, global approach to the problem. Instead, the present bill proposes to force the President to throw vast sums of money to deploy technical fixes that are neither fixes nor based on proven technology.

Small wonder that proponents of the proposed legislation are finding themselves defending the Defend America Act rather than elaborating a new road map for addressing the missile threat in a more comprehensive manner. A legislatively mandated deployment of a

national missile defense system by the year 2003 would actually increase the threat to the United States—it would jeopardize the capabilities of our nuclear deterrent force, it would be accompanied by an expansion of the offensive nuclear arsenals of both Russia and the United States, it would probably mean the end of the START process of strategic arms reductions, it would eliminate all hopes of getting nuclear arsenals, and it could well jeopardize the Nuclear Non-Proliferation Treaty, as more and more countries come to realize that the nuclear weapon states are not serious about implementing their arms control disarmament responsibilities under the treaty. To this extent, the Defend America Act resembles more accurately an Attack America Act.

America has many options available to address the missile threat aside from the nostrums offered by star wars. Diplomatically, we are working to reduce and to reverse the proliferation of all weapons of mass destruction. Militarily, we are investing in the finest conventional military capabilities that exist anywhere on Earth, and they are backed up by the finest global intelligence capabilities on Earth. Why must we continually denigrate or short change these capabilities in congressional debates on missile defense? Advocates of the pending legislation appear sometimes to believe that America just has no option to address missile threats other than buying missile defense hardware. I believe we should be voting here today to expand our effort on the diplomatic front to address these threats, while maintaining our conventional military and intelligence capabilities, but there is nothing in this bill that would justify such a vote.

TECHNOLOGY

It is an extremely difficult and often underestimated challenge to use a missile to shoot down another missile. As I have mentioned earlier, the $99 billion our country has already spent on missile defense has not yet produced any comprehensive or reliable defense against incoming strategic missiles. It is far easier to prevent missile attacks by eliminating missiles, preventing their proliferation, and developing multilateral sanctions and export controls, than it is to develop and deploy a magic missile shield that would span our vast country.

Even the theater missile systems—including THAAD, Navy Lower Tier, Navy Theater-Wide, and MEADS—that are called for in this legislation require substantial additional research and testing before any responsible deployment would be possible. PAC–III is the only one of the many systems identified for deployment in this bill that will be ready for deployment anytime soon.

The administration has its priorities straight and I believe these priorities are in line with what most Americans would regard as prudent—we must address current threats first and keep our powder dry in the event future threats arise. We must redouble our diplomatic efforts to ensure that those threats do not arise. The current bill would not only aggravate the foreign missile threat, for the reasons I have discussed earlier, but would compel the President to deploy expensive and unproven missile defense systems.

CONCLUSION

For all the reasons above, I cannot support this legislation. Yet the debate today and various foreign and defense policy debates in recent months has revealed not only some severe shortcomings in this legislation. The debate also reveals the apparent inability of the Republican Party to come up with a comprehensive, integrated plan of action to guide America's military and diplomatic priorities over the course of the last Presidential term of this millennium.

Where does the Republican Party stand on nonproliferation? What does it have to offer to strengthen export controls?

What is it doing to toughen U.S. sanctions and ensure their implementation? Where are the Republican votes when we need them when it comes to strengthening sanctions and export controls?

What is it proposing to address proliferation threats arising from outside the narrow domain of Russia and the rogue regimes, a field of vision which features a blind eye as its prominent characteristic?

What is it offering to strengthen international organizations and regimes to prevent proliferation or to increase its costs?

While the administration proceeds with diplomatic efforts to curb North Korea's nuclear and missile programs, what besides SDI do the Republicans have to offer that stands a better chance of addressing these threats?

What does it propose to do about the ongoing arms race in South Asia involving nuclear weapons and missiles, and how will its SDI schemes protect our allies, including Israel, against threats from weapons of mass destruction that are not delivered by missiles?

What does it offer to address the grave threats posed from expanding international commercial uses of plutonium, one of the deadliest elements on Earth?

The answer, unfortunately, is absolutely nothing. I stand ready to work closely with my fellow colleagues on the other side of the aisle to join in forging effective responses to these threats. I know such cooperation is possible; indeed, none of the nonproliferation legislation that I have authored over the years would have been possible without it. But I hardly believe that there is anything in the Defend America Act [DAA] that offers any basis whatsoever for forging a bipartisan consensus.

Because of this, Mr. President, I believe that history will relabel the DAA as DOA.

Mr. DASCHLE. Mr. President, just 2 weeks ago, the Congressional Budget Office issued a $60 billion cost estimate for the Defend America Act—an ill-advised Republican effort to resurrect the discredited star wars missile defense system. Several days later, House Republicans responded to this bloated price tag by doing the right thing. They pulled the bill from floor consideration, and a bad idea might have fallen by the wayside had not the majority leader picked up what his House colleagues rejected as imprudent and scheduled a Senate vote on it for today.

One can only speculate about the motivation behind this vote. But whether it is election-year politics or simply misplaced priorities, the Senate's course should be clear. The Defend America Act threatens our national security and undermines essential efforts to balance the federal budget. The Senate should vote it down.

The grossly misnamed Defend America Act would be more appropriately entitled the Jeopardize America Act. The bill would direct the Department of Defense to deploy by 2003 a national missile defense system that allegedly would defend the United States against limited, unauthorized, or accidental ballistic missile attacks. That system, according to its promoters, could be ''augmented over time to provide a layered defense against larger and more sophisticated threats as they emerge.''

Sound familiar?

The bill has a certain tinny ring about it. Look closely and you will see that the Defend America Act is really the fifth variant of Ronald Reagan's failed star wars experiment. To implement this proposal, the act calls for changing or withdrawing from the ABM Treaty in order to permit the deployment of a combination of ground-, sea-, and space-based components—a clear revival of the star wars program that disappeared with the end of the cold war.

All of this is particularly disturbing when you consider that enactment of this legislation is both harmful to United States-Russian relations and, according to our own military and intelligence experts, unnecessary to combat the threats we are likely to face in the next decade or more.

The Russians have been very clear in their views on unilateral tampering with the ABM Treaty to facilitate the deployment of a national missile defense system. In a May 1 letter to Congress, General John Shalikashvili, the Chairman of the Joint Chiefs of Staff, said:

> Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and . . . could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both costs and risks we may face.

Compounding the arms control concerns is the timing. The Senate vote on

Defend America is scheduled just 2 weeks before the Russian elections so crucial to that country's continued peaceful transition to democracy. We have to be concerned that the Defend America Act hands the Communists a pre-election gift with its distinctly unpropitious echo of cold war antagonisms.

What is worse, our military and intelligence experts say such risktaking is not warranted. According to public accounts of the National Intelligence Estimate, a classified consensus report by all of our intelligence agencies, ''no country other than the major declared nuclear powers will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the contiguous 48 states and Canada.''

The irony of a defense system that actually threatens our security is only part of the story. Immediately after the first vote on the Defend America Act, the Senate is scheduled to vote on the balanced budget amendment to the Constitution. That strikes many Senators on both sides of the aisle as an odd sequence of events. One moment we are voting on a constitutional amendment to balance the budget; the next we are raising the deficit by tens of billions of dollars.

Since the mid-1980's, Congress has spent nearly $40 billion on ballistic missile defense, and all we have to show for it are canceled checks from defense contractors. The Congressional Budget Office estimate of an additional $60 billion for this latest version of a highly complex, interwoven system is charitable. It covers only the costs to acquire the system. It fails to include either the costs to operate this system or cost overruns. And, if history is any guide, cost overruns alone for a system of this complexity could easily double the estimate.

Who will pay this tab?

Of course, in the long run it will be the American taxpayers. In the short run, however, either the deficit will be increased, spending will be slashed on important domestic priorities such as education and the environment, or the Defense Department will have to juggle its own accounts. To accommodate such a huge expense, more conventional defense priorities such as readiness, procurement and force structure may suffer.

There is a better, less expensive and more effective way to do the same job.

The President's national missile defense policy also meets any threat by 2003 but in a much wiser and far more fiscally responsible manner. It beats the Republican plan hands down on three counts.

First, it's superior common sense. The President believes that, as Senator SAM NUNN notes, we should ''fly before we buy.'' At a minimum, we should look before we buy. Under the President's plan, we would continue to develop the technologies for a national missile defense system, then assess the situation, and deploy it only if it is needed.

Second, it's superior technologically. The President's policy would allow us to develop more capable and cost-effective defense systems that can meet the exact nature of the threat as it emerges.

Third, it's superior diplomatically. The President's approach would give us time and latitude to negotiate amendments to the ABM Treaty with the Russians that allow us to continue on the path of reducing Moscow's nuclear arsenal. It would not rush us headlong into an international arms control crisis.

Even the Republican revolutionaries in the House had the wisdom to see that this bill would commit our Nation to an unwise, unaffordable, and dangerous policy. They scrapped it because the Defend America Act is indefensible.

THE DEFEND AMERICA ACT

Mr. KENNEDY. Mr. President, today, the Senate is revisiting the star wars system of the 1980's, renamed for the 1990's as the Defend America Act. It was a bad idea then and it is a bad idea today.

The suggestion in the title Defend America Act is that to defend America requires nothing more than deploying a national missile defense. In reality, this legislation would pour exorbitant sums into building a missile defense system that would make our Nation more vulnerable to missile attack, while at the same time ignoring the more likely threats to our territory and citizens. The Defend America Act misses the point, and at no small cost to the American taxpayer.

The bill requires the Defense Department to deploy a national missile defense by 2003. This approach has several flaws. First, the threat from limited missile attacks against the United States is remote. Throughout the cold war, when the superpowers were antagonists and had far larger nuclear arsenals than they field today, we chose not to deploy missile defenses because the cost did not justify the protection they could provide.

Why should we decide to deploy missile defenses now, when the cold war is over, when we have far more cooperative relations with Russia, and when they have a much smaller superpower arsenal? The Secretary of Defense and the Joint Chiefs of Staff state that now is not the time to deploy a national missile defense. But the Republicans reject that advice and want to build this wasteful system.

The second flaw in this bill is that deploying a missile defense system now will put U.S. policy on a collision course with the Anti-Ballistic Missile Treaty. The bill promotes the use of ABM components prohibited by this important treaty. Moreover, the bill recommends formal withdrawal from the treaty if the Russians fail to agree within a year to re-write the treaty to permit a national missile defense. Provisions like these send a strong signal to the Russians that cooperation to achieve nuclear arms reductions is not a United States priority. The passage of this bill would put other nations on notice that we do not take our treaty obligations seriously.

Members of the Russian Parliament have stated that they will oppose ratification of START II if the United States takes steps to develop or deploy ballistic missile defenses in violation of the ABM Treaty. By endangering the prospects for START II ratification by Russia, the Missile Defense Act will ensure that we will face many thousands more Russian nuclear weapons in the near future than if arms reductions are implemented. Discarding the ABM Treaty would reverse the logic of deterrence and arms control that Republican and Democratic Presidents have pursued for the last four decades.

Further, the current threat does not justify the multi-billion dollar expenditures required to field a national missile defense by 2003. The Congressional Budget Office estimates that the total acquisition cost of this program will range from $31 to $60 billion, and cost billions more to operate. At a time when we are trying to balance the budget and meet essential needs, it is impossible to justify this massive new defense expenditure.

Although this bill purports to defend America, it fails to address the most pressing threats to American security. The World Trade Center and Oklahoma City bombings remind us that terrorist use of nuclear, chemical and biological weapons on American soil remains a far greater threat than a ballistic missile attack by a foreign nation. Loose controls on nuclear material from the former Soviet Union raise the threat of nuclear proliferation by hostile nations or groups. The policies—and expenditures—contained in this bill in no way address these vital threats.

In contrast, the Clinton administration's defense policy addresses these varied threats. First, it takes specific steps to increase nuclear safety. In April in Moscow, the G–7, Russia, and Ukraine met at a nuclear safety summit to discuss means of increasing controls over nuclear materials and defending against nuclear smugglers. The Cooperative Threat Reduction Program, sponsored in Congress by Senators NUNN and LUGAR, achieved to the removal of thousands of nuclear warheads from former Soviet arsenals and the destruction of hundreds of missile launchers, and has safeguarded vulnerable stockpiles of nuclear materials.

The Clinton administration also addresses ballistic missile threats, but in a more sensible fashion. The Defense Department supports theater missile defense programs to defend our forces in the field. To deal with the possibility of a future ballistic missile threats to U.S. territory, the Pentagon supports an affordable level of spending on anti-missile defenses. This program, called 3+3, will ensure that 3 years from now, we will be able to decide

whether to deploy a missile defense system that could be in place in 3 years. Our senior military leadership agrees that this is the most sensible way to protect against unforeseen missile threats.

The Defend America Act would spend money we don't have to defend against threats that don't exist. We need a strong defense, but we must prepare to meet real threats. Failure to do so will end up wasting billions of taxpayer dollars. I urge my colleagues to oppose this bill.

Mr. NUNN. Mr. President, I believe Senator CONRAD from North Dakota wanted to speak. We had set aside certain time for him. The debate was originally scheduled to conclude at 12:30. I wanted to serve notice that Senators on our side of the aisle or on this side of the question that would like to speak, they need to come over momentarily so that we can get back to the original time schedule, which is 12:30. I reserve the remainder of my time and yield the floor.

Mr. KYL. Mr. President, I ask to be notified when our side has 4 minutes of time remaining. Rather than waiting, I will make some remarks at this time. As Senator NUNN said, if others wish to speak, they should come to the floor immediately.

Let me just respond to the key point that Senator LEVIN made because it is an important question. It is what the effect would be as a result of the United States developing and deploying a national missile defense—what the effect would be on the START I and START II Treaties. These are the two treaties that called for the United States and Russia to reduce our nuclear inventories. Under START I, we would bring the number of warheads down to, I believe, 6,000. And 6,000 warheads is still a lot of warheads. That is why the U.S. Senate has also ratified the START II Treaty, which would take it down below that to, I think, 3,500 warheads. And 3,500 warheads is still a lot of warheads, but the Russian Duma has not even ratified START II yet.

The argument I find curious, and which I characterized as ''startling'' a while ago, is that the United States Senate would be deterred from acting to defend America on the basis that the Russians might violate the START I Treaty by refusing to reduce their warheads to the required 6,000 level under START I, if the United States should take action—which is perfectly legal—which does not violate any treaty whatsoever, but which provides for our defense against ballistic missile attack. I find that a very curious notion. But, more importantly, it does not seem to be a reason for the United States not to act. If we cannot act to defend ourselves because we believe that someone else will, as a consequence, violate a treaty that they have with us, then of what worth is that treaty? And of what worth would a follow-on treaty be? If people believe that the Russians are going to violate the START I Treaty if we develop a ballistic missile defense system—which is totally legal—then how valuable is it for the Russians to sign onto a START II Treaty, which would bring their warheads down even more?

This is not a matter of either/or. I agree with my friends on this side who say it is desirable to bring those numbers of warheads down, to chop up the bombers, and to close the missile sites. That is a good thing. And it comes side by side with defending America. We still have a defense budget. We are still defending ourselves. Ballistic missile defense is one of those areas of defense that we have been providing for. One of my colleagues said we have already spent a lot of money in that area. It is true. All we are saying is let us spend just a little bit more money and provide an actual system that will defend America. It does not violate any treaties, and there is no reason for the Russians to be concerned that, as a result of this, they should begin violating treaties that they have signed with the United States. So it seems to me that is not a good argument to make against this bill.

The bottom line here is this is the Defend America Act. The majority leader, BOB DOLE, has asked that we be able to vote on this, and this afternoon we are going to have a vote to decide whether we are going to vote—in other words, a vote to invoke cloture—to stop debate for the time being and actually begin debate on the bill so we can eventually bring it to a vote up or down. Some of my colleagues would prefer not to vote on the bill. I would prefer that they vote either yes or no. They do not have to agree with us that the Defend America Act is a good idea. We ought to at least be able to get a vote on the bill. The vote that is going to occur this afternoon is not a vote on the Defend America Act. It is simply a vote on whether we should proceed to consider the Defend America Act. I hope that our Senate colleagues would at least agree that we can go that far even if they do not want to end up voting for it for the reasons articulated.

Let me reserve the remainder of time on this side, and again urge Senators if they wish to speak on the bill, they need to get here because the original time was to expire at 12:30. We have extended that for 10 or 15 minutes. If Senators are not here to speak, we will close debate on the bill before long.

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 21 minutes and 54 seconds.

Mr. NUNN. If there are any other Senators that would like to speak, I would certainly invite them to come over at this time.

In brief response to my friend from Arizona, he mentioned that those of us who have expressed some concern about the relationship between what we perceive to be a participatory breach of the ABM Treaty as contained in the Dole-Gingrich bill, and the Russians—it will be necessary to continue to draw down their missile and nuclear weapons category as contained and required in START I, and as will be required in START II, if ratified—that there is this connection in the Dole-Gingrich bill, and anyone virtually reading this bill and who is familiar with the ABM Treaty would consider this to be tantamount to notice that the ABM Treaty is going to be breached.

In section 4(a)(1), little (b) under section 4, very clearly the system to be developed for deployment shall include the following elements: No. 1, an interceptor system that optimizes defensive coverage of the continental United States, and so forth, and includes one or a combination of the following: (a) ground-based interceptors; (b) sea-based interceptors; (c) space-based kinetic energy interceptors; (d) space-based direct energy interceptors, and so forth.

Three out of the four of those named would violate directly the ABM Treaty. I do not think the ABM Treaty is sacred ground. I believe there ought to be modest amendments to the ABM Treaty.

As I suggested in my remarks yesterday, if the Senator wants to carry out the spirit of his remarks which is saying for the Russians we are not going to violate the ABM Treaty and now you do not violate START I, we will not be violating the ABM Treaty if we deploy a ground-based system—and we would not. That is correct. But if we deploy any of the other systems named in this Dole-Gingrich bill we would.

So if he would like to vote strictly on the proposition he just offered then we will have a chance to do that on my substitute because that is what it does. It says we will go forward with a treaty, an ABM Treaty compliance system with 100 interceptors at Grand Forks, and then we will seek an amendment to the treaty as provided in the treaty to be able to go to two sites and 1,200 missiles, which would indeed be the original ABM Treaty exactly as it was before there was an amendment in the 1970's. That would be treaty compliant. If we did that, there would be no question that the Russians would have no right to violate START I. They would have no excuse for basically not ratifying START II. But when you basically say to the Russians what we are going to do here is get you to draw down to 3,500 warheads, and then about the time you do that under the START II treaty we are going to deploy perhaps a sea-based system, a space-based system, or space-based direct energy system, what you are saying in effect is we want you to comply with the START I and START II, but just about the time you get through implementing it we are going to in all likelihood break out of the ABM Treaty. That is the message that is going forward here.

That is the message everybody understands that has studied the ABM Treaty.

So to say we basically are fearful that the Russians are breaking their obligations and leaving out of the equation that we are serving notice we are going to break ourselves, I think, is a little bit misleading.

So I say to my friend from Arizona that, if he would like to vote on that proposition staying within the ABM Treaty, or seeking an amendment within a reasonable timeframe to that treaty to permit a better system than the one-site system, he will have every opportunity to do that when we get to a vote on this because that is exactly what the Nunn substitute will provide.

Mr. KYL. Mr. President, I would say to the distinguished ranking member of the Armed Services Committee that I would love the opportunity to vote on both the proposal that Senator DOLE has made and also the substitute that Senator NUNN would like to make. That is what this cloture vote is all about. If we do not vote for cloture we are not going to have that opportunity.

Second, there is no difference in concept between the proposal of the Senator from Georgia and our proposal. We are not engaging in an anticipatory breach of the ABM Treaty with this bill. We provide two specific mechanisms, both of which are treaty compliant, to proceed. One of them is similar to that which the Senator from Georgia proposes. In his substitute he is suggesting that we have not one ground-based site but two. Under the current ABM Treaty that would be in violation of the treaty if we went forward to build that.

So in his legislation he provides that we should seek an amendment to the treaty to accommodate this second site. Likewise, in the Dole bill, the bill before us today, it reads on page 9, line 8, ''In light of the findings in section 2 and the policy established in section 3 [in other words, that we should build a national missile defense system] the Congress urges the President to pursue high level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty''—to allow the deployment of the system. We ask for the same thing.

In other words, to the extent that we might go beyond what the ABM Treaty allows, the Senator from Georgia is correct to say that some of the things in the bill, if they were done—it is up to the President to decide whether they would be done—but if they were done those things could be considered beyond the scope of the ABM Treaty. In that event, we then ask the President to engage in the negotiations with the Russians to amend the treaty to permit it. In the event that the Russians would not agree to it, we then invoke a second provision of the ABM Treaty which specifically provides that the United States can give notice of withdrawal from the treaty if we determine it is in our interest to do so. We tried for an entire year of negotiations, whereas the ABM Treaty would allow us to withdraw within a period of only 6 months.

We are not breaching the ABM Treaty. We are not even engaged in an anticipatory breach—in other words, a breach sometime in the future. We are simply saying that we are going to embark upon a course of action which will provide for the defense of the United States, and, if in the future some provision of that would not be consistent with the ABM Treaty then, (a), the President should try to negotiate amendments to the treaty just as the Nunn substitute provides; and (b), if that is not possible, then the United States can give notice of withdrawal from the treaty which the treaty itself provides.

It is a little bit like the argument that someone does not like to amend the U.S. Constitution in some respect. They said the Constitution should not be amended. Of course, the Constitution has within it an explicit provision for amending it. It has been amended some 23 times now, or 24. I have lost track. The fact is we have amended the U.S. Constitution. The ABM Treaty has a provision for amendment of the ABM Treaty. Just because we want to do something that might be inconsistent with the current treaty does not mean that thereby we are in violation of the treaty, if we are able to amend the treaty or even if we give notice under the treaty that we are going to withdraw from it because it is in our national interest to do so. That is not a breach of the treaty. It is using the actual provisions of the treaty to further the interests of the United States.

So, I certainly respect the judgment of the Senator from Georgia that we must be very cautious about how we proceed. We have to take into consideration how other nations might react, and certainly Russia is important in this regard. But, by the same token, we cannot fail to act, if something is in the interests of the United States, in anticipation that the Russians might not like it or that they might, as a consequence of what we do that is perfectly legal, begin to violate some treaty that we believe to be in our best interests.

Mr. NUNN. Will the Senator yield for one brief moment?

Mr. KYL. I am happy to stop at this point and yield the floor.

Mr. NUNN. I do not want to make the argument for the Russians here, but I think they would do the same thing we are talking about in the bill that you are talking about. If they see that on our side the ABM Treaty is going to likely be violated, then they will serve notice under START I that it was not in their national interests. To say, on the one hand, we are complying because we are going to give notice and then get out, but, on the other hand, they could not do the same thing and they are therefore violating the treaty is also, I think, a little misleading.

I think it works both ways. If they want to get out of START I, they have the right to do so, or if we want to get out of START I. We both have those reciprocal clauses in both ABM and START I, and I think that would be the way either side would go about devolving from the position of compliance.

Mr. KYL. I might say to the Senator that while that might be the right of the Russians, you have to consider what is in the national interest of Russia and the United States. We will both act in our national interests whatever we deem that to be.

Mr. NUNN. Exactly.

Mr. KYL. There are a lot of arguments made by Russians themselves that relate to the cost of continuing to maintain an arsenal. My guess would be that the Russians would at least want to draw their arsenal down to the levels called for in START I, because it is very expensive to maintain that degree of arsenal.

There is also a counterargument made that they might not agree to the START II Treaty that we have already ratified because of the high cost of compliance in bringing those warheads down. The Senator from Georgia has been a leader in the United States in trying to provide assistance to the Russians to enable them to afford to do that. It is an expensive proposition.

Mr. NUNN. Right.

Mr. KYL. I guess what I am saying here is that the Russians themselves have made two contradictory arguments, both of which might be true. That is to say, No. 1, it is expensive to maintain these arsenals; No. 2, it is expensive to get rid of them. Probably they will do what is in their best interests regardless of what the United States does.

Mr. NUNN. I think they certainly will act in what they believe is their national interest. I think the real key here is whether we can enter into a period of time with Russia, and we have some hope of doing that, where we both have similar national interests in both defensive weapons as well as drawing down offensive weapons. So we reduce the threat to them, they reduce the threat to us. We both move together in trying to develop some type systems to defend our own territory, that are certainly more sophisticated than what Russia has now, and we have none at all. So I am very much in favor of moving down the path of cooperation with the Russians if it is possible. If it is not possible, we have to go back to the national interest clause under the ABM Treaty.

As I have said many times, I do not think the ABM Treaty is sacred. I think it was in our interests when it was entered into, but it has to be adjusted over the period of time. It is all-important the way you go about adjusting it, though. I think if you talk to anyone now who is familiar with the history of the ABM Treaty, if they read the Dole-Gingrich bill before us, the way it is worded, the entire tenor of

the bill is tantamount to serving notice that we are going to move in our own independent direction.

At some point, we may have to do that, but I do not think the year is now, and I do not think it is time now to give up on a mutual approach that can save us billions and billions of dollars and also increase the security of our people. I do not think that hope should be written off.

Mr. KYL. Mr. President, I certainly agree with the goals as articulated by the Senator from Georgia. We have some slight difference as to how to get there, but he certainly has articulated the issue well.

I ask at this point, if there is no one else who desires to speak, even though there be time remaining, if there is no other person desiring to speak other than the leaders, that it would be possible to yield back any remaining time and proceed to allow leaders to speak as they desire and then to hold the cloture vote at 2:15 or as soon thereafter as appropriate.

Mr. NUNN. Mr. President, I agree with the suggestion of my friend from Arizona. There is apparently no one else on this side who plans to speak at this point in time. I certainly would agree to that procedure.

The PRESIDING OFFICER. Without objection, the time has been considered yielded back. Leaders will be accorded an opportunity to speak prior to the cloture vote, which will be when the Senate reconvenes.

RECESS

Mr. KYL. Mr. President, at this point I ask unanimous consent that the Senate stand in recess until the hour of 2:15.

There being no objection, at 12:35 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 411, the ''Defend America'' bill:

Bob Dole, Strom Thurmond, John Warner, Trent Lott, Bob Smith, Rick Santorum, Jesse Helms, Kay Bailey Hutchison, Dan Coats, Dirk Kempthorne, John McCain, Jon Kyl, Pete V. Domenici, Bill Cohen, Lauch Faircloth, Ted Stevens.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1635, a bill to establish U.S. policy for the deployment of a national missile defense system, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—53

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Roth
Campbell	Hatfield	Santorum
Chafee	Heflin	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—46

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	
Feingold	Lieberman	

NOT VOTING—1

Frist

The PRESIDING OFFICER. On this vote, the yeas are 53, and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

Mr. LOTT. Mr. President, if I could add, for the information of all Senators, this is so we can have a discussion with the democratic leadership and get an understanding as to how we will proceed from here on the time for the balanced budget discussion.

I yield the floor and 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. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEFEND AMERICA ACT OF 1996

Mr. HELMS. Mr. President, Let me emphasize that I regard the Defend America Act of 1996 as a vital piece of legislation—one which provides a clear and concise blueprint for protecting the American people from the growing threat of attack from ballistic missiles carrying nuclear chemical or biological warheads. I am also convinced, Mr. President, beyond peradventure, that it is critical that the United States begin immediately the 8-year task of building and deploying a national missile defense. Finally, I am disappointed that this legislation is being subjected to a filibuster.

This past winter, shortly after the Clinton administration vetoed the missile defense provisions in the 1996 Defense Authorization Act, I, along with others, questioned the wisdom of the administration's stated assumption that no country ''other than the declared nuclear powers'' would threaten the ''continental'' United States with a ballistic missile for at least 15 years. An incredible statement. I was astonished then and I am astonished now, when I think about it, by the intellectual bankruptcy of such a statement.

Mr. President, I shall make four points in this regard: First, I continue to wonder how the administration could so cavalierly make decisions about the deployment of a national missile defense, while explicitly excluding declared nuclear powers from the threat calculus. One has only to consider China, which fields dozens of submarine-launched ballistic missiles, hundreds of warheads on heavy bombers, roughly 24 medium and long-range ballistic missiles, and has several crash modernization initiatives in progress. Moreover, China intends to deploy, by the end of this century, four new types of ballistic missiles. Furthermore, the United States has very clear indications that Red China is, at this very moment, pursuing MIRV technology.

Now, then, Mr. President, this is the very same country, mind you, that has

just finished flexing its military might by conducting live missile-firing exercises in the Strait of Taiwan, in a clear effort to bully and cower a valued and longstanding ally of the United States. This is the same country—China—that issued thinly veiled threats this spring suggesting that nuclear weapons would be used against the United States if the United States intervened on behalf of Taiwan. Assistant Secretary of State Winston Lord acknowledged that Chinese officials had declared that the United States, ''wouldn't dare defend Taiwan because they [China] would rain nuclear bombs on Los Angeles'' if we did.

Now, if this is not nuclear blackmail, it will do while the Clinton administration folds its hands until the first nuclear missile hits the west coast. China's ability to hold the United States hostage to such threats is made possible by the fact that a band of latter-day Luddites here in Washington have consistently refused even to consider building the very strategic missile defenses necessary to protect the American people from such an attack.

Mr. President, it is time for the defenders of the ABM Treaty to give up their pious devotion to an antiquated arms control theology and come to grips with the realities of the post-cold-war world. Dr. Henry Kissinger, the architect of the ABM Treaty, put it best when he recently wrote, ''The end of the cold war has made . . . a strategy of mutually assured destruction largely irrelevant. Barely plausible when there was only one strategic opponent, the theory makes no sense in a multipolar world of proliferating nuclear powers.''

He went on to say that MAD, mutually assured destruction, would not work against blackmail with nuclear weapons. Yet, that is exactly what we are faced with when China blatantly threatens Los Angeles, U.S.A.

Second, I cannot fathom the administration's sensibilities when it drew a distinction between threats to the United States and threats to the continental United States. The last time I checked, nearly 2 million U.S. citizens live in Alaska and Hawaii. These people and their families are no less deserving of protection than anyone living in Arkansas or North Carolina or Washington, DC, or anywhere else. It is simply incredible that those who oppose ballistic missile defense are doing so based on their view of the threat to only 48 out of the 50 States of the Union. This is all the more galling since it is an indisputable fact that North Korea is developing a series of missiles capable of striking both Alaska and Hawaii.

Third, I call Senators' attention to a key caveat in the much publicized 1996 threat assessment that has been largely overlooked. That assessment declared that ''foreign assistance is a wild card that can sometimes permit a country to solve difficult developmental problems relatively quickly. Such external assistance can hinder our ability to predict how soon a system will become operational.''

Good Lord, Mr. President, this one statement alone unravels the whole ball of yarn. Foreign assistance is the norm in the development of ballistic missile systems, not the exception. The Soviet Union collaborated on ballistic missiles with 14 countries around the globe, all of whom can now field some type of Soviet-made missile.

Russia recently was caught shipping entire missile sections to Iraq. Both Libya and Egypt have transferred missiles to other countries. China has sold intermediate-range missiles to Saudi Arabia and missile technology to Iran, Syria, and North Korea. In turn, Iran is working with North Korea and Syria on various missiles, and North Korea is supplying both missiles and missile production facilities to anybody who is prepared to pay for them with cash.

Recently, Mr. President, I was astounded to discover that Russia and Ukraine may be concluding a secret deal with China to transfer ICBM components. A report by the Defense Intelligence Agency concluded that Communist China is seeking to enhance its strategic arsenal with components from Russia's most lethal type of intercontinental ballistic missile—the SS–18.

Dubbed ''Satan'' by Western intelligence services, the SS–18 is the world's most destructive weapon to date. It has the ability to drop 10 megaton-rated warheads within 600 feet of their targets. Acquisition of just the booster stage of this missile would give China the ability to launch nuclear warheads against any and every city in the United States of America—a strategic reach of up to 6,820 miles that China, thank the Lord, does not yet possess.

Mr. President, I am deeply troubled that Secretary of Defense Perry has held open the door to the possibility that SS–18 boosters could be used commercially by the Chinese to boost satellites into orbit. He stated during an interview with reporters from the Washington Times that ''I guess our answer would be only if it's very tightly controlled, so you can have great confidence this technology is not being diverted to some other application. That would be the only exception I would make.''

Well, speaking just as one Senator, I must say, in no uncertain terms, that I believe any such exception would be made at the peril of the national security of the American people. The Defense Intelligence Agency has specifically noted that ''China's interest in using SS–18 boosters in its civilian program seems odd because the SS–18's engine characteristics may be incompatible with many sensitive satellite payloads.'' I might add that the Foreign Relations Committee, of which I am chairman, recommended Senate ratification of the START II Treaty subject to the understanding that the treaty would rectify a longstanding inequity of previous arms control agreements by completely eliminating this monster missile forever. Secretary Perry's comment appears to open the door for Satan's coming under the red flag of Communist China.

For the record I should mention that the START II Treaty specifically prohibits Russia from transferring SS–18's to any recipient whatsoever or whomever, and does so from the date of START II's signature. The Foreign Relations Committee even attached a condition stating that ''space-launch vehicles composed of items that are limited by the START Treaty or the START II Treaty shall be subject to the obligations undertaken in the respective treaty.'' Case closed. In my judgment, there should not be any question about whether the transfer of SS–18 technology to China is acceptable. I contend that it absolutely is not.

The truth of the matter is that no amount of policy reformulation by the administration can change the fact that the United States is vulnerable to nuclear-tipped missiles fielded by China, or anyone else. Rectifying this dangerous deficiency requires leadership and action. It is an all the more pressing issue because the current course charted by the administration fails to recognize the inherent danger in China's pursuit of an advanced nuclear arsenal.

Mr. President, any further delay in the development by the United States of a flexible, cost-effective national missile defense is unconscionable. I am honored to be a cosponsor of the Defend America Act and urge Senators to support this legislation to ensure that the American people in all 50 States are protected from attack by ballistic missiles.

THE 50TH ANNIVERSARY OF THE SIGNING OF THE NATIONAL SCHOOL LUNCH ACT

Mr. LEAHY. Mr. President, I would like to take a few minutes to celebrate a birthday. June 4, 1996, marks the 50th anniversary of the signing of the National School Lunch Act by President Harry Truman. While turning 50 is not a happy occasion for most of us, the celebration of this birthday is one that should make all of us happy.

The link between proper nutrition and a child's ability to grow and to learn is undisputed. The School Lunch Program was founded in part, because President Truman saw the alarmingly large number of World War II draftees who failed their physicals due to nutrition-related problems. President Truman declared it a ''measure of national security to safeguard the health and well being of the nation's children.'' President Truman was right.

Numerous scientific studies have documented the nutritional benefits of the program—children who eat school meals perform better on achievement

tests and are late and absent from school less often than children who did not participate in the programs. Any parent or teacher will tell you that a child who has not eaten cannot think and cannot learn.

In speaking at the 1969 White House Conference on Food Nutrition and Health, President Nixon said that ''a child ill-fed is dulled in curiosity, lower in stamina and distracted from learning.''

Over the last year or so the school nutrition programs have been the subject of a lot of debate, with many extreme Republicans in the House supporting a repeal of the School Lunch Act. This is a program that has always enjoyed strong bipartisan support in the Senate.

Agriculture Chairman LUGAR and Senators DOLE and COCHRAN have always supported the program, and have really helped make it what it is today. Back in 1981 Senators DOLE, COCHRAN, and HELMS wrote, then-White House chief of staff, Jim Baker and urged the Reagan administration not to make cuts to the program.

In 1995, the Vermont School Lunch Program served over 7,663,000 lunches to students in 335 schools in Vermont. For many of these children school meals are their main source of nutrition. School lunches provide one-third to one-half of the recommended daily allowances for key nutrients.

The school nutrition programs have done a fabulous job for the last 50 years of providing American children healthy school meals that prepare them to learn today and to compete tomorrow. This program is an example of what is working and what is good about Government.

Today's school nutrition programs are healthier than ever. As part of the Better Nutrition and Health for Children Act of 1994 that I was able to pass as chairman of the Agriculture Committee, all schools must meet the dietary guidelines for Americans by the 1996–97 school year.

Many schools are ahead of the deadline and are already meeting these guidelines that lower the sodium and fat content of the school meals. For those schools that need help, USDA is working with them.

We in Congress are also working with the schools and asking them what they need. Just last week the President signed H.R. 2066 giving schools maximum flexibility in how they meet the new dietary guidelines. So I think that we have reached a very good medium of Federal support and guidelines while giving the individual schools the flexibility to do what works best for them.

Last year marked a major milestone in the history of the National School Lunch Program—for the first time in 50 years we made historic changes in the nutrition standards for school meals. Under the leadership of Under Secretary Haas we have the School Meals Initiative for Healthy Children.

Then, realizing that change cannot be mandated, Under Secretary Haas undertook one of the most sweeping, innovative programs in the history of the program—Team Nutrition.

Team Nutrition's mission is to improve the health and education of children by creating innovative public and private partnerships that promote food choices for a healthy diet through the media, schools, families, and communities across the country.

For 50 years, the National School Lunch Program has prepared children for a healthier future.

Today, as we move into the 21st century, we are celebrating and bringing together all those who care about the health of our Nation's children. That's what Team Nutrition is all about—local community coalitions joining together to promote nutrition education for children and families. Already Team Nutrition has over 12,000 schools signed up. Team Nutrition is reaching millions of children in thousands of communities and inspiring educators, families, and community leaders to work together to improve the health of our Nation's children.

I am also pleased that one of my former communication directors, Alicia Bambara, is working with the Under Secretary on this effort and doing a wonderful job. She also worked to found a shelter for homeless, pregnant women in the District of Columbia.

I would like to congratulate the School Lunch Program and give a special thanks to a few special people who have helped bring so many healthy meals to Vermont school children: Jo Busha, the head of the Vermont Child Nutrition Program, Marlene Senecal, Connie Bellavance, and Sue Steinhurst at the Vermont School Food Service Association and Rob Dostis with the Campaign to End Childhood Hunger. I also would like to thank all of the wonderful school food service professionals who work so very hard at this important task.

I ask unanimous consent that an article which gives an excellent history of the program's first 50 years be printed in the RECORD.

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

DECADES OF DEDICATION—THE EARLY YEARS

(By Patricia L. Fitzgerald)

Despite all the changes of the past 50 years—technology, economics, demographics, legislation—the history of school foodservice is truly remarkable for how much has stayed the same. The mission hasn't changed since the earliest programs in the 19th century: Provide meals to children at school to ensure their health and promote their ability to learn. And while many faces have changed, the school foodservice profession has always been composed of individuals who have a true and dedicated commitment to this mission.

Many of the obstacles that confronted the profession's pioneers still exist—in different forms—today. These include managing tight budgets, surviving political maneuverings, meeting nutritional requirements in the face of children's tastes and preferences and fighting resistance to consider school meals an integral and intrinsic part of the education system.

But where did all of this—the need, the dedication, the challenge—begin? How did two groups of foodservice directors find themselves merging together in 1946 to create a profession dedicated to advancing standards and managing a new federal program?

ROOTS

According to historical records, the first known program to combine lunch and education began in 1790, in Munich, Germany. Court Rumford, Benjamin Thompson, established the Poor People's Institute, which included a program of teaching and feeding hungry, vagrant children. Half of the day, the children worked making clothes for the army and the other half they received an education. Food was primarily a soup made from potatoes, barley and peas.

Throughout the 19th century, all over Europe, charitable organizations began to take on the burden of feeding and educating children in poverty, but as the century wore on, local governments began to pick up more and more of the financial burden. By 1877, the Paris government started school ''cantines,'' providing meals at public expense for children in need. In England, the Education (Provision of Meals) Act passed in 1905, after lobbying from 365 private and charitable organizations. And in Holland in 1900, a royal decree ordered municipals to supply food and clothing to needy school children.

These efforts in Europe were paralleled by ones in the United States. In 1853, the Children's Aid Society in New York served meals to students attending vocational school, but it wasn't until 1919 that the Board of Education assumed full responsibility for all lunch programs in Manhattan and the Bronx. The movement was similar in other U.S. cities. In Philadelphia, for example, the Starr Center Association began serving penny lunches in one school in 1894; in 1909, responsibility for operating and supporting the lunch program was transferred to the city's school board.

In smaller cities, ''charitable organizations'' often meant the mothers of the children at school. In 1904, the Women's School Alliance of Wisconsin began furnishing lunches to children in Milwaukee. The meals were prepared in the homes of women who lived near the schools and were willing to cook and serve. And in rural areas, the responsibility was often assumed by the teachers themselves, preparing soups and other hot dishes from meats and vegetables brought by the children.

THE GREAT DEPRESSION

The stock market crash of 1929 brought a whole new urgency and visibility to the issue of hunger in America. As unemployment skyrocketed, the country's middle class suddenly became the ''new poor,'' and the country looked to the government for help.

Unfortunately, President Herbert Hoover's administration had no answers, and the Depression wore on without relief. Instead of slowing the expansion of local school lunch programs, the bleak economics drove home their value. In many communities, a school meal program was initiated and provided by a legion of volunteers.

Aid came in the form of new president Franklin Delano Roosevelt's New Deal, and the establishment of a number of ''alpha-bet organizations,'' government programs designed to provide opportunities for employment. In 1933–34, burgeoning school lunch programs in 39 states found valuable assistance from the Civil Works Administration and the Federal Relief Administration. And in 1935, the Work Projects Administration

(WPA) was created; needy women all over the United States found work under WPA programs to prepare and serve school lunches. And with much of the labor burden off of school districts, lunch prices could be kept low, which increased participation.

Donated commodities were another key to early school lunch success. While unemployment in the cities was rampant, America's farmers were having bumper crops. But without a market to buy, surpluses grew, prices fell and farmers began to go out of business. In 1935, the government began to remove price-depressing surplus foods from the market, and school lunch programs were one excellent outlet for the goods.

Throughout the 1930s, many states and cities began to adopt legislation—often including appropriations—that mandated schools to serve lunch to students. By 1937, 15 states had passed laws specifically authorizing local school boards to operate lunchrooms, serving meals at cost or less.

The numbers tell the story. By 1941, WPA school lunch programs were in all states, the District of Columbia and Puerto Rico, serving an average of nearly 2 million lunches daily and employing more than 64,000 people.

A SENSE OF PERMANENCE

When America went to war, it sent its boys overseas and its women to work in the defense industry. By 1944, the WPA's payroll was gone, but the demand for continuation of lunch programs was not. In 1944, Congress earmarked funds to maintain the programs for the year and repeated this action in 1945. Behind the scenes, a campaign to establish a permanent, reliable federal subsidy for school lunch was in the works.

In 1946, Congress recognized the need to establish a national, permanent, federally funded school lunch program. Section 2 of the final law succinctly explains the legislators' rationale: ''It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs.''

After considerable lobbying by the burgeoning school foodservice profession and with the support of some heavy hitters in the Senate, Congress passed the National School Lunch Act of 1946, which was signed into law by President Harry Truman on June 4. In addition to defining appropriations—including those for administrative expenses—the new law set minimum nutritional requirements for three types of acceptable lunches.

A NEW PROFESSION

Although school foodservice began with unskilled volunteers, it was quick to grow into a bona fide profession during the 1930s. Cafeteria management and foodservice direction were new careers. And the early pioneers (see sidebar, page 50) developed high standards for sanitation, nutrition and home economics. The Thirties saw the formation of two national organizations created to further this brand-new profession: the Conference of Food Service Directors and the National School Cafeteria Association.

After passage of the National School Lunch Act, these two groups agreed to a merger conference to join forces and create a new organization. On October 10–12, 1946, in Chicago, the School Food Service Association was born (the word ''American'' wouldn't be added to the name of the organization until 1951). There were 300 school foodservice professionals in attendance, representing programs in 34 states, as well as the U.S. Department of Agriculture. Constance C. Hart, a school foodservice director from Rochester, N.Y., and a founder of the Conference of Food Service Directors, was elected ASFSA's first president.

Through the end of the 1940's, the Association concentrated on getting on its feet, administering the new federal school lunch program and providing professional development opportunities for its growing membership. In 1947, member rolls were 709. Oklahoma became ASFSA's first state affiliate. The first annual convention was held in Dallas in November. Attendance at the convention was 478, and there were 39 exhibitors, including many still-familiar names, such as American Dietetic Association, The Cleveland Range Company, Florida Citrus Commission, The Hobart Manufacturing Company and the National Livestock and Meat Board. In 1948, membership remained steady, Betsy Curtis was president and the convention was held in Detroit.

Dr. Mary deGarmo Bryan took the helm in 1948–49, and ASFSA's first constitution was adopted. That year also saw the development of the Association's first membership publication: *School Meals.* Membership grew to 920. Thelma Flanagan's term as 1949–50 president say many actions that gave shape to the infant association. We'll examine these in the next installment of ''Decades of Dedication.''

O PIONEERS!

The school foodservice profession owes a debt to all of the leaders that guided it through the turbulent waters of change and growth over the past 50 years. In this issue we pay special tribute to just a few of those who fought for the establishment of a federal school lunch program and helped shape a brand-new profession. Their influence is still felt today.

Dr. Mary deGarmo Bryan. A professional educator, she was largely responsible for the professional standards of the program, teaching many of the first generation of school foodservice professionals. Her 1936 text, The School Cafeteria, was one of the bases for the school lunch program. A professor at Columbia University Teachers College for over 20 years, deGarmo was president of ASFSA in 1948–49.

Marion Cronan. Through her regular column, ''The School Lunch,'' in Practical Home Economics magazine, Cronan was instrumental in bringing the professional concerns of lunch programs to the attention of a foodservice audience. She served as ASFSA president for 1967–68.

Thelma Flanagan. Considered by many to be Florida's ''first lady of the profession,'' Flanagan also made an indelible impact on the national association. As ASFSA's 1949–50 president, Flanagan was responsible for giving the fledgling association some shape, creating specialized departments and instituting long-range planning. Today, the Thelma Flanagan Gold Award recognizes states that excel in meeting ASFSA's Plan of Action.

Constance Hart. Director of Lunchrooms for the Rochester, N.Y., public school system in 1942, Hart was an early proponent for nutrition education in the schools. A founder of the Conference of Food Service Directors in 1935, Hart became ASFSA's first president, elected at the merger meeting between the Conference and the National School Cafeteria Association. She served in 1946–47.

Senator Richard B. Russell (D–Ga.) As chair of the Senate Agriculture Committee's Appropriations Subcommittee, his support of the National School Lunch Act was invaluable for getting the bill through Congress.

John Stalker. In 1935, Stalker headed Massachusetts' commodity distribution program and became the state's director of school foodservice programs. Stalker set nutrition and management standards that were national models. He designed ASFSA's first emblem and served as a valuable legislative leader at both the state and national levels.

Frank Washam. Director of Chicago's school lunch program, Washam was a leader in the National School Cafeteria Association and a leader in the movement to obtain permanent federal support for school lunches.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago—it was in 1972—when the TV commentators network reported that the people of North Carolina had elected me to the Senate. It was 9:17 p.m. and I recall how stunned I was.

It had never really occurred to me that I would be the first Republican in history to be elected by the people of North Carolina to the U.S. Senate. Needless to say, it was a memorable moment in my life and I, that evening, made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

Keeping that commitment for almost 24 years, it has proved enormously meaningful to me. I have been inspired on countless occasions by the estimated 60,000 young people with whom I have visited during the more than 23 years I have been in the Senate.

A large percentage of them are understandably concerned, and greatly so, about the total Federal debt which back in February of this year crossed the $5 trillion mark for the first time in history. It is Congress that has created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always are inclined to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why, on February 22, 1992, I began making these daily reports to the Senate. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday—Monday, June 3, 1996—stood at $5,136,903,015,098.32. On a per capita basis, the existing Federal debt amounts to $19,384.92 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Friday, May 31, 1996—shows an increase of more than $8 billion—$8,394,510,205.52, to be exact. That increase alone is enough to match the total amount needed to pay the college tuition for each of the 1,244,737 students for 4 years.

PRESIDENT CLINTON'S HOPE SCHOLARSHIP PLAN

Mr. KENNEDY. Mr. President, earlier today, in his commencement address at Princeton University, President Clinton announced a dramatic new proposal called the Hope scholarship plan, to bring college education within closer reach for all Americans. This important new initiative guarantees free tuition for large numbers of students attending the Nation's community colleges. For students at 4-year colleges, it supplements Pell grant aid, and it strengthens the tuition tax deduction in the President's budget by adding a new education tax credit. The plan is fully paid for with savings that achieve a balanced budget by 2002.

This initiative is modeled on the GI bill of rights of the World War II era, which gave so many veterans the skills needed in those years to participate fully in our expanding economy. We rejected the idea of a cash bonus for soldiers. Instead, we invested in their futures and the future of the Nation by making higher education available and affordable for returning veterans. The investment has more than paid for itself. For every dollar invested in grants under the GI bill, the Nation received more than $8 in economic returns.

The Hope scholarships, announced by President Clinton, are based on the same principles—investing in the future of America by investing in education and training for all citizens. The President's proposal recognizes what business leaders have been telling us for years, that high skills are the key to high wages for American workers in the global economy.

According to the Bureau of Labor Statistics, 60 percent of all jobs created between now and the year 2005 will require education beyond high school.

The Hope scholarship plan will make at least two years of college possible for every American. It will guarantee $1,500 in tuition assistance a year, through Pell grants or a refundable tax credit or both, for 2 years to every student in the country who attends a community college, earns at least a ''B'' average in the second year, and stays off drugs.

Community colleges enroll 48 percent of all undergraduates and over half of all minority students. Many community college students are working adults returning to college to improve their skills. Based on current surveys, more than half of the Nation's students maintain a ''B'' average.

The $1,500 credit is designed to pay full tuition costs at community colleges. But it can also be applied to the first 2 years of tuition at 4-year colleges for students who maintain a ''B'' average in the second year. Alternatively, students and their families will be able to choose a tax deduction of $10,000 a year per family for the first 2 years. For the last 2 years of college and graduate school and professional school, the tax deduction remains available to all families with incomes below $100,000 or to individuals with incomes below $70,000.

These important new benefits build on the 33 percent increase in Pell grant funding in the President's budget. By comparison, the Republican budget resolution cuts Pell grants by 18 percent over the next 6 years and denies grants to 1.3 million students altogether. The President's budget increases the maximum Pell grant award by almost $800 by 2002.

The Hope scholarship plan recognizes the need for high skills in today's economy, and helps to meet that need. It offers realistic help to students and working adults seeking to acquire new skills. I commend the President for this initiative, and I urge the Congress to support it.

Mr. President, I ask unanimous consent that President Clinton's address may be printed in the RECORD.

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

REMARKS BY THE PRESIDENT AT PRINCETON UNIVERSITY COMMENCEMENT ADDRESS

The PRESIDENT. Thank you very much. President Shapiro, members of the faculty, alumni, to parents and friends of this graduating class, especially to the graduates of the Class of 1996—(applause.) Let me thank you co-Presidents, George Whitesides and Susan Suh, who came to say hello to me this morning; and compliment your valedictory address by Bryan Duff, and the Latin address by Charles Stowell. I actually took four years of Latin in high school. (Laughter.) And even without being prompted, I knew I was supposed to laugh when he was digging me about going to Yale. (Laughter.)

I want to also thank Princeton for honoring the high school teachers and the faculty members here for teaching, for today we celebrate the learning of the graduates and we should be honoring the teachers who made their learning possible. I thank you for that. (Applause.)

It's a great honor to be here in celebrating Princeton's 250 years. I understand that Presidents are only invited to speak here once every 50 years. President Truman and President Cleveland—you've got to say one thing, for all the troubles the Democrats have had in the 20th century, we've had pretty good timing when it comes to Princeton over the last 100 years. (Laughter and applause.)

I want to thank President Shapiro for his distinguished service to higher education in our country. I thank Princeton for its long and noble service to our Nation. I also am deeply indebted to Princeton for the contributions it has made to our administration and my presidency.

My Press Secretary, Mike McCurry, sat in these seats in 1976. I'm sure that Princeton had something to do with the fact that he not only thinks, but talks so fast. The Chair of our National Economic Council, Laura Tyson, was a Princeton Professor then, and Mike McCurry's thesis advisor. And you got back from me Professor Alan Blinder, who was a distinguished member of the Council of Economic Advisors and the Vice Chairman of the Federal Reserve, and a brilliant contributor to our efforts to improve the economy. I want to thank Alan Blinder here among his colleagues and these students for what he has done.

I thank Tony Lake and Bruce Reed and John Hilley and Peter Bass, all members of our staff who graduated from Princeton. Two Princeton graduates who are no longer living—Vic Raiser and his son, Monty, were great friends of mine. Vic's wife, Molly, is here—our protocol chief. And if it hadn't been for him I might not be here today, and I want to recognize their contributions to Princeton and Princeton's gifts to them.

I also want to say that one of my youngest staff members is a classmate here—Jon Orszag. And when the ceremony is over I'd like to have you back at work, please. (Laughter.)

I would like to talk to the senior class today about not only the importance of your education, but the importance of everyone else's education to your future. At every pivotal moment in American history, Princeton, its leadership, its students have played a crucial role. Many of our Founding Fathers were among your first sons. A president of Princeton was the only university president to sign the Declaration of Independence. This hall was occupied by the British since 1776, liberated by Washington's army in 1777, and as the President said, sanctified forever to American history by the deliberations of the Continental Congress in 1783.

In 1896, the last time there was a Class of '96, when Princeton celebrated its 150th anniversary and, as has been said, Grover Cleveland was President, Professor Woodrow Wilson gave his very famous speech, ''Princeton in the Nation's Service.'' I read that speech before I came here today. And I'd like to read just a brief quote from it: ''Today we must stand as those who would count their force for the future. Those who made Princeton are dead. Those who shall keep it and better it still live. They are even ourselves.'' What he said about Princeton 100 years ago applied then to America and applies to America even more today.

At the time of that speech 100 years ago, America was living as it is living today, through a period of enormous change. The Industrial Age brought incredible new opportunities and great new challenges to our people. Princeton, through Wilson and his contemporaries, was at the center of efforts to master these powerful forces of change in a way that would enable all Americans to benefit from them and protect our time-honored values.

Less than 3 years after he left this campus, Woodrow Wilson became President of the United States. He followed Theodore Roosevelt as the leader of America's response to that time of change. We now know it as the Progressive Era.

Today, on the edge of a new century, all of you—our Class of '96—are living through another time of great change, standing on the threshold of a new Progressive Era. Powerful forces are changing forever our jobs, our neighborhoods, the institutions which shape our lives. For many Americans, this is a time of enormous opportunity. But for others, it's a time of profound insecurity. They wonder whether their old skills and their enduring values will be enough to keep up with the challenges of this new age.

In 1996, like 1896, we really do stand at the dawn of a profoundly new era. I have called it the Age of Possibility because of the revolution in information and technology and market capitalism sweeping the globe—a world no longer divided by the Cold War. Just consider this: There's more computer power in a Ford Taurus every one of you can buy and drive to the supermarket than there was in Apollo 11 when Neil Armstrong took it to the moon. Nobody who wasn't a high-energy physicist had even heard of the World Wide Web when I became President. And now even my cat, Socks, has his own page.

(Laughter.) By the time a child born today is old enough to read, over 100 million people will be on the Internet.

This Age of Possibility means that more Americans than ever before will be able to live out their dreams. Indeed, for all of you in the Class of '96, this Age of Possibility is actually an age of high probability, in large measure because of the excellent education you celebrate today.

But we know that not all Americans see the future that way. We know that about half of our people in this increasingly global economy are working harder and harder without making any more money; that about half of the people who lose their jobs today don't ever find another job doing as well as they were doing in their previous one.

We know that, therefore, our mission today must be to ensure that all of our people have the opportunity to live out their dreams in a nation that remains the world's strongest force for peace and freedom, for prosperity, for our commitment that we can respect our diversity and still find unity.

This is about more than money. Opportunity is what defines this country. For 220 years, the idea of opportunity for all and the freedom to seize it have literally been the defining elements of America. They were always ideals never perfectly realized, but always our history has been a steady march of striving to live up to them.

Having these ideals achievable, imaginable for all is an important part of maintaining our sense of democracy and our ability to forge an American community with such disparate elements of race and religion and ethnicity across so many borders that could so easily divide this country.

And so I say to you, creating opportunity for all, the opportunity that everyone has, that many of you are now exercising, dreaming about your future—that is what you must do in order to make sure that this Age of Possibility is really that for all Americans.

When I took office, I was concerned about the uncertain steps our country was taking for that future. We'd let our deficit get out of hand, unemployment had exploded, job growth was the slowest since the Great Depression. The country seemed to be coming apart when we needed desperately to be coming together.

I wanted to chart a new course, rooted first in growth and opportunity—first, to put our economic house in order so that our businesses could prosper and create jobs; second, to tap the full potential of the new global economy; third, to invest in our people so that they would have the capacity to meet the demands of this new age and to improve their own lives.

This strategy is in place, and it is working. The deficit is half of what it was. The Government is now the smallest it's been in 30 years. As a percentage of the Federal work force, the federal government is the smallest it's been since 1933, before the beginning of the New Deal. We signed over 200 trade agreements. Our exports are at an all-time high. Fifteen million of our hardest-pressed people have gotten tax cuts. Most of the small businesses have as well.

We've invested in research and defense transformations. We've invested in new technologies. And we've invested in environmental protection and sustainable development. And I will say, parenthetically, the great challenge of your age will be to prove that we can bring prosperity and opportunity to people all across the globe without destroying the environment, which is the precondition of our successful existence. And all of you will have to meet that challenge, and I challenge you to do it. (Applause.)

Our economy, while most of the rest of the world was in recession, has produced 8.5 million new jobs, the lowest combined rates of inflation, unemployment and home mortgages in three decades, the lowest deficit as a percentage of our income of any advanced economy in the world, 3.7 million more American homeowners, and record numbers of new small businesses in each of the last 3 years.

We are doing well, but we must do better if we are going to make the promise of this new age real to all Americans. That means we have to grow faster. How fast can we grow? No one knows the exact answer to that. But if we look at the long-term, if we believe in our people and invest in them and their opportunities, and our people take responsibility, the sky is the limit.

We must look with the greatest skepticism toward those who promise easy and quick solutions. We know that the course that leads to long-term growth is in the minds and spirits and ideas and discipline and effort of people like those of you who graduate here today. We are on the right course; we must accelerate it, not veer from it.

We have to finish the job we started in 1993 and balance the budget—not only because we want to free you and your children of the legacy of debt, but because that will keep interest rates down, increase savings, expand companies, start new small businesses, help more families buy homes and more parents send their children to college.

We know we have to continue to fight for fair and open trade because we proved now if other markets are as open to our products and services as we are to theirs, we'll do just fine. We know we have to do more to help all Americans deal with the economic changes of the present day in a more positive way by investing in the future and targeting tax cuts to help Americans deal with their own problems and build strong families.

We know we have to continue to invest in the things that a government needs to invest in, including research and development, and technology, and environmental protection. We know that since so many people will have to change jobs more often than in the past, we have to give families the security to know that if they change jobs they can still carry with them access to health care and pensions and education for a lifetime.

But finally and most importantly, if we really want Americans—all Americans—to participate in the future that is now at your fingertips, we have got to increase the quality and the level of education not just for the graduates of Princeton and Georgetown and Yale and the state universities of this country, but for all the American people. It is the only way to achieve that goal. (Applause.)

The very fact that we have been here or our forebears have for 250 years is testimony to the elemental truth that education has always been important to individual Americans. And for quite a long time, education has been quite important to our whole country. Fifty years ago when the Class of '46 was here, coming in after World War II the G.I. Bill helped to build a great American middle class and a great American economy. But today, more than ever before in the history of the United States, education is the fault line, the great Continental Divide between those who will prosper and those who will not in the new economy.

If you look at the census data, you can see what happens to hard-working people who have a high school diploma or who drop out of high school and try to keep up in the job market, but fall further and further behind. You can also see that if all Americans have access to education, it is no longer a fault line, it is a sturdy bridge that will lead us all together from the old economy to the new.

Now, we have to work to give every American that kind of opportunity. And we've worked hard to do it—from increasing preschool opportunities, to improving the public school years, to increasing technology in our schools. And this spring the Vice President and I helped to kick off a Net Day in California where schools and businesses and civic leaders hooked up nearly 50 percent of the schools to the Internet in a single weekend. What I want to see is every schoolroom and every library in every school in America hooked up to the Internet by the end of the year 2000. We can do that. (Applause.)

And I am very proud that I was asked to announce today that a coalition of high-tech companies, parents, teachers and students are launching Net Day New Jersey this week to connect over a thousand schools in New Jersey to the Internet by this time next year. That will make a huge difference in making learning more democratic and information more accessible in this country. I thank them for that. Every single person in New Jersey who will be a part of that. (Applause.)

But we have to face the fact that that is not enough. We have to do more. Just consider the last 100 years. At the turn of the century, the progressives made it the law of the land for every child to be in school. Before then there was no such requirement. After World War II, we said 10 years are not enough, public schools should extend to 12 years. And then, as I said, the G.I. Bill and college loans threw open the doors of college to the sons and daughters of farmers and factory workers. And they have powered our economy ever since.

America knows that higher education is the key to the growth we need to lift our country. And today that is more true than ever. Just listen to these facts. Over half the new jobs created in the last 3 years have been managerial and professional jobs. The new jobs require higher-level skills. Fifteen years ago the typical worker with a college degree made 38 percent more than a worker with a high school diploma. Today, that figure is 73 percent more. Two years of college means a 20-percent increase in annual earnings. People who finish 2 years of college earn a quarter of a million dollars more than their high school counterparts over a lifetime.

Now, it is clear that America has the best higher education system in the world, and that it is a key to a successful future in the 21st century. It is also clear that because of cost and other factors, not all Americans have access to higher education.

I want to say today that I believe the clear facts this time make it imperative that our goal must be nothing less than to make the 13th and 14th years of education as universal to all Americans as the first 12 are today. (Applause.)

We have put in place an unprecedented college opportunity strategy: Student loans can now be given directly to people who need them, with a provision to repay them based on the ability of the graduate to pay—based on income. This is a dramatic change which is making loans more accessible to young people who did not have them before. Americorps, which by next year will have given over 65,000 young people the chance to earn their way through college by serving their country and their communities. More Pell Grants, scholarships for deserving students every year.

Now we want to go further; we want to expand work-study so that a million students can work their way through college by the year 2000. We want to let people use money from their Individual Retirement accounts

to help pay for college. We want every honor student in the top 5 percent of every high school class in America to get a $1,000 scholarship.

And we also want to do some other things that I believe we must do to make 14 years of education the standard for every American. First, I have asked Congress to pass a $10,000 tax deduction to help families pay for the cost of all education after high school—$10,000 a year. (Applause.)

Today I announced one more element to complete our college strategy and make those 2 years of college as universal as 4 years of high school—a way to do it, by giving families a tax credit targeted to achieve that goal and making clear that this opportunity requires responsibility to receive it.

We should say to Americans who want to go to college, we will give you a tax credit to pay the cost of tuition at the average community college for your first year, or you can apply the same amount to the first year in a 4-year university or college. We will give you the exact same cut for the second year, but only if you earn it by getting a B average the first year. A tax deduction for families to help them pay for education after high school; a tax credit for individuals to guarantee their first year of college and the second year if they earn it.

This is not just for those individuals, this is for America. Your America will be stronger if all Americans have at least 2 years of higher education.

Think of it: We're not only saying to children from very poor families who think they would never be able to go to college, people who may not have stellar academic records in high school, if you're willing to work hard and take a chance, you can at least go to your local community college and we'll pay for the first year. If you're in your 20s and you're already working, but you can't move ahead on a high school diploma, now you can go back to college. If you're a mother planning to go to work, but you're afraid you don't have the skills to get a good job, you can go to college. If you're 40 and you're worried that you need more education to support your family, now you can go part-time, you can go at night. By all means, go to college and we'll pay the tuition.

I know this will work. When I was the governor of my home state, we created academic challenge scholarships that helped people who had good grades and who had good behavior to go to college. But my proposal today builds mostly on the enormously successful HOPE Scholarships in Georgia, which guaranteed any student in the state of Georgia free college as long as they had a B average. This year those scholarships are helping 80,000 students in the state of Georgia alone—including 70 percent of the freshmen class at the University of Georgia.

In recognition of Georgia's leadership, I have decided to call this proposal America's HOPE Scholarships. And I want to thank the Governor of Georgia, Zell Miller, who developed this idea. I also would like to recognize him—he came up here with me today—and thank him for the contribution that he is now going to make to all of America's future.

Governor Miller, where are you? Would you please stand up? Here he is. Thank you.

Let me say, as all of you know, money doesn't grow on trees in Washington, and we're not financing deficits anymore. I'm proud to say, as a matter of fact, for the last 2 years our budget has been in surplus, except for the interest necessary to pay the debt run up in the several years before I became President. So we are doing our best to pay for these programs. And this program will be paid for by budgeted savings in the balanced budget plan. We cannot go back to the days of something for nothing or pretend that in order to invest in education we have to sacrifice fiscal responsibility.

Now, this program will do three things. It will open the doors of college opportunity to every American, regardless of their ability to pay. Education at the typical community college will now be free. And the very few states that have tuition above the amount that we can afford to credit, I would challenge those states to close the gap. We're going to take care of most of the states. The rest of them should help us the last little way.

Second, it will offer free tuition and training to every adult willing to work for it. Nobody now needs to be stuck in a dead-end job or in unemployment. And finally, this plan will work because it will go to people who, by definition, are willing to work for it. It's America's most basic bargain. We'll help create opportunity if you'll take responsibility. This is the basic bargain that has made us a great Nation.

I know that here at the reunion weekend the Class of '46 has celebrated its 50th reunion. And I want to just mention them one more time. Many members of the Class of '46 fought in the second world war. And they came home and laid down their arms and took up the responsibility of the future with the help of the G.I. Bill. That's when our Nation did its part simply by giving them the opportunity to make the most of their own lives. And in doing that, they made America's most golden years.

The ultimate lesson of the Class of 1946 will also apply to the Class of 1996 in the 21st century. Because of the education you have, if America does well, you will do very well. If America is a good country to live in you will be able to build a very good life.

So I ask you never to be satisfied with an age of probability for only the sons and daughters of Princeton. You could go your own way in a society that, after all, seems so often to be coming apart instead of coming together. You will, of course, have the ability to succeed in the global economy, even if you have to secede from those Americans trapped in the old economy. But you should not walk away from our common purpose.

Again I will say this is about far more than economics and money. It is about preserving the quality of our democracy, the integrity of every person standing as an equal citizen before the law, the ability of our country to prove that no matter how diverse we get, we can still come together in shared community values to make each of our lives and our family's lives stronger and richer and better. This is about more than money.

The older I get and the more I become aware that I have more yesterdays than tomorrows, the more I think that in our final hours, which all of us have to face, very rarely will we say, gosh, I wish I'd spent more time at the office, or if only I'd just made a little more money. But we will think about the dreams we lived out, the wonders we knew when we were most fully alive. This is about giving every single, solitary soul in this country the chance to be most fully alive. And if we do that, those of you who have this brilliant education, who have been gifted by God with great minds and strong bodies and hearts, you will do very well and you will be very happy.

In 1914, Woodrow Wilson wrote as President, ''The future is clear and bright with the promise of the best things. We are all in the same boat. We shall advance and advance together with a new spirit.'' I wish you well, and I pray that you will advance, and advance together with a new spirit.

God bless you and God bless America. (Applause.)

A TRIBUTE TO SEYMOUR H. KNOX III, 1926–96

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to Seymour H. Knox III, a civic and business leader from Buffalo, NY. Seymour Knox, age 70, died on May 22, 1996, at his home in East Aurora, New York, after a long battle with cancer.

Like his father before him, Seymour Knox created a lasting institution for the city of Buffalo by which he shall be remembered. For the father, this was the Albright-Knox Art Gallery. For the son, it was the Buffalo Sabres hockey team. Seymour, in cooperation with his brother Northrup, led an investor group that acquired a National Hockey League Franchise in 1969. For over a quarter century, the Sabres have made the long winter a bit more enjoyable for the people of Buffalo, and with the recent completion of the Marine Midland Arena, Seymour Knox has assured that this alliance will long continue.

Apart from his interest in hockey, Seymour Knox was a leading investment executive at Kidder Peabody and Co., and active in the community. He was chairman of the Buffalo Fine Arts Academy, the body which oversees the gallery created by his father, and was also named chairman of the Smithsonian Associates in 1984. He was also active in the Buffalo YMCA, the U.S. Squash Racquets Association, and the Seymour H. Knox Foundation. He will long be remembered as someone who cared deeply about the city of Buffalo and who used his standing in the community to improve the lives of countless citizens.

Seymour Knox will be fondly remembered by his wife, Jean; his brother, Northrup: his three sons, Seymour IV, W.A. Read, and Avery F.; his daughter, Helen K. Keilholtz; and five grandchildren. We offer our condolences and prayers to his family.

I ask unanimous consent that the text of an article from the Buffalo News be printed in the RECORD.

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

[From the Buffalo News, May 23, 1996]

SEYMOUR KNOX III LEAVES LEGACY TO THE COMMUNITY HE CARED FOR

Seymour H. Knox III was born to wealth, and he put it to good use for his community. Like his father before him, Knox left Buffalo an institution that will forever bear his mark. In his father's case, it was a nationally known art gallery. In his case, it is a nationally famous sports team. Buffalo is richer for both of them.

To say it simply, Buffalo needs more people like Seymour H. Knox III. His death Wednesday, from cancer, came a few days after the public got its first look at the Marine Midland Arena, which Knox worked arduously to bring into being. It will be the new home of the Buffalo Sabres major-league hockey team, his hard-won creation and his enduring contribution to his home town.

More than one friend and more than one fan will express regrets that Knox did not live to see the day when his team would skate onto the ice of the new arena. But at least he knew it would happen.

Through the efforts of Knox and his brother, Northrup, the Buffalo franchise in the National Hockey League was secured in 1969. From the beginning to this death, Seymour Knox III was chairman of the partnership that owned the team. Most of the time he was also president of the team.

Titles aside, the hockey-loving public knew Knox simply as the one who got the team for Buffalo and served as its head man through the years. He was the guy in the gold seats a few rows above the Sabres' bench.

Knox also kept the team here. In an age when professional owners change cities at an alarming rate, Knox was loyal to Buffalo even though its comparatively small market might have made other pastures seem greener. The point of the new arena is to make the team financially strong, securing it for Buffalo for the foreseeable future. Knox's vision made the Marine Midland Arena possible. His legacy will be the exciting hockey games of the future—games that will help make Buffalo a better place to spend the winter.

Knox was also important to Buffalo for numerous other civic endeavors. Those included the chairmanship of the Buffalo Fine Acts Academy, governing body of the Albright-Knox Art Gallery, which, to a great degree, was his father's gift to Buffalo. The gallery's most distinguishing feature is its modern art collection put together with care by the late Seymour H. Knox Jr.

His son's contribution is less genteel, but a community needs many aspects to its life. It is richer for both of these gifts.

From the start, the hockey team has played at Memorial Auditorium, Buffalo's aged indoor sports place, now slipping into retirement.

At the last Sabres game in the Aud a bit more than a month ago, Knox was given a prolonged ovation by a capacity crowd. Fans know why the Sabres exist. They let it show. Knox gave a short speech, closing with the words: ''Farewell, old friend.''

Buffalo people can repeat those words today.

THE 50TH ANNIVERSARY OF NATIONAL SCHOOL LUNCH PROGRAM

Mr. DASCHLE. Mr. President, today marks the 50th anniversary of one of the smartest investments this Nation has ever made, the National School Lunch Program.

In 1943, Winston Churchill said that ''there is no finer investment for any community than putting milk into babies.'' That sort of inspired investment is what the School Lunch Program is about. The only nutritious meal some children eat in a day, a school lunch can help to lengthen attention span, increase learning capacity and dramatically improve overall health.

The School Lunch Program currently operates in 95 percent of our Nation's schools and serves 26 million children each school day. It is a remarkable success, and I urge my colleagues to join me in commending the people who make that success possible, from the people at the USDA who run the program, to the State and local nutritionists who plan the meals and the school food service workers who serve them to our children. Each of them is helping to make our country stronger and healthier, and we thank them for it.

The School Lunch Act was passed not as an act of charity, not even as a matter of educational efficacy, but as a matter of national security after shocking numbers of young men failed their physicals in World War II because of preventable, nutrition-related illnesses.

Last year, Department of Agriculture updated Federal regulations to require school meals to meet the Federal dietary guidelines for Americans. The resulting Schools Meals Initiative for Healthy Children will make a good program even better.

Recognizing that simply adopting policies does not always guarantee change, the Clinton administration launched Team Nutrition in June 1995 to unite public and private organizations in promoting healthful dietary habits through schools, community organizations and the media. This groundbreaking measure also provides the training, technical assistance, and nutrition education that are critical to the School Meals Initiative's successful implementation.

Last fall marked the introduction of the Team Nutrition Schools Program, which brings together teachers and principals, schools and families, community leaders and school food service professionals to work for healthier school meals.

This fall, the USDA will build on the success of Team Nutrition by providing every school district with the help they may need to make sure the meals they serve their students meet the Federal dietary guidelines. I'm proud to have sponsored the amendment that will enable the USDA to get that information and assistance out to schools ahead of their original target date.

Our Nation has done much to alleviate childhood hunger and malnutrition in the 50 years since President Truman signed the National School Lunch Act. Rickets and other nutrition-related illnesses that once were common among poor children in this Nation are now mercifully rare because we channelled the will and resources of this great Nation against them.

But the challenge is not ended. Every month, 5 million children go hungry in this country. One out of every eight children under the age of 12. So today, as we celebrate 50 years of success with the School Lunch Program, let us remember these children and recommit ourselves to seeing that they, too, are able to share in the abundant blessings of our land.

NATIONAL MISSILE DEFENSE

Mr. ROBB. Mr. President, I wasn't able to get to the floor during the time set aside during debate on the Defend America Act, but it's an important topic and I would like to address it now.

Mr. President, we all want to defend America and I yield to no one in my commitment to a strong national defense, but I believe the Defend America Act in its current form could actually reduce U.S. security. I reach this conclusion based on a review of four key aspects of a national missile defense system:

First, the nature of the threats that the United States faces today and will likely face 10 years from now.

Second, the technological implications of building a system today versus in the future.

Third, the question of affordability.

And fourth, the impact on existing arms reduction treaties.

On all counts, the available evidence weighs against deployment of a national missile defense system in the near term. Consider the threat. Since the fall of the Berlin Wall and the collapse of the Soviet Union, we have witnessed a remarkable reversal in the arms race and, as such, the nature of the nuclear threat to America. The Soviet nuclear arsenal, over 13,000 nuclear weapons strong at the height of the cold war, will be reduced to about 3,500 weapons under START II. By any measure, this adds up to a more secure America.

Today, instead, the ballistic missile threat can be summed up in three scenarios: An accidental attack by land-based ICBM's from Russia or China, an unauthorized attack by a Russian submarine, or a very limited attack by a rogue nation such as North Korea or Iraq. Note, since we are addressing missile defenses, that I am referring to missile threats. This is not to suggest that other means of delivery are any less threatening, whether trucks, ships, aircraft, or even suitcases. I also consider the threat of biological or chemical attack as more likely if not more devastating than nuclear attack.

The Russian and Chinese missile attack scenarios are nothing new—we have lived with such threats for decades. But the third threat is in my mind the most problematic in the long term. While worst-case United States intelligence estimates forecast that North Korea may be only a few years away from deploying ICBM's that can reach portions of Hawaii and Alaska, other potentially hostile nations are at least a decade away from such a capability. Although their direct purchase of long-range missile components or systems is always possible, the balance of evidence suggests that it would be premature to commit to a near-term defense capability when we're not even sure when, whether, and how the threat will develop.

The Defend America Act calls for deployment by 2003, or 8 years out. It may seem as though we're splitting hairs, but this is an important distinction between those trying to mandate a date certain for deployment, and those willing to invest responsibly and deploy after the technology has proven itself and the threat is closer to the horizon.

Consider the technological implications of building a system today versus at the turn of the century or later. I

supported funding in the eighties for what was referred to as the strategic defense initiative. But then as now, in the absence of a new and compelling threat on the order of a reinvigorated Soviet Union, what is the driving force to lock into today's technology? My Republican colleagues seem to believe that we can set a completion date, spend huge sums of money on the problem, and magically achieve a fix. How easily we forget the optimistic projections for the performance of the Patriot missiles in the gulf war, and of the x-ray laser that was inaccurately touted in the eighties as the definitive solution for knocking down hundreds of missiles and warheads. The challenge for hitting a bullet with a bullet is not less daunting today than in the past. We cannot simply dictate a solution.

But even if we could achieve the technology in the near term, what are the costs over the long run if we buy today, discover that the technological window has again been broken through, and then turn around and buy anew in another 5 or 6 years? If we ever expect to achieve a balanced Federal budget, it won't be through impetuous, impulsive buying of an extremely expensive system.

Which leads me to the issue of affordability. A range of numbers are thrown around as estimates of the costs for a national missile defense. CBO recently came out with an estimate of $60 billion which has been widely reported in the press. But we all should acknowledge the great uncertainties in this type of estimation. A small change in the assumptions about the accuracy of our sensors, or the probability of kill of our interceptors, or whether the threat uses decoy or maneuvering warheads, can change the final cost estimates by an order of magnitude. I'm willing to put tens of billions into an effective, limited national missile defense. But I cannot condone pouring billions of the taxpayer dollars into an unproven capability whose costs could explode and needlessly drain other vital defense programs.

But for those Senators who believe the threat is imminent, and that the technology is achievable in the near term, and that the costs will be reasonable, I urge them to carefully consider what the Defend America Act would mean for existing and future arms control agreements. Many Senators today have pointed out that the act anticipates a breach of the ABM Treaty, and that it could undermine the START process. But we need to understand in more detail the value of these treaties and why their erosion or loss could actually decrease America's security. Mr. President, I would like to address this matter in some depth.

Let's first step back to the years before the 1972 ratification of the ABM Treaty, when the debate over missile defenses was in full force. Those opposed to any kind of limits on missile defense deployments were highly critical of those willing to deliberately constrain America's ability to defend its citizens against missile attack. But missile defense advocates needed to meet two tests: the first, generally referred to as arms race stability; the second, crisis stability.

Arms race stability refers to a situation between armed nations where there are few incentives for a vicious cycle of tit-for-tat weapons deployments. In an unstable setting, the deployment of a system by one side is met by the same or more deployments by the other side, which in turn is countered by more deployments by the first side, and so on ad infinitum.

Historically, the nation facing an expanded threat might respond with new offensive capabilities, better defenses, or both. But in the case of missile defenses, the technologies available in the sixties and seventies for intercepting incoming nuclear warheads with nonnuclear interceptors were proving very costly. And with the introduction of so-called MIRV'd ballistic missiles in the 1960's—where several nuclear warheads could be placed on a single missile and targeted independently—offensive nuclear forces became, by comparison, quite inexpensive. The cost to deploy one additional nuclear warhead on a MIRV'd ICBM was significantly less than the cost of the many interceptors and related sensors required to destroy that warhead.

By this dynamic, it was convincingly argued by ABM Treaty proponents, any United States attempts to deploy costly strategic defenses would be met by even less costly Russian deployments of more nuclear warheads that could simply overwhelm the defenses. This situation would have been highly unstable from an arms race perspective. Assisting the offense in this equation was the possibility of deploying on ICBM's hundreds of decoys and radar-reflecting chaff along with the nuclear warheads to confuse the U.S. interceptors and their sensors.

During the 1980's, technologies had advanced, improving the prospects for more cost-effective defenses. Particularly promising were space-based systems which could destroy ICBM's during their early flight before they deployed their warheads, and lasers which showed potential for engaging many targets in a short period. And yet despite over $35 billion in R&D expenditures since President Reagan launched the Strategic Defense Initiative in 1983, it would still appear that—at least in the case of Russia and perhaps China—the incremental cost for the offense is lower than for the defense.

START II, still awaiting Russia's ratification, will not only reduce Russia's nuclear arsenal to about 3,500 warheads, but, of equal importance, the treaty requires the elimination of land-based MIRV'd systems. If the United States decides to deploy national missile defenses early in the next decade and the Russians want to maintain their ability to target the United States, they could simply deploy more MIRV'd ICBM's at a lower cost. Indeed, if the United States did decide to unilaterally deploy national defenses without first reaching an agreement with the Russians, it would be an entirely rational and appropriate response for Moscow to forgo START and retain or build more of its most cost-effective countermeasure—MIRV'd ICBM's. We could again face a Russian arsenal of over 11,000 warheads.

We could easily push the Russians to reverse course and hold onto or even produce more of their most formidable MIRV'd ICBM, the SS–18—a missile that we spent enormous diplomatic capital to have dismantled. The cold war SS–18 force of over 300 ICBM's housed roughly 3,000 large, highly accurate nuclear warheads. Its capability to devastate the United States ICBM force created much anxiety during the cold war, primarily because it gave the Soviets an incentive to launch a disarming first strike in the midst of a crisis with the United States or NATO.

The choice is a stark one: on the one hand, a United States national missile defense that could handle limited attacks from many potential threats, but would be incapable of defeating a major Russian attack because the Russians respond by maintaining a daunting arsenal of MIRV's; and on the other hand, a Russian devoid of its most devastating threat to our country—its large, MIRV'd, highly accurate ICBM's. On this point alone, I would oppose pushing legislation that would tell the Russians we plan to violate the ABM Treaty by the year 2003. This seems especially shortsighted since we're not even sure the technology will be available by then even if we double the national missile defense budget.

We used to also consider the issue of arms race stability in the context of other potential threats today. Here national missile defenses show more promise.

A single nuclear weapon can transform a minor nation into a serious regional power overnight. The most obvious example is Iraq. Initial margins of public and congressional support for the United States deployment to the gulf were slim. But if Saddam Hussein had possessed a working nuclear device when Iraq invaded Kuwait, some argue that the United States would have steered clear of the gulf.

For those rogue nations considering entry into the nuclear club, the existence of even a limited but effective U.S. missile defense capability, whether for theater or national defense, creates a disincentive for embarking on the economically and diplomatically costly path of nuclear development. Granted, missile defenses will not stop the rogue leader from delivering a weapon via truck, ship, aircraft, cruise missile, or even a suitcase, but his inability to deliver a rapid missile strike against the United States or allied forces in the theater or U.S. civilians in North America helps dampen his enthusiasm for nuclear development, or

for that matter biological or chemical weapons development.

Next, examine the nation with a fledgling or modest nuclear arsenal, or biological or chemical weapons. Many of these nations, such as North Korea or China, not only have weapons of mass destruction, but have or will soon have the means for delivering them to United States territory. A U.S. national missile defense could help deter such nations from pursuing and producing more longer-range ballistic missiles.

As the Russian and United States nuclear inventories shrink dramatically under START, China could see an opportunity to become a peer in the nuclear superpower league by deploying a hundred or so MIRVed ICBM's, each with 10 or so MIRV's. The technology and costs to do so would not be prohibitive. But with a capable national missile defense, the United States could, in part, deter Beijing from pursuing superpower nuclear status.

Well what about crisis stability?

Crisis stability refers to a situation where the antagonists in a crisis do not have powerful military motivations—quite independent of their political and diplomatic incentives—to launch a preemptive attack. Imagine two warships sailing side by side—guns trained on each other—tensely anticipating the initiation of a battle. If each captain knows he can fire a first shot and sink the other ship before his opponent can even get off a shot, then the situation is unstable.

On first inspection, missile defenses would seem to have lent stability to the United States-Soviet nuclear standoff during the cold war. Like the two warships, one side would be less inclined to attack the other knowing that the first attack would be diluted by defensive systems and then met by a destructive counterattack. But proponents of the ABM Treaty saw things differently. What if during that first strike, the attacker could not only overwhelm the opponent's defenses and destroy most of them, but also destroy much of his offensive arsenal in the process?

In this scenario, the attacker still has his defenses in place and many offensive weapons that allow him to hold the opponent's cities hostage, while his opponent can only respond with a handful of surviving weapons. ABM Treaty proponents concluded that, by creating an inviting incentive to strike first, national missile defenses could in fact increase the odds for nuclear conflagration.

Today, the advent of more capable defensive technologies suitable for deployment in space could only exacerbate the advantage for the first striker, simply because many of the large and vulnerable defensive assets in space would be easier to detect and destroy than the warheads they're meant to intercept. As long as defensive systems are vulnerable themselves to attack, we will incur a crisis stability problem if we and an opponent deploy extensive national missile defenses.

We are now less concerned, of course, about a tense United States–Soviet standoff, which hopefully will remain in the ashheap of history—assuming Yeltsin fends off a Communist revival. Other nuclear powers are a different story. Clearly U.S. missile defenses would play a useful role in controlling escalation in a crisis or conflict with a lesser nuclear power, who could not confidently hold a U.S. city hostage in the face of U.S. missile defenses.

Another component of crisis stability involves dynamics that are beyond the control of rational leaders, such as an accidental or unauthorized launch, or an attack whose origins are unclear, or a minor attack that is misinterpreted as a major one. Here, too, missile defenses can add to crisis stability by providing the option to defeat these limited attacks before a commitment is made to launching a major counterstrike.

On balance, the Defend America Act gets a mixed review from an arms race and crisis stability standpoint. My overriding concern, however, is that the advantages of a national system—even in the context of a rogue nation, accidental, or unauthorized attack—do not outweigh the consequences of undermining START and engendering extensive Russian MIRVed ICBM redeployments.

The Russians have made it very clear that unilateral United States abrogation of the ABM Treaty, as anticipated by the Defend America Act, will force Moscow to forgo START II ratification. This is not mere rhetoric. Russia's heavy MIRVed ICBMs give Moscow its best ''bang for the buck.'' The Russian military is strapped for cash and can barely afford modernization of its strategic nuclear forces. If Russia's strategic position vis-a-vis the United States is undermined, it would be perfectly rational as I stated earlier for Moscow to renege on START.

In light of these concerns, I cannot support the Defend America Act in its current form. We should not pass legislation which mandates deployment of a national missile defense by 2003, and requires the President to renegotiate the ABM Treaty to ease its restrictions on the development of such a system. As my Democratic colleague from Ohio has noted, we can no more dictate the development of an unproven technology than to mandate a cure for cancer. And we cannot unilaterally renegotiate a major treaty.

I believe a more measured approach is needed. First, we need to continue basic research on national missile defenses at the requested level and in compliance with the ABM Treaty. This means no space-based systems or space-based tracking in an ABM mode.

Second, we should continue to vigorously pursue programs, such as Nunn-Lugar, that will reduce the proliferation of weapons of mass destruction and related technologies. The return on the dollar of these programs is self-evident and I will not advocate them further here. Let me just add that we should not lose sight of an equally troubling delivery system, such as a truck, ship, aircraft or suitcase, that could be used to transport a nuclear, biological or chemical weapon to or near our territory or military forces. If we are not balanced in our responses to all means of delivering weapons of mass destruction, we invite a hostile regime to take the path of least resistance and simply bypass our multibillion dollar missile defenses. I applaud Senator NUNN's initiative to broaden the scope of the national missile defense legislation to consider all strategic weapons and means of delivery.

Third, we need to continue to achieve a theater missile defense capability quickly, but avoid spreading ourselves too thinly. We're spending a great deal of money on several theater systems when in reality nothing will be fielded for years, and we're uncertain if one or more approaches will ever fully work or be highly cost-effective. I was skeptical of the optimistic estimates of Patriot performance prior to the gulf war, and not surprised when we learned that early news reports had grossly overstated its performance during the war.

My fourth recommendation, therefore, is to expend considerable resources on the most mature theater system, PAC–3, to demonstrate that we can achieve a basic capability against a moderate threat. By moderate threat I mean a limited attack by missiles that were not specifically designed to defeat our defenses with decoys, maneuvering reentry vehicles, and the like. If we successfully conclude this mini-Manhattan Project, we can accelerate the other technologies to achieve the kind of layered defenses that would greatly improve overall missile defense performance.

Fifth, we should create an architecture that could be expanded into space at a later date if merited by the threat, but stick to ground and airborne systems for now. This means that as we make decisions on the optimal technologies for national defense interceptors, sensors, and communications systems, we ensure that they are compatible with future, more robust technologies and systems.

Sixth, we need to work with the Russians to amend the ABM Treaty to allow for mutual tiered expansion of missile defense systems. In other words, after we've proven a basic system that fits within the treaty's constraints, and after we've achieved key research milestones on a more expansive system, we should then be able to approach the Russians for joint approval of testing or deployment of the next tier of defenses.

The Russians might decide to go along with the next phase even if they have not reached the same capability, or ask for a delay in the joint approval to give them time to reach some sort of parity in defensive capability. We

might even want to permit asymmetries in a modified ABM Treaty or START III, where the Russians would be allowed relatively more offensive capabilities as the United States deploys national defenses.

At each step, we could consider any requests by the Russians for assistance to improve their own defenses. Although I am not convinced such assistance would be in our best interests, this might be a small price to pay if we want to deploy national defenses and keep the ABM and START Treaties alive.

A good initial step, as proposed by Senator NUNN in the context of his substitute amendment, is for both sides to agree to rescind the 1974 Protocol to the ABM Treaty, which reduced the number of national missile defense sites allowed by the original treaty from two to one. If we try to deploy a ground-based national defense system constrained to one site, we are looking at an inordinate inefficient and therefore expensive system.

Allowing for space-based tracking in an ABM mode also makes sense if each side is interested in a more capable and cost-effective limited national defense. Another area that could prove win-win for both sides is construction of jointly manned, ground-based missile launch detection centers near each other's ICBM fields.

Finally, we have to engage the Chinese sooner rather than later on their growing nuclear arsenal. According to press accounts, China has deployed CSS–3 and CSS–4 ICBMs, the latter of which are capable of reaching most of the continental United States. China has also reportedly tested the CSS–4 missile armed with MIRVs. Most recently, the Washington Times reports that the Chinese are acquiring technology from the Russian SS–18. It would not require an inordinate amount of resources for China to deploy dozens of additional ICBMs with MIRVs, meaning possibly hundreds of new warheads that could rain down on United States cities.

Now is the time to discourage the Chinese from embarking on an ambitious, and highly destabilizing, nuclear arms build-up. That is why, Mr. President, it is crucial that the United States pursue trilateral negotiations with Russia and the People's Republic of China on MIRVed ICBMs. I have drafted a Sense of the Senate resolution related to this matter, and may offer it during consideration of the fiscal year 1997 Defense Authorization Act.

With that, Mr. President, I reiterate my opposition to the Defend America Act, urge a more measured approach and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

The Senator from Colorado is recognized.

(The remarks of Mr. BROWN and Mr. MCCAIN pertaining to the introduction of S. 1830 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

PRESIDENT CLINTON'S HIGHER EDUCATION PROPOSALS

Mr. PELL. Mr. President, as one who has spent much of his Senate career seeking to broaden and expand educational opportunity, I want to commend President Clinton for the education proposal that he today placed at the forefront of his domestic agenda. I also take special pride in the fact that he set forth his proposals in his commencement address at Princeton University, which is my alma mater.

While we have not had the opportunity to examine the package in any detail, I am particularly drawn to two of the President's proposals. The first of these is the Hope scholarship plan. Its thrust and purpose is most certainly consistent with my longstanding belief that we ought to guarantee 2 years of education beyond high school to every student who has the drive, desire, and talent.

As I have said many times, the idea that 12 years of education is sufficient education for our young people is, quite simply, an outmoded, turn-of-the-century concept. As we approach the turn of a new century, it is truly high time that we discarded that notion. The vast majority of leaders in the growth industries of our Nation recognize that a skilled work force requires at least 2 years of education beyond high school. But while we have talked about trying to change an outdated policy, it is President Clinton who has brought the talk to an end and laid out a plan to make the concept of 14 years of education a reality.

The Hope scholarship plan would provide a $1,500 tax credit for the first year of education after high school, and another $1,500 for the second year if they worked hard, stayed off drugs, and earned at least a ''B'' average. It is a plan that would reward efforts and achievement, twin objectives with which I strongly concur.

It is a plan that would make a tuition-free education possible for 67 percent of all community college students. For students with financial need, it would work in concert with the Pell grant and further ease the burden of paying for a college education.

While it would have its most profound impact on students attending community college, it would also be of immense help to students pursuing a 4-year degree. Students and their families could opt for either the $1,500 tax credit or a $10,000 tax deduction. It would be their decision as to which option better suited their needs.

With respect to the proposed $10,000 tax deduction, I am especially pleased that the administration has refined its original proposal. It will now be targeted to hard-pressed middle-income wage earners. These are the very families who today find that paying for their children's education is increasingly beyond their financial reach.

The other proposal to which I am drawn is the President's proposed 33-percent increase in the maximum Pell grant over the next 7 years. For fiscal year 1997, the President has already proposed increasing the maximum grant from $2,470 to $2,700, a 1-year increase of almost 10 percent. And, according to today's announcement, the maximum grant would continue to receive yearly increases, and would reach a maximum award of $3,128 by fiscal year 2002.

Unfortunately, the proposal will not redress the terrible imbalance between grants and loans that has become so pronounced over the past decade and a half. Where a deserving student's financial aid package was once 75 percent grants and 25 percent loans, today it is the opposite—almost 75 percent loans and only 25 percent grants. Yet, even though the President's proposal may fall short of the mark, it is certainly a welcome step in the right direction. It also stands in stark contrast to the budget resolutions approved by both the House and Senate. They would freeze the budget authority for the Pell Grant Program.

In all candor, however, we should take the President's Pell grant proposals as only the first step. We ought to give it our careful and thoughtful consideration, and then do him one better by enacting legislation that truly addresses the enormous and growing debt burden incurred by literally millions of college students as they struggle to pay for a college education. While I realize I may sail against the political winds, I continue to believe deeply that the Pell grant ought to be made an entitlement, which would free it from the pitfalls of yearly appropriations.

Mr. President, I believe deeply that education is a capital investment. What we put into the education of our children is returned to us many times over. Every study we know shows that there is a direct relationship between more education and higher personal income. Better education means better jobs, and better jobs mean a stronger and more vibrant economy. We must be careful, however, that the cost of an education and the debt undertaken in getting it do not overtake us.

I welcome the President's proposals. I applaud the initiative he has taken. I congratulate him for placing a priority on education. While we had little advance notice of these proposals and virtually no time in which to mull them over, I hope very much that we will

give them careful and thoughtful consideration, and that they will not be overwhelmed by election year politics.

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

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

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

IN DEFENSE OF THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to speak about the U.S. Constitution and what I believe is the essential need to exercise extreme restraint in regard to amending this great document. As recent articles in a number of publications and newspapers have pointed out, this Congress, Mr. President, the 104th Congress, perhaps unlike any in recent memory, seems intent on amending the U.S. Constitution. I do not question the sincerity of those efforts. The history of our Constitution and those amendments that have been adopted, as well as the mechanism crafted by the framers for adopting amendments, counsels that caution govern any efforts to amend this great document, our Constitution.

Since its ratification in 1788, the Constitution of the United States has been the single greatest protector of individual rights known to man. It is superior to any of its predecessors, and has been the benchmark against which all other constitutions since adopted have been judged. Perhaps the greatest tribute to the U.S. Constitution, Mr. President, and the greatest tribute to those who drafted the document, is that in the 208 years since its ratification, the people of this Nation have only amended it on 27 occasions. This equates with only about one amendment every 7.7 years.

However, Mr. President, this figure is a little bit misleading when one looks closely at the actual history accompanying those 27 amendments. It becomes obvious that those specific instances where the people of this Nation have moved to amend their Constitution have actually been few and far between, and those efforts have typically only been in response to some fundamental deficiency or flaw in our democratic system of government.

As we look at the 27 amendments, Mr. President, for example, the first 10 amendments to the Constitution, the Bill of Rights, were adopted as part of an agreement to actually garner support for the passage of the underlying Constitution itself; 10 of the 27 were adopted at the very outset of our country. Anti-Federalists who opposed the Federal Constitution were opposed to its adoption unless and until a more explicit statement on the rights of man was added to the Constitution. The fervent belief that certain rights should remain squarely within the province of the individual manifests itself in the Bill of Rights.

While the Bill of Rights was adopted almost simultaneously with the Constitution, becoming effective in 1791, what the Bill of Rights did was set a tone which on most subsequent occasions has been followed. That tone was that constitutional amendments should be reserved for response to shortcomings in our democratic way of governance in general, not to attend to the emotion or issue of the day each time. I think this is evidenced by the adoption, following the Civil War of the 13th, 14th, and 15th amendments. These three amendments, much like the Bill of Rights, spoke directly to the rights and equality of men, and extended to African-Americans rights previously that were denied to them, denied to them under the original Constitution, and even under the original Bill of Rights.

Further, many of our constitutional amendments deal directly with the ability of citizens to participate in democracy, they go to the very core of whether everyone can participate. The 17th, 19th, 24th and 26th amendments improve citizen involvement in elections by allowing for the direct election of Senators, extending the franchise to women, abolishing the poll tax, and reducing the voting age. The essence of democracy itself, Mr. President, is participation. These amendments fostered that fundamental element of our Nation. For that reason, I think they were all probably appropriate uses of the unusual and unique ability to amend the Constitution.

Mr. President, obviously there have been other amendments albeit few rising to the level of the importance of the Bill of Rights and the Civil War amendments. However, I have noted these not to argue their importance, but to illustrate that throughout our history most amendments to the Constitution have been restricted to addressing systemic problems with our Government—problems which actually inhibit one's ability to participate in the benefits of democracy. In other words, these have to do with basic errors or problems that have arisen in our system that simply mean somebody cannot participate fully in our democracy. They have not, almost in every case, been amendments that have to do with one particular issue at a time that is dividing our country.

Of course, on one glaring occasion we did depart from this standard and we adopted the ill-fated 18th amendment—the prohibition amendment. The result of this misguided venture into social policy resulted 14 years later in the adoption of another amendment, 1 of the 27, the 21st amendment, which repealed prohibition. So that is 2 of the 27, a lousy idea that did not work, followed by the repeal of this venture into social policy.

Another aspect of our Constitution which argues for restraint in amending this document is found in the Constitution in article V. Article V establishes two methods for amending the Constitution. First, the Constitution may be amended by constitutional convention. The second method allows the Constitution to be amended if approved by two-thirds majority of both Houses of Congress, and then, of course, ratified by three-fourths of the States. These explicit methods for amendment were, in essence, a compromise between the unworkable unanimity requirement for amending the Articles of Confederation, one of the reasons that we had a constitutional convention, and the notion held by many of the Framers that some mechanism must exist to address potential shortcomings in the new Constitution. The compromise that is embodied in article V established a difficult but not impossible standard for amendment which, like the Constitution itself, I think, has served this Nation very well.

While article V protects the people from constitutional uncertainty and alteration based solely upon the will of an ever-changing political majority, it also provides an avenue for amendment when it is truly necessary.

The result of this has been to preserve the Constitution as it was intended to be. With only 27 amendments, it remains a general statement of principles used to help define a new nation, as opposed to a step-by-step method of governance.

In so doing, I think article V has prevented the U.S. Constitution from simply becoming littered with a flurry of well-meaning but unnecessary amendments. Article V has prevented the Constitution from evolving into a document that would be almost unrecognizable in terms of length and scope to the Framers, who drafted it over 200 years ago. This is the really important thing, Mr. President, because it points out the fundamental distinction between a Constitution and ordinary statutes.

There is a big difference in our system. As I understand it, there is less of a difference in the system in England. There, there is no written Constitution; Parliament is supreme. Technically speaking, Parliament can pass any law, and it then becomes the supreme law of the land. We have broken that system. We chose to have a simple, brief document that was greater than the legislature, that was greater than a parliament, that was greater than a Congress. It is the notion of a limited written Constitution. That is the difference between us and the English system. And, in fact, it was part of the reason, in my view, why the revolution was fought. Our citizens wanted a document over which no legislative body had supremacy, except for in the very unusual circumstances that were

outlined in article V, or a combination of a very significant supermajority of Congress and very significant supermajority of States together would have to be the only ones that could ever amend that document.

As Prof. Kathleen Sullivan pointed out recently in an article cleverly entitled, ''Constitutional Amendmentitis'':

> The very idea of a Constitution turns on the separation of the legal and the political realms. The Constitution sets up the framework of the Government. It also sets forth a few fundamental political ideals (equality, representation, individual liberties) that place limits on how far any short-term majority may go. This is our higher law. All the rest is left to politics.

Mr. President, let there be no doubt that had this standard that Kathleen Sullivan very eloquently stated had not prevailed throughout our history, the fundamental character of our Constitution would be greatly diminished today.

In the course of our history, it is estimated that nearly 11,000 amendments to the Constitution have been introduced. Had not our predecessors and the standards embodied in article V combined to reject the vast majority of these efforts, it is uncertain what our Constitution might look like today. It, obviously, would not look anything like the Constitution. You probably could not find anything in there that the Founding Fathers had put together. It would not be, as Chief Justice John Marshall argued, a framework of the great outlines of our society.

So let us say that throughout our history people had proposed in each legislative session and gotten through a constitutional amendment about things like school prayer or balancing the budget, or flag burning—I am sure there would have been a variety of social concerns that each session of our Congress would have tacked onto the Constitution. Let me tell you something else because I believe in the whole Constitution. I think our first amendment would not look anything like it does today. I also think that the second amendment to the U.S. Constitution, which I believe in, and which protects the right to bear arms, might not be there either.

See, that is what happens when you start down this road. When anybody gets a bright idea, instead of trying to pass a bill that can be changed without going through the constitutional process, somebody says, ''Let us do a constitutional amendment.'' Well, that is the greatest threat to our basic liberties than anything we can do legislatively—whether it be the right to free speech or a person's right to simply have a firearm if they want to go hunting. Somebody could try to get rid of that. If we go down this road, there is no end to it.

It is with this Nation's reluctance to amend the Constitution in mind that I rise today to voice my concern that the lessons of our constitutional history have been lost in the 104th Congress. I have had the honor of serving on the Senate Judiciary Committee for a little more than a year now, along with the Presiding Officer. And in that time the full committee has voted on three amendments to the Constitution, and, in the near future, as many as four more may be forthcoming.

To date in the 104th Congress, over 135 constitutional amendments have been proposed. But what is more troubling is that the 104th Congress has voted on more amendments to the Constitution than any of its predecessors in recent history. The other body has voted on four amendments, while this body has voted on two and debated a third. As the distinguished retired Judge Abner Mikva wrote in the Legal Times recently, ''The 104th Congress has taken floor action on more constitutional amendments than any other Congress in the last 30 years.''

I note that an amendment to require a supermajority to raise taxes was brought to the House floor recently solely because it was tax day—April 15. They knew they were not going to win on that vote. That was well known. It was brought to the floor simply so that proponents could stand up on tax day and make speeches. The thought that an amendment to the Constitution could be offered solely because it offers a good sound bite opportunity seems to be a little indefensible. I think it is a departure from the time when the Framers met in Philadelphia, guided only by a tenuous opportunity to craft a framework to guide a new Nation.

Throughout the course of many of the debates on amendments, the argument has been made that Congress should simply pass proposed amendments and let the people of the Nation decide their fate. However, to do so defies our sworn obligation to uphold the Constitution of this Nation. I fell into this trap here. I think many of my colleagues know of my strong desire to see campaign finance reform in this country. The way we do things around here, sometimes an amendment is tacked onto another bill. On one occasion, I actually voted for a sense-of-the-Senate resolution that would have started us down the road toward a constitutional amendment that would have overturned Buckley versus Valeo. It would have limited how much could be spent in campaigns. I understand how people feel when they are frustrated and want to turn to a constitutional amendment. I think I made a mistake, and I would not vote that way now because I realize that everybody has a bright idea about how to change the Constitution. We need to find a way to solve our problems and do our job without messing up the fundamental document that has helped make this country so great. So this session I am working on legislation, along with the Presiding Officer, where through the legislative process we will try to change the campaign system without changing the U.S. Constitution's first amendment. So all of us have fallen into this trap. This is not an attempt to suggest that it is only Democrats or only Republicans. It is just very tempting. But it is a mistake.

The Framers of the Constitution set a very high standard for amendment and explicitly intended that the Members of Congress play a significant role in adopting any changes to our national charter. In my estimation, Mr. President, this is a responsibility of the highest order and not one we should abandon.

In fact, what separates the U.S. Constitution from many State constitutions, which can go so far as to protect the right to due process and the right to fish in the same document, is that the Congress and the people must ratify amendments. We should remain mindful of the Framers' intent and the obligations each of us is sworn to uphold. In other words, we are not supposed to kick out constitutional amendments in the Congress and just say let everybody decide on it. That is not what was intended. It was intended that we should give it extremely close scrutiny, and in only very rare circumstances should we send constitutional amendments out for ratification.

Mr. President, if adopted, the amendments considered in the 104th Congress would signal the biggest single constitutional remodeling since the Bill of Rights. It is an effort which I believe is unnecessary and ill conceived. It is certainly not consistent with our history of constitutional amendment.

There can be little doubt that many great challenges lie before our Nation as we head toward a new century. However, the Constitution cannot provide the courage or answers we need to solve our problems, nor was it intended to do so. Ultimately, the responsibility for this Nation lies with the people, the people in this Congress and the people who send us here to do their work.

For over 200 years the Constitution has served this Nation well and it is essential to the continuing development of our young Nation that the Constitution remain a statement of general principles. In charting a different course, one which allows the Constitution to serve as the method of addressing each difficult challenge that faces this Nation, inevitably we sacrifice the integrity of this document.

We will lose the fundamental integrity of the Constitution which I believe underlies everything we do.

We must guard against the U.S. Constitution becoming what James Madison feared would be little more than a list of special provisos.

I hope that as we continue our work here in this highly political year we will bear Madison's concerns in mind as well as the history surrounding efforts to amend the Constitution. It is a history worth following. A history which defines not only the nature of this great document but also defines the fundamental character of this Nation. It is a history which has helped to ensure that this simple, yet brilliant,

document has remained the cornerstone of our freedoms. The spate of constitutional amendments considered during this Congress are at odds with this important precedent.

By departing from the fundamental notion that our Constitution establishes the framework or the great outlines of our society and seeking to use it to address specific problems, the Constitution will become something less than it was intended to be. We should quell our desire to amend this great document and address the problems that confront this Nation. Although they are many, none can truly be attributed to a constitutional deficiency.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 1832 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. MIKULSKI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. 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 DEFEND AMERICA ACT

Mr. NICKLES. Mr. President, I am going to speak on the Defend America Act. First, let me state I am very disappointed that the Senate, one, had to file a cloture motion, and, two, was unsuccessful in obtaining cloture so we could at least take up the Defend America Act, debate it, discuss it and vote on it.

It is unfortunate the Democrats in the Senate today decided to filibuster even moving to consider legislation which would allow us to further develop systems capable of defending America. Even right now we are defenseless against intercontinental ballistic missiles. I want to compliment Senator DOLE for scheduling this for a floor vote, I compliment the House of Representatives for passing it, but I am displeased that the Senate was not able to consider this legislation.

It is unfortunate to think that we need to have 60 votes just to move to consider the Defend America Act. I am happy to cosponsor this act. I think it is good legislation, needed legislation.

It was part of the defense authorization bill that we passed last year that unfortunately President Clinton vetoed. He vetoed it for whatever reason. I think in the campaign he continued to refer to the strategic defense initiative, star wars. But for whatever reason, he leaves us defenseless against incoming intercontinental ballistic missiles, missiles that could have a nuclear warhead, missiles that could have a chemical warhead or a biological warhead. Right now we do not have defense capabilities.

Regrettably, the vote today was almost straight party line. We had all Republicans vote in favor of taking up this legislation. One Republican Senator was necessarily absent. We had one Democrat, Senator HEFLIN, that voted for it. I compliment Senator HEFLIN. I hate to see him leave the Senate. He has been one of the Senators I think that shows courage on occasion and says, ''I'm going to do what is right for this country.'' The Senator from Alabama, I compliment him for his vote.

What was right for this country was voting for the Defend America Act. We do need to develop capabilities to be able to destroy incoming missiles that we do not have today. President Clinton does not agree with that. And I am going to go through a statement that talks about what the Defend America Act does, and what it does not do, and why it is needed.

The Defend America Act of 1996 states clearly and simply the United States should be defended against limited, unauthorized or accidental ballistic missile attacks and calls for the deployment of a national defense system to protect America.

This bill does not violate any treaty. It only urges the administration to negotiate with Russia changes to the 1972 Anti-Ballistic Missile Treaty to allow for the deployment of an effective missile defense system.

If an agreement is not reached within 1 year after the bill is enacted, the President and Congress are to consider withdrawing from the treaty, as provided under article 15 of the treaty.

Why is the legislation needed? Currently the United States is undefended. We are defenseless against ballistic missile attack. Most people are surprised and even shocked to hear this. They are of the mistaken belief that the United States can defend itself against incoming ballistic missiles. They are wrong.

While the United States remains defenseless, Russia long ago recognized the value of missile defenses and deployed its own missile defense system around Moscow.

In the ultimate irony, the United States is now assisting Israel in acquiring its own missile defense system to protect Israeli citizens. I wish the Clinton administration could explain why it will help Israel defend its citizens against missile attack but refuse to protect Americans against missiles. That does not make sense. Maybe it makes good politics, but it does not make good policy.

Mr. President, the threats are real, and they are growing. It is clear that ballistic missile threats to the United States are growing from a couple of sources, unauthorized or accidental ballistic missile attacks from Russia and China and also from small dictatorships now fielding missile forces.

We may no longer think in terms of having to defend ourselves against a massive Soviet missile attack. Yet political instability and political uncertainty in Russia and China emphasize the need to guard against a possible unauthorized or accidental missile launch.

China has proven willing to threaten the use of ballistic missiles for political and military blackmail, as shown during the Taiwan Strait crisis in March of this year. One month before Chinese military exercises and its launching ballistic missiles into the Taiwan Strait, a Chinese official warned Charles Freeman, Deputy Chief of Mission at the U.S. Embassy in Beijing, that ''the United States would not intervene on Taiwan's behalf, because Americans would not be willing to sacrifice Los Angeles on Taiwan's behalf,'' as reported in the Los Angeles Times on January 27, 1996, page 5.

Recently, lower level Chinese officials made a not-so-veiled threat to American officials. Winston Lord, Assistant Secretary of State for East Asia and the Pacific, quoted these Chinese officials as saying the United States ''wouldn't dare defend Taiwan because they'd [China] rain nuclear bombs on Los Angeles,'' as reported in the Boston Globe, March 18 of this year.

Other ballistic missile threats exist or are also on the horizon. More than 25 countries currently possess, or are seeking to acquire, weapons of mass destruction—namely, nuclear, chemical, and biological weapons. Many countries that already have shorter range ballistic missiles are seeking to acquire more sophisticated, long-range ballistic missiles. Rather than defend Americans, the Clinton administration is rationalizing its inaction by hiding behind questionable intelligence estimates.

While recent intelligence estimates say that a new ballistic missile threat to the United States will not appear for the next 15 years, this analysis is flawed for several reasons. First, it focuses only on indigenous development and assumes that international trade does not exist. The Secretary of Defense, William Perry, recently admitted the intelligence community's estimate ''could be foreshortened if any of those nations were able . . . to get direct assistance from countries that already have [such systems], either sending them missiles, selling them missiles, or giving them important component or technology assistance.'' That was in his statement before the Senate

Armed Services Committee on March 3 of this year.

In fact, Secretary Perry recently acknowledged that, ''We do have information that China was seeking SS–18 technology from Russia.'' That was May 22 of this year. The SS–18 is a massive, 10-warhead ICBM. By integrating SS–18 technology into its current ICBM arsenal, China would greatly enhance the range and sophistication of its nuclear weapons capability. We should remember that China has sold ballistic missiles to other countries and has exported missile technology to Iraq, Iran, and Pakistan.

Second, the estimate that no new threat to the United States will appear within 15 years focuses only on the continental United States. What about Alaska? What about Hawaii? The Clinton administration apparently prefers not to include the cities in these States as part of our Nation, even though they could be vulnerable to a North Korean attack in just a few years. In 1995, the Acting Director of Central Intelligence, Adm. William Studeman, acknowledged that ''if Pyongyang has foreshortened its development program [of the Taepo Dong I or Taepo Dong II], we could see these missiles earlier'' than 3 to 5 years. That was before the Intelligence Committee on April 3, 1995.

Finally, intelligence estimates are often wrong. Several years before Japan attacked Pearl Harbor, Maj. George Fielding Elliot, author and military science writer, declared, ''A Japanese attack on Pearl Harbor is a strategic impossibility,'' as quoted in September of 1938. This prediction is chillingly similar to the ones we are hearing from critics of the Defend America Act today.

Looking at the situation today, while recent 1995 national intelligence estimates state, ''We [the intelligence community] are likely to detect any indigenous long-range missile program many years before development,'' it was the same community that failed to detect the breadth of Iraq's nuclear weapons program. Once international inspections were conducted after the Persian Gulf war, it was revealed that Iraq's nuclear program was far larger and more advanced than the United States intelligence community had predicted, and the inspections showed that Saddam Hussein was just months away from deploying a nuclear bomb, not years, as the intelligence community had estimated.

Just several months ago, CIA Director John Deutch admitted Iran, Iraq, North Korea, and Libya all had explored the possibility of buying fissile materials as a way of rapidly acquiring an arsenal of nuclear weapons. So far, according to Deutch, none has succeeded in these efforts. But the CIA Director further stated the United States and its allies ''have been lucky so far.'' That was in the Washington Post of March 21 of this year. Mr. President, I am not willing to depend on luck to keep Americans safe from ambitious leaders such as Iraq's Saddam Hussein and North Korea's Kim Jong-il, who are eagerly seeking to acquire more weapons of mass destruction.

The Clinton administration prefers to rely on cold war theories and an outdated 1971 treaty to protect America. The Republicans' Defend America Act provides a vision for the future where the United States and Russia negotiate changes to the moribund 1972 Anti-Ballistic Missile Treaty, commonly called the ABM Treaty, to allow for national defense against the emerging threats to both Russia and the United States from Third World countries. Just like the last guest lingering at a dinner party, the ABM Treaty has overstayed its welcome.

Let us be very clear. Nothing in the Defend America Act requires the United States to withdraw from or violates the ABM Treaty. The act merely reiterates that withdrawal from the treaty is a legal option under the provisions of the ABM Treaty itself and urges considering such withdrawal if negotiated changes are not forthcoming within 1 year. Some of the statements that were made earlier today, I think, frankly, are not the case, or maybe our colleagues have not read this legislation as closely as they should have.

The imperative for deploying a national defense system has never been more clear. Yet the Clinton administration refused to take immediate steps to defend America. Last year, we worked hard to include similar language in the 1996 DOD authorization bill, requiring the President to deploy by a certain date a missile defense system to protect our country. President Clinton vetoed this bill largely because of this provision. So we passed the defense authorization bill without it.

Now we try to pass it as an individual item. The Democrats unfortunately, with one exception, Senator HEFLIN from Alabama, said, ''No, we do not want to consider it. We do not want to debate it.'' Mr. President, I think that is a sad day for our country. It bothers me when I think of the fact that we had Americans lose their lives in Saudi Arabia during the Persian Gulf war because a Scud missile came in and our only defense capability at that time was the Patriot antimissile defense. But the Patriot is a very limited defense and was only partially successful. It destroyed a couple of missiles that were fired toward Israel and fired toward Saudi Arabia, but destroyed them in their backyard, as the missile was coming in, in some cases just right before it reached its target. As I said, it was only partially successful.

That is not a defense capability against more sophisticated weapons. The Scuds that the Iraqis were firing at Americans, Saudi Arabians, and Israelis, those were old missiles, old technology, way behind the times, not sophisticated in any way, that we can only knock down. Our success rate was limited. People would be really shocked if they realized we do not have the capability to shoot down incoming missiles. We need it. We have the technology to develop it. It can be done a lot more economically than the Congressional Budget Office said. It came up with an estimate that said over the next 14 years it might cost $31 to $61 billion.

In our bill we said ''affordable.'' Frankly, if it costs $31 billion and you do that over 14 years, that is a couple of billion a year. I think that is a good investment. I think it would be done a lot more economically than that. Should we not make an investment? Is that not really what the Federal Government is all about, protecting our freedom, protecting our country, protecting our people? When we find out we are defenseless against intercontinental ballistic missiles, we do not have the capability to shoot them down, do we not owe it to our country to invest in a system to destroy these missiles before they get in our backyard? If you have a weapon such as a nuclear warhead, it does not do any good to destroy it over your city, before it reaches the target. Then it is too late. It would maximize damage. If it is biological, the same is true, as well as with a chemical weapon. You do not gain anything destroying it just before it hits the target. You need to destroy it well before it gets into your backyard.

We would like to have the opportunity to utilize the technology advances that we have in this country to be able to defend our country. Unfortunately, the Clinton administration and Democrats in the Senate, with one exception, have said ''No, we are not going to do it. We want to worship at the altar of a treaty from 1972 that says we are not going to defend ourselves.'' Now, the 1972 treaty does allow you to have at least 100 interceptors, and it also says you can renegotiate. That is really what we are saying we would do. We do not abrogate, we do not violate the ABM Treaty under the Defend America Act. I am bothered by the fact that our colleagues would play politics with an issue so important as defending American citizens.

I am bothered by the fact that this administration finds it politically acceptable to develop anti-missile systems for Israel, but not the United States. That bothers me. It bothers me when I read statements by high-level officials in China talking about the possibility of destroying Los Angeles, and we do not have the capability to avoid that should they be irrational enough to ever try to carry out such a threat. It bothers me when I see 25 nations around the world, many of which are not real friends of the United States, seeking earnestly to develop intercontinental ballistic missile technology with a variety of warheads that could threaten not only the United States, but our allies, and we do not do anything to give us defense capabilities.

That is what Senator DOLE was trying to do with the Defend America Act today. That is what Senator WALLOP, who was one of the real leaders in trying to develop strategic defense initiative for years, was trying to do. We have a significant investment that this country has made, and now we have an administration that says: We do not think there will be a threat for 15 years, so let us not do anything. Or let us develop missile systems, and we will pay for three-fourths of it in Israel because, politically, that is popular.

Why is it not popular in the United States if we want to help Israel defend itself? I was in Israel prior to the Persian Gulf war, and I urged the administration to get Patriot missiles over there to shoot down the Scuds. It partially worked. But the Patriot is certainly not good enough for an ICBM. We can develop systems to shoot down in-coming missiles before they get in our back yards. We should do it. If it is an investment of a couple of billion dollars, or $4 billion, or $31 billion over the next 14 years, that is a good investment for protecting the American people, our interests and our cities. We should do it.

Yet, unfortunately, our colleagues on the Democrat side of the aisle say, no, they are going to protect President Clinton and play politics. President Clinton does not want it, so we are not going to do it. I think that is a serious, serious mistake. We should not play politics with the security of the American people and American interests. I am afraid that is what happened today. I regret that decision.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

THE BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, once again I rise in support of the pending proposal to amend the U.S. Constitution to require a balanced Federal budget. The reason is quite simple. After all of the turmoil of this past year, after all of the posturing and the pandering and the promises and the Government shutdowns, Congress and the President have not come to an agreement to balance the Federal budget. Short of a constitutional requirement, I have serious doubts that the Congress and the President will do so.

Admittedly, there is some political Presidential posturing going on with this impending vote. The majority leader, who is his party's presumptive Presidential nominee, is calling up this vote knowing full well that he does not have the necessary two-thirds majority. On the other hand, the President is proudly stating to the public that his efforts in his deficit reduction plan have resulted in reducing the annual deficit from when he took office from $294 billion to nearly $130 billion this year. He has invited the majority leader to the White House for further negotiations on balancing the budget.

When the majority leader leaves, I hope that the new majority leader will be extended an invitation to go to the White House and to go through negotiations and settle the differences.

In actual dollars and cents, I believe that over the 7-year period there is something in the neighborhood of $12 trillion involved in the budget process, and the difference between the White House's and the Republican Party's position is only $100 billion. That is less than 0.8 of 1 percent. And that difference we ought to be able to resolve, get together and work out.

However, this is a political year. We must recognize that. The Senate has just completed action on a $1.6 trillion budget resolution proposed by the majority party which seeks to balance the budget by 2002 with a combination of tax and spending cuts. I supported a proposal submitted by the President which also called for a balanced budget and would achieve a balanced budget, but contained fewer tax cuts and less cutting of the Medicare Program. However, this proposal was not adopted.

The Senate and the House must settle their differences in regard to the budget figures, and then the Appropriations Committees must act, and a reconciliation bill must be passed. All of this must be signed by the President. It is going to be a long, hot summer here in Washington while the rest of the country simmers at our inaction.

The budget process is not easy, as we have learned from last year. It does not guarantee that the President and the Congress will enact a balanced Federal budget. We have seen this, gone through Gramm-Rudman-Hollings and other proposals which tried to achieve a balanced budget. But all of these have come up wanting. That is one of the reasons why I feel that we need the discipline which a constitutional amendment will provide.

I believe that most of my colleagues are well intentioned and want to enact balanced budgets for the benefit of generations of Americans yet to be born. Unfortunately, I have seen in my Senate career—some 18 years that I have been here—that we can often find an easy excuse for not fulfilling our commitment to deliver a balanced budget each year.

There is a way out of the thicket right now in regard to the adoption of the constitutional amendment requiring a balanced budget. A handful of Senators, I think as many as eight, have indicated they would vote for the constitutional amendment if a compromise can be reached with regard to the Social Security issue.

This compromise would not allow Social Security trust fund revenues to be used when calculating whether the budget is balanced. Admittedly, this will make balancing the Federal budget more difficult because the Social Security trust fund surpluses will no longer be used to mask the true size of the deficit.

A constitutional amendment will remove all doubt, regardless of whether we reach any compromise pertaining to Social Security trust funds or not. A constitutional amendment will remove all doubt, and the Federal Government will have to balance its budget. The process will still be difficult, but it will be necessary to achieve the final goal as required by this proposed amendment to the Constitution.

Amending the Constitution, in my judgment, is a last-resort method which should be utilized sparingly and only when the national interest so demands. I am often asked to cosponsor worthy proposals to amend the Constitution, but I rarely do so under the test that I have just mentioned.

The balanced budget amendment meets that test. The national interest demands that we act to allow the States the opportunity to ratify the proposed amendment. They may not do so. And if that is the case, then the will of the American people will have been spoken. Therein is the genius of our Nation's organic document. Ultimately, the sovereign power of the Government rests with the people.

These will perhaps be my last comments—or perhaps not my last comments on this, but among my last words on this great issue. Further, the first bill I introduced when I came to Congress was a bill calling for a constitutional amendment requiring a balanced budget. I truly believe that on behalf of the generations of Americans yet unborn, this proposed amendment is necessary to prevent them from inheriting an even greater debt than they now most certainly will incur.

Politics aside, now is the time to act, once and for all.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

NATO ENLARGEMENT FACILITATION ACT

Mr. DOLE. Mr. President, earlier today I think Senator BROWN of Colorado in my behalf and in behalf of others introduced the NATO Enlargement Facilitation Act.

I am certainly pleased to be joined by the distinguished Senator from Colorado, Senator BROWN—who has been a real leader on this issue—the distinguished chairman of the Foreign Relations Committee, and a number of

other colleagues. This legislation is intended to expedite the transition to full NATO membership of emerging democracies in Central and Eastern Europe. This bill builds on earlier bipartisan legislation, such as the NATO Participation Act of 1994, which reflects the strong bipartisan support for the policy of enlarging the NATO alliance. NATO has expanded its membership on three occasions, each time enhancing security and stability in Europe. Bringing eligible Central and Eastern European nations into NATO will serve that same critical purpose. For nearly 4 years, the new democracies of Central and Eastern Europe have sought to protect their freedom and independence by becoming members—full members—of Western institutions, especially NATO. They have repeatedly petitioned for membership. Moreover, they have seized every opportunity for such association, proving their flexibility and seriousness. They have become partners for peace, but they desire to become real members of a real alliance. The need for a more inclusive, more effective atlantic alliance that would respond to present security needs has been clear at least since violent aggression began in the former Yugoslavia—where the world witnessed the ineffective response of the United Nations, the European Community, the Western European Union, NATO, and the United States.

Since that time, it became clear that the elaborate architecture of European security developed during the cold war era was, and is, not up to the challenges of the post-cold-war world.

Meanwhile, the window of opportunity for consolidation of new freedoms, independence, and security is closing. Forging new relationships and new institutions is increasingly difficult and controversial. In my view, further delays will undermine the governments and confidence of people recently freed from the expansionist ambitions of aggressive neighbors. Yet, the Clinton administration has acted as if time were not a factor—as if there were no threats to the independence of the newly self-governing democracies.

Secretary Christopher in a recent speech stated that the administration's policy was ''slow, but deliberate.'' I believe the administration's policy is deliberately slow. The Clinton administration has consistently avoided concrete steps toward NATO enlargement—studying and discussing, but not acting. Mr. President, this legislation is designed to facilitate NATO enlargement by providing targeted security assistance for those countries most likely to become eligible to join NATO. The NATO Enlargement Facilitation Act creates a $60 million assistance program composed of Foreign Military Financing [FMF] loan and grant programs and the International Military Education and Training [IMET] program. This legislation declares Poland, Hungary, and the Czech Republic eligible for this assistance and authorizes the President to designate others as they meet the criteria in current law.

This legislation, however, does not name countries to be NATO members. That is a decision for the alliance to take. This legislation seeks to make up for time lost due to a lack of U.S. leadership. It is also important to note that this bill is a beginning, not an endpoint. Poland, the Czech Republic, and Hungary will likely be the first countries in Central and Eastern Europe to join NATO— not the last. Finally, this legislation should not be interpreted as a lessening of U.S. interests in close ties with other countries in the region. The freedom and security of all of Europe's new democracies are a big concern to us.

I believe that the United States and NATO must act decisively—before the window of opportunity closes. When the Bush administration was confronted with the challenge of German reunification, Western leaders swiftly reached agreement on policy and acted resolutely to achieve it.

As with German reunification, the act of including Central and Eastern European democracies in NATO is not and cannot reasonably be seen as an affront—much less a threat—to any other country, least of all Russia. All actual and potential members of the NATO alliance share an interest in a peaceable, democratic Russia. Furthermore, the United States has a distinct national interest in a firm security relationship with Russia. Any United States Government should, and we expect, will work cooperatively with a democratic Russia for the consolidation of security in Europe—but not by denying NATO membership to Europe's new democracies.

Mr. President, NATO enlargement has enjoyed bipartisan support since the end of the cold war. I hope that all of my colleagues will support this legislation in that same bipartisan spirit.

Let me say that we also, of course, addressed in our press conference earlier today, when we were honored to have former President Lech Welesa of Poland with us, that no countries are named. It is very likely that the first three countries invited will be Poland, Hungary and the Czech Republic. Though we have not forgotten the Baltic States of Estonia, Latvia, Lithuania and other Central and Eastern European countries when they have complied and when they have been selected by NATO.

So my view is that we have had the good beginning. The former President of Poland was very impressed, and he feels that we may now be on the way to achieving something that has been eluding these freedom loving people for a number of years.

TRIBUTE TO HOWELL HEFLIN

Mr. DOLE. Mr. President, it has been my practice as Senator Republican leader to pay tribute to colleagues who are retiring from the Senate.

Usually, these remarks are delivered shortly before the Senate adjourns for the year.

However, my announcement of 2 weeks ago that I will also be leaving the Senate has moved up my time schedule.

In the coming days, then, I will be devoting some of my leader time to share a few memories of those of our colleagues who will not return to this Chamber when the 105th Congress convenes next January.

Let me start with a friend of all of us, Senator HOWELL HEFLIN of Alabama.

For 18 years, HOWELL HEFLIN has represented Alabama with distinction here in the U.S. Senate. But to many here in this Chamber, and to countless Alabamans, it is not ''Senator'' HEFLIN, it is ''judge'' HEFLIN.

Prior to his arrival in the Senate, judge HEFLIN served for 6 years as chief justice of the Alabama Supreme Court, earning a reputation for fairness and common sense. It's a reputation that has continued through his service here in the Senate.

As a member of the Judiciary Committee, Senator HEFLIN has become known, in the words of the almanac of American politics, as ''a careful lawyer who picks at the rules of law with the delicate touch of a watch repairman.''

It took someone with that touch to successful revise America's bankruptcy laws, as Senator HEFLIN did in 1994.

Alabama, like Kansas, is a State with a strong agriculture heritage, and I have enjoyed serving with Senator Heflin on the Agriculture Committee, and learning a great deal from him about issues ranging from peanuts to the boll weevil.

But as I reflect back on our 18-year friendship, the one incident that remains most clearly in my mind was Senator HEFLIN's vote authorizing President Bush to use force to remove Saddam Hussein from Kuwait. Senator HEFLIN was 1 of 11 Senate Democrats who has the courage to break with their leadership and stand with the President. History will always reflect that this was the right decision and that had the 52 to 47 vote gone differently, it would have been a tremendous blow to America's prestige.

Elizabeth and I are proud to call HOWELL and ''MIKE'' HEFLIN our friends, and we wish them many more years of health and happiness as they return to the state they love so much and have served so well.

TRIBUTE TO CLAIBORNE PELL

Mr. DOLE. Mr. President, ''I am less dynamic than many,'' Senator CLAIBORNE PELL once said in his typical quiet manner, ''But I have my own course, which I set and try to follow.''

For six terms, CLAIBORNE PELL has followed that course in representing America's smallest State in terms of geography with a commitment and dedication that is anything but small.

Foreign policy and the environment are just two of the many issues on which the contributions of Senator PELL will be long remembered.

But, as countless college students over a quarter century can tell you, the one cause which will be forever linked with the gentleman from Rhode Island is education.

His basic education opportunity grant—justifiably renamed the Pell grant in 1980—has provided many financially challenged young Americans with the resources necessary to receive a college degree.

The great educator Henry Adams once said, ''a teacher affects eternity. He can never tell where his influence stops.'' Senator PELL will leave this Chamber with the knowledge that he will never be able to tell where his influence stops—because it would be impossible to know or quantify the difference that Pell grants made in the life of countless Americans.

I am proud to be called a conservative Republican and Senator PELL is proud to be known as a liberal Democrat. Despite the fact we were on the opposite side of many issues, however, I never doubted the fact that Senator PELL'S word was his bond, and I knew that, no matter what, I could always count on Senator PELL'S friendship.

I look forward to counting on that friendship for many years to come.

HANK BROWN

Mr. DOLE. Mr. President, I have learned over the years that Kansans and Coloradans share more than a common border. We also share a deep belief in the values of hard work, honesty, and personal responsibility.

And, as westerners, we share a healthy skepticism of those who think they are better qualified to tell us how to run our affairs because they happen to work in the Nation's Capital.

For 6 years, the Colorado point-of-view has been represented in this Chamber with great energy and eloquence by HANK BROWN.

Senator BROWN hit the ground running when he arrived in the Senate, and he has not stopped since, making a difference on nearly every major issue we have debated.

HANK BROWN understands the dangers of deficit spending, and the benefits that would come with a balanced budget. And, as a member of the Senate Budget Committee, he worked closely with Senator DOMENICI in writing the historic Republican plan to balance the budget.

Senator BROWN also has exhibited tremendous political courage in his willingness to speak forthrightly about the absolute necessity to reform entitlement programs if our children are to live in financially solvent Nation.

From a personal point of view, I am grateful that Senator BROWN has provided me with the same candor with which he has addressed the issues of our day. I always knew that when I asked HANK a question, I would receive in return the plainspoken truth.

From the skies above Vietnam to the floor of Congress, HANK BROWN has devoted his life to forthrightly serving his country. Though he is leaving the Senate after just one term, I have no doubt that he will keep on doing precisely that.

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 one nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 151

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 4, 1996.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979 (EAA), as amended, the Export Administration Regulations (15 CFR 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993. As required by the National Emergencies Act (50 U.S.C. 1622(d)), I issued a notice on August 15, 1995, continuing the emergency declared in Executive Order No. 12924.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, the IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. To comply with these requirements, I have submitted combined activities and expenditures reports for the 6-month periods from August 19, 1994, to February 19, 1995, and from February 19, 1995, to August 19, 1995. The following report covers the 6-month period from August 19, 1995, to February 19, 1996.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations (EAR). In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

A. MULTILATERAL DEVELOPMENTS

Wassenaar Arrangement for Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Bureau of Export Administration (BXA) of the Department of Commerce participated in several rounds of negotiations to establish a successor regime to COCOM. On December 19, 1995, 28 countries (former COCOM partners, cooperating countries, Russia, and the Visegrad states) agreed to establish a new regime, called the Wassenaar Arrangement, to control conventional arms and munitions and related dual-use equipment. The Wassenaar Arrangement will be headquartered in Austria. The first plenary meeting of the new regime was held in Vienna in April 1996.

Australia Group. The Australia Group (AG) is an informal multilateral body formed in 1984 to address concerns about proliferation of chemical and biological warfare capabilities. Currently, 29 governments, representing supplier or producer countries, are members. The AG operates by consensus.

At the October 1995 plenary meeting, the Biological Weapons Experts conducted a technical review of the AG biological control list, which has been in force for 3 years. There was agreement on tightening the controls on certain microorganisms and equipment (e.g., fermenters) that can be used in the production of biological weapons. Regulations are being drafted to reflect these changes in biological weapons export controls.

The AG also agreed at the October 1995 plenary to tighten controls on license-free sample shipments. Accordingly, BXA will monitor its recently revised sample shipments rule to determine if it should be modified.

The United States shared its experiences at the October 1995 meeting in implementing

its chemical mixtures regulations, and is seeking a comprehensive understanding of how other members implement the AG mixture controls.

Members agreed to U.S. proposals at the October 1995 meeting for intensified information exchange and other measures to better address chemical and biological warfare terrorism.

Nuclear Suppliers Group. The Nuclear Suppliers Group (NSG), currently composed of 32 member countries, maintains a control list of nuclear related dual-use items and guidelines for their control.

NSG member countries have recently completed a technical review of the dual-use control list and are presently engaged in restructuring the present control language to better reflect nuclear proliferation concerns as well as to allow the more effective implementation of export controls for these items.

The Department of Commerce continues to issue license denials for NSG-controlled items as part of the ''no-undercut'' provision. Under this provision, a denial notification received from an NSG member country precludes other member countries from approving similar transactions, thereby assuring that the earlier denial is not ''undercut.'' There are procedures for member countries to consult on specific denials if they wish to disagree with the original denial.

Missile Technology Control Regime. The Missile Technology Control Regime (MTCR), founded in 1987 and currently comprising 28 member countries, is an informal group whose members coordinate their national export controls to help prevent missile proliferation. Each member country, under its own national laws, has agreed to abide by multilateral MTCR Guidelines for controlling the transfer of items that contribute to missile programs. These items are identified in an MTCR Equipment and Technology Annex to the Guidelines.

The Department continues to implement the Enhanced Proliferation Control Initiative (EPCI), which is a ''catch-all'' control on items that are not on the MTCR Annex, but could be used directly in projects of missile proliferation concern. As a result of U.S. leadership, similar controls have now been adopted by over half of the MTCR members.

As a consequence of bilateral missile nonproliferation agreements with Russia and South Africa, those two countries have conformed their national export controls to MTCR standards and were formally admitted to membership in the MTCR in October 1995.

The United States also supported Brazil's candidacy for membership in the MTCR, and Brazil was accepted unanimously in October 1995.

B. BILATERAL COOPERATION/TECHNICAL ASSISTANCE

As part of the Administration's continuing effort to encourage other countries to strengthen their export control systems, the Department of Commerce and other agencies conducted a wide range of discussions with a number of foreign countries.

Russian Exchanges. In October 1995, BXA hosted a large delegation of senior Russian industry executives and government export control officials. They met in Boston and in Washington, D.C., to discuss industry-government cooperation on export controls. The purpose of this program was to bring together U.S. and Russian business executives and government officials to discuss such issues as the administration of export controls, legal reform, licensing, industry compliance, and enforcement.

In December 1995, BXA participated in an interagency delegation to a briefing hosted by the Russian government on the operation of Russia's export control system. Russian ministries, organizations, and enterprises gave presentations.

Central Asian/Caucasus Export Control Forum. In November 1995, BXA participated in an interagency delegation as co-hosts with Turkey in an export control forum for seven Central Asian and Caucasus states (Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekristan). Presentations were given on legal, legislative, and non proliferation issues, including licensing, enforcement, and industry-government relations.

Nonproliferation and Export Control Cooperation. In late 1994, BXA created the Nonproliferation and Export Control Cooperation (NEC) team to marshal BXA's resources and expertise to support U.S. export control cooperation programs in the former Soviet Union, other newly emerging states in the Central Asian, Transcaucasian, and Baltic regions, and certain central European states. From August to December 1995, the NEC team, with representatives from the Departments of State, Defense, and Energy, and the U.S. Customs Service, coordinated 14 cooperative exchanges with Belarus, Kazakhstan, Ukraine, Lithuania, Bulgaria, Romania, and Poland. These cooperative exchanges focused on the legal bases for export control systems, regulatory procedures, licensing processes, preventive enforcement mechanisms, industry-government relations, and systems automation.

C. REGULATORY ACTIONS: PUBLISHED AND PENDING REGULATORY REFORM

For almost three decades, the EAR have been amended frequently to respond to various national security, nonproliferation, and foreign policy crises. Until recently, the EAR had never been subjected to a systematic and comprehensive review for the purpose of coordinating and restructuring these many amendments to create a set of regulations that is internally consistent and easier to use. Last May, BXA published a proposed rule that included a comprehensive revision and reorganization of the EAR that will, in accordance with the goal set by the Trade Promotion Coordinating Committee, ''make the regulations more user-friendly.'' The BXA has involved the exporting community in every step of the process, releasing early drafts as ''discussion packages,'' conducting ''town hall''—style-fora in 13 States, and redrafting to incorporate the many industry comments and suggestions received once the proposed rule was published. In November 1995, BXA circulated a draft interim rule for interagency review. The BXA delivered the interim rule to the *Federal Register* in February for publication in March.

General License Eligibility Extended to Semiconductor Manufacturing Equipment. BXA published a final rule on February 14 to expand general license eligibility to most destinations to include certain semiconductor manufacturing equipment: ion implanters, etching systems, chemical vapor deposition equipment, certain ''cluster tools,'' masks, reticles, and test systems.

High-Performance Computers. On January 25, BXA published a rule that implements the President's October 6, 1995, announcement of a major reform of computer export controls. The rule liberalizes export controls on all computers, and establishes four tiers of countries and a new policy for each tier. This new rule will provide significant benefit to the international competitiveness of the U.S. computer industry. This rule was effective January 22.

Nuclear Controls. On February 1, BXA published an interim rule to amend a number of Export Control Classification Numbers (ECCNs) in order to make the U.S. Nuclear Referral List conform more closely with the items contained in the multi-lateral NSG Annex published by the International Atomic Energy Agency and adhered to by the United States and other subscribing governments in the NSG. In addition, this rule removed Poland from general license General Nuclear Suppliers Group (GNSG) restrictions, and added Argentina, New Zealand, South Africa, and South Korea to the countries that are eligible to receive exports under general license GNSG.

Expansion of Foreign Policy Controls for Sudan. In December, BXA circulated for interagency review a draft rule that will establish foreign policy controls on exports to Sudan. New controls are being published with the comprehensive revision and reorganization of the Export Administration Act. These controls are consistent with the Secretary of State's determination that the Government of Sudan has repeatedly provided support for acts of international terrorism.

Expansion of General Licenses GLX and GTDR. On December 20, 1995, BXA published a final rule that expands general license for exports for civil end-users in countries of the former Soviet Union, Romania, and the People's Republic of China (GLX) eligibility to include: microprocessors with a composite theoretical performance not exceeding 500 million theoretical operations per second, memory integrated circuits, certain digital integrated circuits, field programmable gate arrays and logic arrays, portable (personal) or mobile radiotelephones not capable of end-to-end encryption, and software to protect against computer viruses. In addition, revisions were made to expand eligibility for general license for technical data (GTDR) with written assurance to include certain virus protection software.

Specially Designed Implements of Torture. On November 28, 1995, BXA published a final rule that expanded foreign policy controls on specially designed implements of torture. Previously, such implements were controlled as ''crime control and detection'' commodities in the same category as handcuffs, police helmets, and shields. As such, they did not require a validated license for export to member countries of the North Atlantic Treaty Organization (NATO), Australia, Japan, or New Zealand. This new rule created a control list entry requiring a validated license for export of specially designed implements of torture to all destinations, including Canada. Applications for such exports will continue to be subject to a general policy of denial.

Chemical Mixtures. On October 19, 1995, BXA published a final rule that implements the agreement reached by the AG in December 1994 on certain technical revisions in the AG's harmonized controls on chemical weapons precursors. The rule refines and clarifies the scope of controls on exports of sample shipments and mixtures containing controlled precursor and intermediate chemicals. The rule also revised the list of countries eligible to receive AG benefits under U.S. regulations by adding Poland, the Slovak Republic, and Romania.

D. STRATEGIC INDUSTRIES/ECONOMIC SECURITY

In late 1994, the National Security Advisor directed that an interagency study be prepared to assess the current and future international market for software products containing encryption (PRD/NSC–48). The directive was in response to industry claims that U.S. export controls on certain powerful encryption technologies were providing no benefit to national security, and were hampering the software industry's ability to compete in the global marketplace. On January 11, the Department of Commerce announced the public release of the study,

jointly prepared by BXA and the National Security Agency. The study provides an in-depth evaluation of the international market, reviews the availability of foreign encryption software, and assesses the impact that U.S. export controls for encryption have had on the competitiveness of the software industry. The study found that the U.S. software industry still dominates world markets, but the existence of strong export controls, both in the United States and other major countries, is slowing the growth of the international market.

E. EXPORT ENFORCEMENT

Over the last 6 months, the Department of Commerce continued its vigorous enforcement of the EAR through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6 months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total penalties imposed from August 10, 1995, through February 15, 1996, amounted to $3,226,750 in export control and antiboycott compliance cases, including criminal fines totaling $255,000; in addition, 14 parties were denied export privileges.

Two Companies and an Individual Penalized Total of $1.45 Million for Alleged Antiboycott Violations. On August 29, 1995, Assistant Secretary for Export Enforcement John Despres signed an order imposing civil penalties totaling $1,446,400 on Parbel of Florida, Inc., formerly known as Helena Rubenstein, Inc., and Cosmair, Inc., both subsidiaries of L'Oreal, S.A., the French cosmetic company, and on Bruce L. Mishkin, an employee of Cosmair, Inc., for 291 alleged violations of the antiboycott provisions of the EAA and EAR.

The Department of Commerce alleged that, in 1989, in response to a request from L'Oreal, S.A., Helena Rubinstein, Inc., and Bruce L. Mishkin each furnished or agreed to furnish 144 items of information about Helena Rubinstein, Inc.'s business relationships with or in Israel. The Department further alleged that Cosmair, Inc., did not prevent Mr. Mishkin from furnishing information about Helena Rubinstein, Inc.'s business relationships with or in Israel. The Department alleged that, in so doing. Cosmair, Inc., violated the EAR by permitting the doing of an act prohibited by the EAR.

The companies and Mishkin each agreed to pay the civil penalties in separate but related settlements, which combined, constitute one of the largest for the Office of Antiboycott Compliance (OAC). Under the terms of the Consent Agreements, Parbel paid $1,387,000, Mr. Mishkin paid $50,400, and Cosmair paid $9,000 to settle the allegations.

California Man Penalized for Alleged Export Control Violations Involving Shotguns to Namibia and South Africa. On November 28, 1995, Assistant Secretary for Export Enforcements John Despres imposed a 15-year denial of export privileges and a $60,000 civil penalty on James L. Stephens, president and co-owner of Weisser's Sporting Goods, National City, California, for the alleged illegal export of certain U.S.-origin shotguns to Namibia and South Africa.

The Department alleged that, between 1990 and 1992, Stephens conspired with overseas parties to export and, on two separate occasions, actually exported, U.S.-origin shotguns with barrel lengths 18 inches and over to Namibia and South Africa without applying for and obtaining from the Department the validated export licenses he knew or had reason to know were required under the EAA and EAR. In addition, the Department alleged that, in furtherance of the conspiracy, and in connection with each of these exports, Stephens made false or misleading representations of material fact to a U.S. agency in connection with the preparation, submission, or use of export control documents.

In a separate matter, Weisser's Sporting Goods plead guilty on November 20, 1995, in the Southern District of California, to one criminal count of violating U.S. export control laws in connection with the export of shotguns to South Africa. Sentencing for the criminal violation took place on January 16, 1996. Weisser's Sporting Goods was fined $30,000 and placed on 3 years' probation.

Illinois Company and its French Subsidiary Penalized $550,000 for Alleged Antiboycott Violations. On November 29, 1995, Assistant Secretary for Export Enforcement John Despres signed an order imposing civil penalties totaling $550,000 on Sundstrand Corporation (''Sundstrand'') and its wholly owned subsidiary, Sundstrand International, S.A. Zone Industrielle de Dijon-Sud (''Sundstrand Dijon''), for alleged violations of the antiboycott provisions of the EAA and the EAR.

Sundstrand is a Rockford, Illinois-based manufacturer and exporter of aerospace and industrial equipment. Sundstrand Dijon is a repair and testing facility for Sundstrand equipment located in Dijon, France. While neither admitting nor denying the alleged violations, Sundstrand agreed to pay a $350,000 civil penalty to settle allegations that, on 175 occasions between October 1988 and June 1993, it failed to report to the Department its receipt of boycott-related requests from the United Arab Emirates (UAE). Sundstrand Dijon agreed to pay a $200,000 civil penalty to settle allegations that, on 100 occasions during the same period, it failed to report to the Department its receipt of boycott-related requests from UAE, Bahrain, and Yemen.

Swiss and U.S. Companies Denied Export Privileges and Corporate Officers Fined for Illegal Exports. On January 11, 1996, Assistant Secretary for Export Enforcement John Despres denied the export privileges of Lasarray Corporation of Irvine, California, and Lasarray, S.A., of Switzerland. The period of the denial is 2 years. Additionally, Ernst Uhlmann, a Swiss businessman who owned Lasarray, received a civil penalty of $50,000 (with $25,000 suspended); Eugene T. Fitzgibbons, the former president of Lasarray Corporation, received a civil penalty of $20,000 (with $10,000 suspended); and Edwin Barrowcliff, a former vice president of Lasarray Corporation, received a civil penalty of $20,000, all of which is suspended. The Department alleged that, between 1990 and 1991, Lasarray unlawfully exported base wafer integrated circuits to Switzerland without the required validated export license.

Civil Penalty of $400,000, Imposed on Illinois Company for Alleged Export Control Violations. On January 31, 1996, the Assistant Secretary for Export Enforcement John Despres signed an order imposing a $400,000 civil penalty on U.S. Robotics Access Corp. of Skokie, Illinois, for 123 alleged violations of the EAA and Regulations. The Department of Commerce alleged that, on 41 separate occasions between June 1990 and June 1992, U.S. Robotics exported U.S.-origin, high-speed computer modems from the United States to South Africa, Liechtenstein, Czechoslovakia, New Zealand, and Singapore, without obtaining from the Department the required validated licenses. In connection with each of these exports, the Department also alleged that the company falsely represented on air waybills and Shipper's Export Declarations that the modems qualified for export under general license when, in fact, a validated license was required. To settle the allegations, U.S. Robotics will pay $300,000 of the $400,000 penalty the Department imposed. Payment of the remaining $100,000 is suspended for 1 year and will be waived if, during the 1-year period of suspension, U.S. Robotics does not violate the Act, Regulations, or any conditions of the Department's order.

Civil and Criminal Penalties Imposed on Oregon Company. On February 12, 1996, Assistant Secretary for Export Enforcement John Despres imposed a civil penalty of $40,000 ($20,000 suspended for 1 year) on Patrick Lumber, of Portland, Oregon, for allegedly violating the embargo on exports to Libya. On the same day, Patrick Lumber was sentenced to pay a criminal fine of $225,000 by the United States District Court in Portland, Oregon, following the company's guilty plea to a two-count indictment charging it with violating the IEEPA. The United States charged that, in 1993, Patrick Lumber exported two shipments of yellow pine wood worth over $800,000 from the United States to Libya in violation of the IEEPA.

Under Secretary Affirms ALJ Decision and Order Imposing $10,000 Civil Penalty on Florida Freight Forwarder for Antiboycott Violations. On October 30, 1995, the Under Secretary for Export Administration affirmed the May 1, 1995, decision of the Administrative Law Judge (ALJ) that Stair Cargo Services, Inc., of Miami, Florida, a subsidiary of Intertrans Corporation of Dallas, Texas, committed two violations of the antiboycott provisions of the Act and Regulations. The ALJ found that, in 1988, a Stair Cargo branch office in Inglewood, California, complied with a boycott-related request from Kuwait to provide the name of a supplier of goods and services for clearance by Kuwaiti boycott authorities, thereby furnishing information about that firm's business relationships with persons known or believed to be blacklisted. The ALJ also found that Stair Cargo failed to report to the Department its receipt of the boycott-related request, as required by the Regulations. The ALJ imposed a civil penalty of $10,000 for these violations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1995, to February 19, 1996, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $18 million, most of which represents program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

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–2763. A communication from the Acting Director of the Office of Thrift Supervision, Department of Treasury, transmitting, pursuant to law, the report entitled ''Responsibilities under the Community Reinvestment Act''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2764. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a final rule entitled ''Amendment to the Bank Secrecy Act Regulations Relating to Recordkeeping for Funds Transfers and Transmittals of Funds by Financial Institutions'' (RIN 1505-AA37), received on May 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2765. A communication from the Assistant to the Board of Governors of the Federal

Reserve System, transmitting, pursuant to law, the report of a final rule concerning the basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems, received on May 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2766. A communication from the Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Amendment to the Bank Secrecy Act Regulations Relating to Orders for Transmittals of Funds by Financial Institutions'' (RIN 1506-AA17), received on May 24, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2767. A communication from the Executive Assistant to the Director of Congressional Affairs, U.S. Secret Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule concerning the color illustrations of U.S. currency, received on May 31, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2768. A communication from the Secretary of Commerce, transmitting, a report concerning Ombudsman activities with the new independent states; to the Committee on Commerce, Science, and Transportation.

EC–2769. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary moving safety zone for the USS Kennedy (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2770. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary moving safety zone for the Fleet Week Parade of Ships (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2771. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary safety zone for a powerboat race located on Greenwood Lake, New Jersey (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2772. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Hazardous Materials Transportation Regulations (RIN 2137-AB60), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2773. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives,'' (RIN2120-AA64) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2774. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Exemption, Approval, Registration and Reporting Procedures; Miscellaneous Provisions,'' (RIN2137-AC63) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2775. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Coast Guard Board for Correction of Military Records: Procedural Regulation,'' (RIN2105-AC31) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2776. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of five rules concerning Standard Instructment Approach Procedures and Airworthiness Directives (RIN2120-AA65, 2120-AA64) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2777. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of seven rules concerning Temporary Prohibition of Oxygen Generators as Cargo in Passenger Aircraft (RIN2137-AC89, 2115-AE84, 2115-AE46, 2137-AC81) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2778. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of thirteen rules concerning Airworthiness Directives (RIN2120-AA64, 2120-AA66, 2120-ZZ01) received on May 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2779. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twelve rules concerning Airworthiness Directives (RIN2120-AA64, 2120-AA65, 2120-AA66) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2780. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of the eleven rules concerning Periodic Inspection and Testing of Cylinders (RIN2137–AC59, 2137–AC74, 2137–AC76, 2127–AG31, 2127–AV70, 2115–, 2115–AA97, 2130–AB08, 2105–AC13, 2115–AE46, 2115–AF24) received on May 30, 1996; to the Committee on Commerce, Science,and Transportation.

EC 2781. A communication from the Associate Director for Strategic Planning, Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the interim final rule entitled ''Revision of the Cost-Share Requirement and Addition of Bonus Points for Community-Based Organizations Applying to Operate Minority Business Development Centers in Designated Locations,'' (RIN0640–XX02) received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2782. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, concerning grant and cooperative agreement cost principles, (RIN0605–AA10) received on May 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2783. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the rule to conform the maritime service rules to the provisions of the Telecommunications Act of 1996, received on May 21, 1996; to the Committee on Commerce, Science and Transportation.

EC 2784. A communication from the Acting Director of Procurement, Grants and Administrative Services, Office of Finance and Administration, Department of Commerce, transmitting, pursuant to law, the final rule concerning financial assistance for the Pribilof Environmental Restoration Program (RIN0648–ZA23), received on May 23, 1996; to the Committee on Commerce, Science and Transportation.

EC 2785. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the National Transportation Safety Board's Recommendations for calendar year 1995; to the Committee on Commerce, Science and Transportation.

EC 2786. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the rule entitled ''Guides for the Metallic Watch Band Industry and Guides for the Jewelry Industry,'' received on May 22, 1996; to the Committee on Commerce, Science and Transportation.

EC 2787. A communication from the Director of the Office of Fisheries Conservation and Management, the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to inseason action for the ocean salmon fisheries off the coasts of Washington, Oregon, and California, received on May 23, 1996; to the Committee on Commerce, Science and Transportation.

EC–2788. A communication from the Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to existing regulations regarding dolphin safe tuna labeling (RIN 0648–AF08), received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2789. A communication from the Acting Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to bycatch rate standards for the second half of 1996 in the Bering Sea and Aleutian Islands and in the Gulf of Alaska, received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2790. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning the closure of directed fishing for Pacific cod by vessels using hook-and-line gear in the Bearing Sea and Aleutian Islands management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2791. A communication from the Acting Director of the Office of Fisheries Conservation and Management. National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning the directed fishery for groundfish in the other nontrawl fishery in the Bering Sea and Aleutian Island management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2792. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning a closure that prohibits retention of Pacific ocean perch in the Western Aleutian District of the Bering and Aleutian Islands management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2793. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning correcting the definition for ''fishing trip'', received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2794. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth

Conservation Corps for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2795. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC–2796. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the final rule concerning the Migratory Bird Hunting and Conservation Stamp, Contest, (RIN1018–AD71) received on May 16, 1996; to the Committee on Environment and Public Works.

EC–2797. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report of the Defense Environmental Restoration Program for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2798. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The State Infrastructure Bank Improvement Act of 1996''; to the Committee on Environment and Public Works.

EC–2799. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation concerning the Federal-Aid Highway Program; to the Committee on Environment and Public Works.

EC–2800. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled ''The Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation,'' received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2801. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled ''Termination or Transfer of Licensed Activities: Recordkeeping Requirements,'' (RIN3150–AF17) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2802. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled ''Protecting the Identity of Allegers and Confidential Sources,'' received on May 22, 1996; to the Committee on Environment and Public Works.

EC–2803. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the rule entitled ''The Final Determination of Threatened for the California Red-Legged Frog,'' (RIN1018–AC34) received on May 20, 1996; to the Committee on Environment and Public Works.

EC–2804. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the rule entitled ''Endangered and Threatened Wildlife and Plants,'' (RIN1018–AC33) received on May 16, 1996; to the Committee on Environment and Public works.

EC–2805. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule entitled ''Approval and Promulgation of Implementation Plans; Ohio,'' (FRL5439–4) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2806. A communication from the Director of the Office of Regulatory Management and Information, Environment Protection Agency, transmitting, pursuant to law, the report of seven rules concerning Allyl Issothicyanate as a Component of Food Grade Oil of Mustard, (FRL5505–2, 5467–6, 5500–56, 5505–7, 5504–8, 5465–2, 5366–4) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2807. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules concerning Propylene Oxide, (FRL5444–6, 5506–6, 5375–8, 5507–3) received on May 15, 1996; to the Committee on Environment and Public Works.

EC–2808. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules concerning Protection of Stratospheric Ozone, (FRL5507–5, 5467–1, 5504–4) received on May 16, 1996; to the Committee on Environment and Public Works.

EC–2809. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of ten rules concerning Pesticides, (FRL5508–5, 5506–3, 5505–4, 5449–2, 5372–2, 4996–1, 5359–1, 5359–4, 5508–3, 5508–2, 5508–4), received on May 21, 1996; to the Committee on Environment and Public Works.

EC–2810. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule concerning National Emission Standards For Hazardous Air Pollutants (FRL5509–1) received on May 21, 1996; to the Committee on Environment and Public Works.

EC–2811. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules concerning Prosulfuron, (FRL5357–5, 5371–8) received on May 24, 1996; to the Committee on Environment and Public Works.

EC–2812. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules concerning National Emission standards for Hazardous Air Pollutants, (FRL5513–1, 5512–6) received on May 24, 1996; to the Committee on Environment and Public Works.

EC–2813. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2814. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled ''Allowances and Differentials,'' (RIN3206–AH17) received on May 28, 1996; to the Committee on Governmental Affairs.

EC–2815. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the proposed budget for fiscal year 1997; to the Committee on Governmental Affairs.

EC–2816. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Mayor's District of Columbia fiscal year 1997 budget and multiyear plan; to the Committee on Governmental Affairs.

EC–2817. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–254 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2818. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–258 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2819. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–260 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–261 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2821. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Compliance Review of the District of Columbia Insurance Administration for Fiscal Years 1994 and 1995''; to the Committee on Governmental Affairs.

EC–2822. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the report concerning the compliance with the Government in the Sunshine Act during calendar year 1995; to the Committee on Governmental Affairs.

EC–2823. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, Office of Policy, Planning and Evaluation, transmitting, pursuant to law, the report of a final rule concerning the Federal Travel Regulation (RIN: 3090–AF88), received on May 13, 1996; to the Committee on Governmental Affairs.

EC–2824. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report concerning the implementation of the Government in the Sunshine Act for the calendar year 1995; to the Committee on Governmental Affairs.

EC–2825. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a final rule concerning commodities and services to be furnished by nonprofit agencies, received on May 28, 1996; to the Committee on Governmental Affairs.

EC–2826. A communication from the Chairman of the Merit Systems Protection Board, transmitting, a draft of proposed legislation to reauthorize the Board through the year 2001; to the Committee on Governmental Affairs.

EC–2827. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2828. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2829. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for Fiscal Year 1995; to the Committee on Governmental Affairs.

EC–2830. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the report concerning the Federal Managers Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1827. A bill to prohibit foreign travel by outgoing political appointees and Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEFLIN:

S. 1828. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel TOP GUN, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for Mr. DOLE (for himself, Mr. BROWN, Mr. ROTH, Mr. HELMS, Mr. MCCAIN, Mr. SPECTER, Mr. SANTORUM, Mr. GORTON, and Mr. MCCONNELL)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. FORD):

S. 1831. A bill to amend title 49. United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Ms. SNOWE):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. PRYOR) (by request):

S. 1833. A bill to provide a temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs..

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. SIMON, and Mr. DOMENICI):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs.

By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other have thirty days to report or be discharged.

By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. COATS, Mr. COHEN, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. KERRY, Mr. GRAMM, Mrs. HUTCHISON, Ms. SNOWE, Mr. AKAKA, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. Res. 257. Resolution to designate June 15, 1996, as ''National Race for the Cure Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1827. A bill to prohibit foreign travel by outgoing political appointees and Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

THE LAME DUCKS CAN'T FLY ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation, which I call the Lame Ducks Can't Fly Act, to prevent Federal officials who are about to leave office from traveling abroad courtesy of U.S. taxpayers.

The bill would prohibit any Member of Congress who is leaving office from traveling to another country at taxpayer expense in the last 6 months of the Member's term. This prohibition could be waived by the Speaker of the House or by the President Pro Tempore of the Senate. If a waiver is granted, a detailed statement must be printed in the Congressional RECORD indicating the purposes and costs of the travel.

Similarly, the bill would prohibit any political appointee in the executive branch from traveling overseas at taxpayer expense following an election in which the President is not returned to office. The prohibition for executive branch appointees could be waived if the President determines that such travel cannot reasonably be postponed until the new President takes office, and that the travel is essential to protect or promote vital national security interests.

Mr. President, after the general election in 1992, many Americans were outraged when they saw Governmental officials traveling abroad on seemingly nonessential trips, even though they were about to lose their jobs. One delegation, for example, traveled to China and Hong Kong aboard a military jet that reportedly cost about $12,000 per hour to fly. Another trip was planned for Moscow before it was abruptly canceled when the plans were reported in the press.

In recent months, press reports have highlighted the serious concerns of many Foreign Service officers about abuses of official travel privileges by U.S. officials from all branches of government. The problem has grown to such an extent that the American Foreign Service Association has issued a policy statement calling for 14 changes in Government official foreign travel policy. The Association's first recommendation is to prohibit travel abroad by officials within 6 months of the end of their term.

Mr. President, it can be tempting for elected or appointed officials to have one last junket before losing their jobs. But it is wrong. And it is not fair to taxpayers—many of whom have a hard time making ends meet. These costs may be small compared to the budget deficit. Yet these kinds of abuses are outrageous, and they sap the trust of Americans in their Government.

Mr. President, there are times when travel abroad by lame duck officials is necessary to protect important national interests. However, there is no excuse for wasting taxpayer dollars on nonessential travel.

I hope my colleagues will support the legislation, and ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1827

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

SECTION 1. LIMITATION OF FOREIGN TRAVEL BY CERTAIN POLITICAL APPOINTEES DURING POST PRESIDENTIAL ELECTION PERIOD.

(A) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 5710. Limitation of travel of political appointees during certain post Presidential election periods

''(a) For purposes of this section the term—

''(1) 'political appointee' means any individual who serves—

''(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4);

''(B) in a position under the Executive Schedule pursuant to subchapter II of chapter 53; or

''(C) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; and

''(2) 'post Presidential election period' means any period beginning on the date immediately following the date of the first Tuesday following the first Monday in November on which the general election of the President occurs, and ending on the January 20 following such an election.

''(b) Subject on the provisions of subsection (c), travel by a political appointee may not be paid for under the provisions of this subchapter or any other provision of law, if such travel—

''(1) is outside of the United States; and

''(2) occurs during a post Presidential election period after which the incumbent President shall not return for another term of office as President.

''(c)(1) The provisions of subsection (b) shall not apply to travel by the Secretary of State, the Secretary of Defense, the United States Trade Representative, or political appointees who are accompanying these individuals on affected travel.

''(2) The President may waive the provisions of subsection (b) with regard to any travel if the President makes a written determination that such travel—

''(A) cannot reasonably be postponed until after the post Presidential election period; and

''(B) is essential to protect or promote vital national interests.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5709 the following:

''5710. Limitation of travel of political appointees during certain post Presidential election periods.''.

SEC. 2. LIMITATION OF FOREIGN TRAVEL BY CERTAIN MEMBERS OF CONGRESS DURING ELECTION PERIODS.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in subsection (b), no funds may be expended for travel by a Member of Congress if such travel—

(A) is outside of the United States; and

(B) occurs after the date that is 180 days prior to the end of the term of service or date of retirement of the Member of Congress.

(2) DATE OF RETIREMENT.—For purposes of this subsection, the date of retirement is the date on which the Member is to retire as a Member of Congress, pursuant to a public announcement by or on behalf of the Member.

(b) WAIVER.—

(1) IN GENERAL.—The Speaker of the House of Representatives, with respect to Members of the House of Representatives, and the President pro tempore of the Senate, with respect to Members of the Senate, may waive the prohibition on travel under this section if the travel is determined to be in the interest of the House of Representatives or the Senate, respectively, and the United States.

(2) STATEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and if a waiver is granted under this subsection, a statement of the waiver shall be printed in the Congressional Record as soon as practicable and shall include a detailed description of the travel involved, the purpose of travel, and an estimate of the costs of the travel.

(B) EXCEPTION.—If the Speaker of the House of Representatives or the President pro tempore of the Senate determines that publication of such a statement would jeopardize national security, or otherwise compromise vital national interests, no statement is required.

(c) DEFINITION.—For purposes of this section the term ''Member of Congress'' includes any Delegate or Resident Commissioner to the Congress.●

By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDMENT TO THE NATIONAL SCHOOL LUNCH ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation that would require schools participating in the National School Lunch Program to buy American beef. The bill would extend this requirement also to the School Breakfast Program and the Child and Adult Care Food Program [CACFP]. This is a simple bill. Further, given the current situation faced by American cattlemen, this bill should command bipartisan support.

Currently, the U.S. Department of Agriculture [USDA] is bound by the Buy American Act, which requires USDA to purchase American beef for the commodities distribution portion of these programs. However, no similar requirement is placed on schools which purchase their own foodstuffs and then receive Federal reimbursement for the meals they serve students. Schools are encouraged to buy American, but are not bound to do so. My bill would provide consistency throughout these child nutrition programs. Simply put, if schools expect to be reimbursed, we expect schools to buy American beef.

Why should this bill be passed? Plain and simple, immediate action must be taken to help our Nation's cattle industry. Cattle prices have plummeted to their lowest level in years. High grain prices and drought also have contributed to the economic crisis facing our ranchers. The result is that South Dakota's cattlemen are facing some very tough times. Some South Dakota producers soon may be forced to leave the cattle business altogether unless markets begin to improve. Their plight is spilling over to affect other businesses in the small towns and cities where they live. We should look at all possible ways to stimulate the American beef market. A requirement that schools purchase American beef will increase demand.

This is just one advance in our battle to improve conditions for American cattlemen. As I have advocated, Congress and the administration should work actively on multiple fronts. I plan to introduce legislation that would require all beef sold to consumers be labeled, indicating in what country the beef was produced. This requirement would make it easier for schools and other consumers to buy American beef.

I recently requested that the USDA prohibit formula or basis pricing on forward contracted cattle, require that forward contracts be offered in an open, public manner and require that packer-fed cattle be sold in an open, public market. I hope they will take action on this front soon. These are all actions the Clinton administration can take without congressional action.

I also urged President Clinton to begin an investigation into cattle imports from Mexico. Many South Dakota producers have serious concerns that recent import surges may be due to Mexico transshipping cattle from other countries into the United States, which is a blatant violation of trade agreements. Again, the President need not wait for congressional action.

Finally, and most important, the Clinton administration should begin an anti-trust action on the meatpacking industry. This is very important for our cattlemen. I have called on the administration time and again to enforce fully our anti-trust laws. I am still waiting for action.

Mr. President, with a combined effort by Congress and the President, I am confident we can once again make our cattle industry healthy and competitive. I am proud to be an active voice for South Dakota's livestock producers. This issue requires immediate attention and I hope my colleagues will join me in addressing this serious problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1829

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

SECTION 1. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

''SEC. 28. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.

''A school or service institution in the continental United States participating in the school lunch program, the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), or the child care food program under section 17 may not purchase beef or beef food-products produced outside the United States for use in carrying out the program.''.

By Mr. BROWN (for Mr. DOLE (for himself, Mr. BROWN, Mr. ROTH, Mr. HELMS, Mr. MCCAIN, Mr. SPECTER, and Mr. SANTORUM)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

THE NATO ENLARGEMENT FACILITATION ACT OF 1996

Mr. BROWN. Mr. President, I rise to introduce a new bill for consideration by the Senate.

In 1994, when the administration seemed reluctant to allow countries in Central Europe to join NATO, we drafted a bill titled the ''NATO Participation Act of 1994.'' That measure set forth in U.S. statute a policy, for the first time, that would ensure NATO expansion to include those countries in Central Europe that want to be free and want to join in a mutual pact for self-defense. The bill marked a significant change of course for the United States.

The administration's reluctance to move forward with NATO expansion

brought back memories of the tragic events of World War II, of both the Soviet invasion of Poland and the German invasion of Poland and other countries in Central Europe. Indeed, that reluctance brought back the tragic memories of the post-World-War-II era, when at key times this country turned its back on people who had fought to be free and then found themselves enslaved by the Soviet Union.

Mr. President, that NATO Participation Act had to be offered four times on the floor of the Senate before we finally got it adopted formally by Congress and signed into law by the President. It was opposed vehemently by the administration at every opportunity. But, in the end—and I might add, after much hard work of many fellow Americans who had insisted upon its passage—it passed both houses of Congress and was then embraced by the administration.

Unfortunately, even though that measure had passed giving the President necessary authorities to establish a transition program for countries moving toward NATO membership, the administration failed to move ahead with a clear plan for expansion of NATO to those Central European countries that had not only exhibited an interest in it, but had specifically asked to become members.

In response to that failure and to again move policy along, we drafted and introduced the NATO Participation Act II, officially titled the ''NATO Participation Act Amendments of 1995.'' That measure went further than NATO Participation Act I. The NATO Participation Act I authorized the President to establish a transition program and plan for NATO expansion. NATO Participation Act II called on the President to evaluate those countries moving toward NATO membership and to name specific countries that would be determined eligible for NATO transition assistance, and it expanded our powers to work with them and to develop a mutual arms policy.

That act, initially opposed by the administration, eventually was embraced by the administration as it moved toward passage. That expanded our ability to provide transition assistance to allow Central European countries to protect themselves and their independence. Alas, the administration with its discretionary power to name countries that they consider eligible to move forward toward NATO membership, has refused to act.

Months ago, I specifically contacted the administration and asked what steps they were taking, as they had promised they would, to move toward this goal. According to the foreign relations committees, the administration can find no country in Central Europe it views as ready for transition assistance.

Sadly, Mr. President, because of the administration's refusal to act, what has been done is to raise the question as to whether or not NATO will ever be expanded. To simply give it lip service and say—as the administration has done—that it is not a question of whether we expand NATO, it is a question of how and when, dodges the issue. The real issue is whether or not we will recognize other countries having a sphere of influence and control over Central Europe. The central issue is whether or not free men and women around the world will stand by idly if the security and independence of Central Europe is threatened.

These are not hollow questions. These tragic questions were answered in World War II. Many historians believe that the failure of the free democracies to come forward and stand up for Central Europe was one of the reasons that Hitler rose to such heights and gained so much strength before the free world was mobilized to stop him. It is not an idle question when, at the end of World War II, the Soviet Union spread its influence and its armies over Central Europe, and free men and women failed to stand up for their freedom then.

Mr. President, it speaks to the core issue, and the core issue is whether or not we will turn our backs on the free men and women of Central Europe once more. This bill, the third NATO Participation Act, the expansion facilitation act of NATO offered in 1996, speaks to that. It specifically names three countries—Poland, Hungary, and the Czech Republic—as qualifying for the program; requires the President to name other countries meeting a series of additional criteria; and permits the President to name any other countries to the transition assistance program that meet the existing criteria of the NATO Participation Act.

Mr. President, I am particularly proud to join with Senator DOLE in introducing this bill. BOB DOLE deserves a great deal of credit for his many efforts to expand NATO rapidly and to bring the nations of Central Europe into NATO. From the very first time that Senator PAUL SIMON and I introduced the NATO Participation Act as an amendment to the Foreign Operations Bill in July, 1994, BOB DOLE has been a cosponsor. He has joined every effort to hasten NATO expansion, spoken out clearly and frequently against the foot-dragging of this administration and has been more than just a cosponsor of every NATO Participation Act that has been written. His frequent inputs and the keen insights of Mira Baratta and Randy Scheunemann of his staff have been invaluable to our efforts to put the United States back in the lead in expanding NATO.

In January, 1994, when the issue of expanding NATO to include the Central European powers first became an issue at the NATO summit, BOB DOLE stated, ''If NATO governments embrace this new role of ensuring stability and security in Europe, the logic of expanding NATO becomes increasingly clear . . . The Partnership for Peace should not be used as a means to dismiss the legitimate security concerns of the new democracies in Central Europe.''

In 1995 he stated that, ''Russia continues to threaten prospective NATO members over alliance expansion, thereby confirming the need to enlarge NATO sooner rather than later.''

Just recently, he reiterated his commitment to NATO expansion by stating ''the time has come to welcome Europe's new democracies into NATO. Only NATO expansion can guarantee another five decades of peace on the continent.''

Mr. President, I strongly agree with our distinguished majority leader. It is time to take the countries of Central Europe off the table once and for all. America's dawdling will continue to create uncertainty and generate instability in the heart of Europe. The United States needs to take its rightful place as the world's leader and move quickly to expand the North Atlantic Alliance to the nations of Central Europe.

Mr. President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and that Senator SANTORUM be added as a cosponsor.

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

The bill will be received and appropriately referred.

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

S. 1830

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NATO Enlargement Facilitation Act of 1996''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging democracies in Central and Eastern Europe does not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) NATO has enlarged its membership on 3 different occasions since 1949.

(5) Congress has sought to facilitate the further enlargement of NATO at an early date by enacting the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and the NATO Participation Act Amendments of 1995 (section 585 of Public Law 104–107).

(6) As new members of NATO assume the responsibilities of Alliance membership, the

costs of maintaining stability in Europe will be shared more widely. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(7) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(8) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(9) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(10) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(11) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(12) The admission to NATO of emerging democracies in Central and Eastern Europe that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(13) A number of Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment; including their participation in Partnership for Peace activities.

(14) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(15) The eventual membership of Austria, Finland, and Sweden is fully expected and is not precluded by this Act.

(16) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(17) The Congress of the United States finds that Poland, Hungary, and the Czech Republic have made the most progress toward achieving the stated criteria and should be eligible for the additional assistance described in this bill.

(18) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that in order to promote economic stability and security in Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, Romania, Albania, Moldova, and Ukraine—

(1) the United States should support the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership; and

(3) the United States Government and the North Atlantic Treaty Organization should support military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia.

SEC. 5. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994: Poland, Hungary, and the Czech Republic.

(b) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) have met the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note).

(c) RULE OF CONSTRUCTION.—Subsection (a) does not preclude the designation by the President of Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) $20,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing Program'');

(2) $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing Program''); and

(3) $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 and chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 7. EXCESS DEFENSE ARTICLES.

(a) PRIORITY DELIVERY.—Notwithstanding any other provision of law, the provision and delivery of excess defense articles under the authority of section 203(c)(1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extend feasible over the provision and delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 8. MODERNIZATION OF DEFENSE CAPABILITY.

The Congress endorses effort by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, and any other countries designed by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease of such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 9. TERMINATION OF ELIGIBILITY.

(a) IN GENERAL.—Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

''(2) Whenever the President determines that the government of a country designated under subsection (d)—

''(A) no longer meets the criteria set forth in subsection (d)(2)(A);

''(B) is hostile to the NATO Alliance; or

''(C) poses a national security threat to the United States.

then the President shall so certify to the appropriate congressional committees.

''(3) Nothing in this Act affects the eligibility of countries to participate under other provisions of law in programs described in this Act.''.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

''(g) CONGRESSIONAL PRIORITY PROCEDURES.—

''(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is

introduced in a House of Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936), except that—

''(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

''(B) references to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.

''(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.''.

SEC. 10. AMENDMENTS TO THE NATO PARTICIPATION ACT.

(a) CONFORMING AMENDMENT.—The NATO Participation Act of 1994 (title II of Public Law 193–447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking ''countries emerging from communist domination'' each place it appears and inserting ''emerging democracies in Central and Eastern Europe''.

(b) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–446; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

''SEC. 206. DEFINITIONS.

''The term 'emerging democracies in Central and Eastern Europe' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.''.

SEC. 11. DEFINITIONS.

As used in this Act:

(1) EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.—The term ''emerging democracies in Central and Eastern Europe'' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.

(2) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

Mr. MCCAIN. Mr. President, I thank my colleague from Colorado for his continued leadership on this and other issues. He and I just left a press availability conducted by the majority leader, Senator DOLE, along with the former President of Poland, Lech Walesa. I must say that former President Walesa was both compelling and enlightening in his remarks.

Mr. President, I support the bill introduced by the Senator from Colorado.

Each year, the Senate debates the issue of NATO expansion and each year the President reassures the American people and our new friends in Eastern Europe that he has every intention of extending the NATO umbrella. Once again, this year, on the eve of another historic Russian election, we find ourselves debating the issue of NATO expansion, and still, although the President will proclaim his support for expansion, NATO membership remains reserved to the states which comprised it before the collapse of the Soviet Union.

A few circumstances have changed. President Yeltsin, whose fate our own President has made the centerpiece of United States policies toward the former Soviet Union and Eastern Europe, is much less secure. With the Russian elections only weeks away, Eastern Europe may again be faced with a communist Russia—a Russia which proudly extols the virtues of a failed philosophy. But even if President Yeltsin ultimately prevails in the elections, he, himself, has given the West sufficient cause for concern. He has not always succeeded in ensuring Russian compliance with treaty obligations. And yielding to industry pressures, he has apparently ignored American warnings in crucial areas of nonproliferation. Perhaps most alarming, until the most recent ceasefire agreement, the brutal war in Chechnya persisted unabated despite President Yeltsin's orders that it stop.

President Yeltsin has also made disturbing changes in the composition of his cabinet. He has displaced all the major economic reformers associated with his government, and has replaced his widely respected foreign minister, Andrea Kozyrev, with Yevgeny Primakov, a figure with strong ties to the not so distant Soviet past.

It is far too early to declare Russian economic and political reforms failures. I have always supported assistance to the Newly Independent States of the Soviet Union and I will continue to support Russian reform efforts. The situation we face in Russia today bears almost no comparison to the situation the United States and its allies in Europe faced in 1947. Just the same, however, in evaluating President Yeltsin let us not forget that his is no longer the government of Gaidar, Yavlinsky, Fedorov, and Kozyrev.

This is not to say that the United States has an interest in seeing President Yeltsin defeated in the upcoming election. On the contrary, if, despite what I hope is election year maneuvering, he remains committed to economic and political reform and the peaceful resolution of disputes with his neighbors, and if he demonstrates his commitment to international treaties, his reelection is very much in our interest.

The sponsors of this bill do not seek NATO expansion in response to the policies and political agendas of any Russian leader. We seek NATO expansion as a part of a larger European strategic order that will provide the nations of Central and Eastern Europe with the sort of political and economic security that Western Europe enjoyed following World War II. We seek a European security structure which can endure changes in national leadership and governing philosophies.

The United States and its NATO allies must depend for their security on a stable balance of power, not character assessments of various national leaders.

Expanding NATO and, as the bill calls for, defining a security relationship between an enlarged NATO and Russia will also stabilize Russia's security situation. Like any peaceful democratic nation, it thrives on security and predictability. The perpetuation of the current security vacuum in the middle of Europe is no more in its interest than in ours.

As in the past, the administration will respond to new calls for NATO enlargement by preaching caution. It will cite the upcoming elections as a particularly sensitive moment. After the elections, it will cite the fragile nature of the Russian electorate and upcoming government. Then, no doubt, it will cite another critical NATO meeting where consensus is to be sought on expansion.

In the meantime, we will have lost the window of opportunity that was created by the collapse of the Soviet Union and Russia's preoccupation with its domestic concerns. Three and a half years have already been squandered.

It is time now to begin NATO expansion. No more temporizing. No more excuses. This is why I have joined with my colleagues, Senators DOLE, BROWN, HELMS, and others in introducing the NATO Enlargement Facilitation Act of 1996.

The bill before us identifies Poland, Hungary, and the Czech Republic as those countries first in line for NATO membership and proposes to give them the assistance they need to rapidly become members. To date and to no avail, Congress has left it up to the President to determine whether these countries were eligible for such assistance. Now we are telling the President that vacation time is over. These three countries meet the criteria. We should start preparing them to enter NATO. Under this legislation, each country will be eligible to receive, as a part of the targeted program to assist its transition to full NATO membership, transfers to excess defense articles, foreign military financing [FMF], economic assistance, IMET, and other assistance.

As for other emerging democracies in Central and Eastern Europe which desire NATO membership, but do not yet meet its standards, the bill requires the President to provide them the same assistance at such time as they meet a number of clear criteria, including progress toward the establishment of democracy, free markets, and civilian control of the military. There are a number of other requirements for aspiring new members, but they are reasonable, and they are explicit.

Equally important as mandating assistance to NATO aspirants, the bill authorizes the necessary spending. Critics will no longer be able to charge that proponents of a more comprehensive and strategically relevant NATO are unwilling to pay the costs associated with expansion. This bill authorizes a total of $60 million in fiscal year 1997 for the explicit purpose of expanding NATO.

If there is any doubt of the necessity for Congress to take the initiative

today, consider the following statement made by President Clinton in Prague almost 3 years ago:

Let me be absolutely clear: the security of your states is important to the security of the United States . . . the question is no longer whether NATO will take on new members but when and how.

How else can one explain the vast difference between the President's rhetoric and the lack of actual movement than that he lacks a clear idea of how to move from rhetoric to action? Not only has NATO not admitted new members, the President has still not identified to former Warsaw Pact countries the when and how of expansion. The other explanation is that the President has never intended to expand NATO and all his protests to the contrary are simply efforts to outmaneuver the critics of his foreign policy. Granted the President has a record of this sort of cleverness. But I trust that the President would not take the security of Europe so lightly as to play politics with its future.

A more charitable explanation for the disconnect between the President's rhetoric and action is that the rationale for NATO expansion is genuinely lost on him. He may truly believe in a European security structure which, like the Partnership for Peace, stretches from the Atlantic to the borders of China. Perhaps he truly believes that a security structure can be created which is so far flung as to have no apparent strategic coherence.

Instead of going about the difficult diplomacy of creating a viable European security structure, the administration has preoccupied itself with the fears of drawing new lines. Perhaps the President and his chief adviser on Russia, Strobe Talbott, are real visionaries. They see a world where there are no lines separating countries, alliances, or even countinents—a world where concepts such like security, strategic alliance, and geopolitics have no relevance.

In fairness to the President, I freely admit that the logic of this reasoning eludes me. I do not want to underestimate the lasting impact of the Russian democratic revolution. It was certainly monumental and it lifted the spirits of a world weary of superpower confrontation. But the Russian revolution, as great as it was, did not presage a radical change in the nature of man or the way in which the world guarantees peace.

I, for one, will forgo putting all my faith in visionary ideas of a new Europe free of historical tensions. Twice in this century, Europe has been convulsed by nationalism and militarism—this despite the efforts of far greater visionaries than President Clinton.

The sponsors of the NATO Enlargement Facilitation Act take their guidance from history. The cause of all recent European conflicts has been a security vacuum in the center of Europe. Today, although the borders of Western Europe are secured, it remains the advantage of a NATO security guarantee. On the other hand, Eastern Europe, which is in a more precarious situation, remains without such guarantees. By all accounts, this amounts to a security vacuum, and unless we act to fill it, I fear history will repeat itself.

Lech Walesa, who knows better than most the history of Russia's involvement in Eastern Europe, has warned that a failure to expand NATO may result in a major tragedy. A combination of economic and strategic insecurity has already driven this hero of the cold war from power. All the more reason to remember his words, ''We kept crying and shouting in 1939, but they only believed us when the war reached Paris and London. The situation is similar today.'' In that the political atmosphere in Europe is once again clouded with what President Vaclav Havel, has described as ''a mentality marked by caution, hesitation, delayed decision-making, and a tendency to look for the most convenient solutions,'' the times do seem eerily similar.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. FORD):

S. 1831. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. PRESSLER. Mr. President, today I am introducing the National Transportation Safety Board Amendments of 1996. I am pleased to be joined in this effort by Senator HOLLINGS, ranking member of the Senate Commerce Committee, Senator LOTT, chairman of the Senate Surface Transportation Subcommittee, and Senator FORD, ranking member of the Senate Aviation Subcommittee. This is a bipartisan reauthorization bill and I urge its swift passage.

The National Transportation Safety Board [NTSB], an independent agency, is charged with determining the probable cause of transportation accidents and promoting transportation safety. Specifically, the NTSB investigates all forms of transportation accidents, conducts safety studies, and evaluates the effectiveness of other Government agencies' programs for preventing transportation accidents. It also reviews appeals of adverse certificate and civil penalty actions by the administrators of agencies of the Department of Transportation involving airman and seaman licenses. Sadly, its work is never done.

Mr. President, the tireless work of the NTSB is too often overlooked. Since its inception in 1967, the NTSB has investigated more than 100,000 aviation accidents and thousands of accidents in the other surface modes—rail, highway, marine, and pipeline. NTSB investigators are on call 24 hours a day and work around the world investigating significant transportation accidents in order to obtain facts to enable development of solutions designed to prevent future accidents.

Indeed, the NTSB is considered the world's premier accident investigation agency. It has achieved that distinction through its thorough investigations and professional approach to meeting its statutory responsibilities. In total, the NTSB has issued almost 10,000 safety recommendations to improve the safety of the traveling public.

Sadly, during the past few months, the NTSB has been extremely busy. We are all aware the NTSB is investigating the devastating crash of ValuJet near Miami, FL. At the same time, major on-going investigations continue for the USAir accident near Pittsburgh, PA, the school bus/train collision in Fox River Grove, IL, and the MARC commuter train/Amtrak collision near Silver Spring, MD, to name just a few.

I want to point out the NTSB has no authority to regulate the transportation industry. Therefore, its effectiveness depends on its reputation for timely and accurate determinations of accident causation and for issuing realistic and feasible safety recommendations.

The NTSB's reputation for impartiality and thoroughness has enabled it to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been implemented. Examples of implemented recommendations include fire resistant materials and floor-level escape lighting in aircraft cabins, child safety seats in automobiles, improved school bus construction standards, Amtrak passenger car safety improvements, new recreational boating safety and commercial fishing vessel regulations, the development of one-call notification systems in all 50 States and improved regulations for buried pipelines.

The NTSB's authorization expires at the end of fiscal year 1996. The bill we are introducing today provides a 3 year authorization for fiscal years 1997, 1998, and 1999 at a level of 370 FTE's. Our objective is to establish sufficient funding levels to enable the NTSB to carry out its immense workload. We can meet this goal while at the same time, reducing the currently authorized levels. That is what this bill achieves.

The bill also includes a few statutory changes. First, the bill provides for temporary deferral of Freedom of Information Act [FOIA] requests regarding the release of foreign aviation accident or incident information for 2 years or until the foreign government leading the investigation approves release of information. This would apply to NTSB participation in foreign accident investigations only. This provision would facilitate the NTSB's ability to effectively investigate and participate in foreign accidents without risk of the untimely release of information prior to a foreign governments'

approval. However, the NTSB would not be restricted from utilizing foreign accident investigation information in making safety recommendations.

Second, the bill would exempt from FOIA aviation data voluntarily supplied to the NTSB. The aviation industry currently collects various kinds of information, but industry does not share it with the NTSB because of concerns that material would be released to the public. Some data, if voluntarily supplied to the Government, is exempted from FOIA requests. This exemption, however, is at the discretion of the agency. The NTSB has requested the exemption be made permanent through statute instead of discretionary, and believes a permanent exemption will encourage the aviation industry to freely share significant safety-related data.

Third, when the NTSB conducts training of its employees and others in subjects necessary for the proper performance of accident investigations, the bill would allow the NTSB to charge non-NTSB personnel attending for the costs associated with the course. These reimbursements would be credited to the NTSB as offsetting collections.

Mr. President, the NTSB carries out an enormous public service. While it is a small agency, its work product is critical. Seldom, if ever, is this agency the target of criticism. That cannot be said about many Federal governmental agencies. Therefore, I want to commend the NTSB Board members and its employees for their dedication to carrying out such an important public service.

I urge my colleagues to support this legislation to ensure the NTSB can continue its essential work in an efficient manner.

By Ms. MIKULSKI (for herself and Ms. SNOWE):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY FAMILY PROTECTION ACT

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to the constituents of Maryland and very important to the people of the United States of America.

I wish to declare that I am introducing a bipartisan bill, with Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I want to introduce this bill because it deals with Social Security, retirement security, and income security. We want the middle class in the United States of America to know that we are going to give help to those who practice self-help.

What is it I am talking about? We have found that Social Security does not pay for the last month of life. If someone dies May 18 or May 28, when the Social Security check arrived on June 3, the surviving spouse or family members had to send back the Social Security check. I think that is an outrage.

That individual worked for Social Security, earned Social Security, put money in the Social Security trust fund. We feel that it is up to the Social Security system to allow the surviving spouse or the estate of the family to have that Social Security check for the last month of your life.

This legislation has an urgency. People have called my office in tears. Very often it is a son or a daughter. They are at the desk clearing off the paperwork for their mom, and there is the Social Security check. And they say, ''Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, our rent, a mortgage, health bills. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?''

My gosh, with all the problems in the United States of America, we ought to be going after drug dealers and tax dodgers, not those people who have paid into Social Security and their surviving spouse or their family who has been left with the bills for the last month of their life. I say they are absolutely right—absolutely right—because we believe that Social Security should be there for you, for the family, and for the surviving spouse.

I listened to my constituents. And what they say is this: ''Senator MIKULSKI, we don't want anything free. But our family does want what our dad worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life.''

That is what we are going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. While we talk about retirement security, the most important item in that is income security. And the safety net for every American is Social Security.

We know that as Senators we have to make sure that Social Security is solvent. And we want to work to do that. We also know that we have an obligation to those who continue to get Social Security that they get their COLA so when the cost of living goes up, that Social Security is adjusted. But this reform of providing a Social Security check for the last month of life is absolutely crucial.

How do we propose to do that? We have a very simple, straightforward way of dealing with this. Our legislation says this: that if you die before the 15th of a month, you will get a check for those 15 days. If you die after the 15th of the month, and between then and the 31st, your surviving spouse or the family estate would get that last Social Security check.

We think it is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in many values. We believe you honor your father and your mother. We believe that it is not only a good religious principle, but it is good public policy.

The way to do that is to have a strong Social Security System and to make sure that Social Security System is fair in every way. That is why we support making sure that the surviving spouse or family has the Social Security check for the last month of life. Mr. President, we hope to have the support of our colleagues. That is the essence of my statement.

By Mr. GLENN (for himself and Mr. PRYOR) (by request):

S. 1833. A bill to provide temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1996

• Mr. GLENN. Mr. President, at the request of the administration, I rise to introduce The Federal Employment Reduction Assistance Act of 1996. This legislative proposal is modeled after the Federal Workforce Restructuring Act of 1994, which provided Federal civilian agencies with authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. I was the chief sponsor of the 1994 legislation. Approximately 115,100 Federal employees voluntarily resigned or retired during the first buyout program. In addition, 40,000 more agreed to leave under a delayed departure program and will leave this year or next.

The Federal Workforce Restructuring Act of 1996 contains the following proposals:

The authority for separation incentives begins with enactment of the act and continues until September 30, 2000.

The amount of the buyout incentive would be the lesser of the amount that the employee's severance pay would be or whichever of the following amounts is applicable based on separation in accordance with the agency plan:

$25,000 in fiscal years 1996 and 1997.
$20,000 in fiscal year 1998.
$15,000 in fiscal year 1999.
$10,000 in fiscal year 2000.

Any employee who receives an incentive and then accepts any paid employment with the Government within 5 years after separating would have to repay the entire amount of the incentive payment to the agency that paid the incentive. This provision could be waived only under stringent circumstances of agency need.

Agencies are required to pay an amount into the civil service retirement trust fund equal to 15 percent of the final basic pay of each employee who is accepting a buyout.

Agencies are required to reduce their full-time equivalent [FTE] employment by one for each buyout.

OMB approval would be required for all agency buyout plans. The legislation would only apply to civilian agencies. DOD would continue to operate its own buyout program.

In addition, the proposed legislation includes some softening provisions for agencies that must institute reductions-in-force [RIF's]:

The bill would authorize agencies to allow employees to volunteer for a separation during a RIF if this would prevent the involuntary separation of another employee in a similar situation. Employees who volunteered would receive severance pay. The DOD authorization bill also contains this proposal.

Employees involuntarily separated under RIF's could continue their health insurance coverage for up to 18 months while continuing to pay only the premium that would apply to current employees.

Mr. President, previous buyout legislation was preeminently successful in helping to reduce the number of Federal employees but accomplished the downsizing in a fair and equitable manner.

Overall, including the buyout program, there are now some 208,000 fewer civil service employees than there were when this administration came into office. That's a real success story. In fact, Federal employment is now at its lowest point since John F. Kennedy.

This buyout legislation will help to continue that trend. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the ''Federal Employment Reduction Assistance Act of 1996.''

Section 2 provides definitions of ''agency'' and ''employee.'' Among the provisions, an employee who has received any previous voluntary separation incentive from the Federal Government and has not repaid the incentive is excluded from any incentives under this Act.

Section 3 provides that, when an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify the manner in which the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of separation incentives, and a proposed coverage for offers of incentives to agency employees, which may be on the basis of any component of the agency, any occupation or levels of an occupation, any geographic location, or any appropriate combination of these factors. The Director of the Office of Management and Budget shall review and approve or disapprove each plan submitted, and may modify the plan with respect to the time period for incentives or the coverage of incentive offers.

Section 4 provides that in order to receive a voluntary separation incentive, an employee covered by an offer of incentives must separate from service with the agency (whether by retirement or resignation) within the time period specified in the agency's plan as approved. An employee's voluntary separation incentive is an amount equal to the lesser of the amount that the employee's severance pay would be if the employee were entitled to severance pay under section 5595 of title 5, United States Code (without adjustment for any previous severance pay), or whichever of the following amounts is applicable based on the date of separation: $25,000 during fiscal years 1996 and 1997; $20,000 during fiscal year 1998; $15,000 during fiscal year 1999; or $10,000 during fiscal year 2000.

Section 5 provides that any employee who receives a voluntary separation incentive under this Act and then accepts any employment with the Government within 5 years after separating must, prior to the first day of such employment, repay the entire amount of the incentive to the agency that paid the incentive. If the subsequent employment is with the Executive branch, including the United States Postal Service, the Director of the Office of Personnel Management may waive the repayment at the request of the agency head if the individual possesses unique abilities and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the entity or the appointing official may waive repayment on the same basis. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria. For the purpose of the repayment and waiver provisions, employment includes employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the agency who is covered by the Civil Service Retirement System or the Federal Employees Retirement System to whom a voluntary separation incentive is paid under this Act.

Section 7 provides that full-time equivalent employment in each agency will be reduced by one for each separation of an employee who receives a voluntary separation incentive under this Act, and directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be calculated by using the agency's actual full-time equivalent employment levels. For example, if an agency's actual FTE usage in FY 1996 is 1,050 FTEs, and 50 FTEs separate during FY 1997 using voluntary separation incentive payments provided under this Act, then the agency staffing levels at the end of FY 1997 shall not exceed 1,000 FTEs.

Section 8 requires the Office of Personnel Management to report by March 31st of each year to the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight concerning agencies' use of voluntary separation incentives in the previous fiscal year. The report must show, for each agency which had approval to pay incentives, the number of employees who received incentives, the average amount of the incentives, and the average grade or pay level of the employees who received incentives. The report must also include the number of waivers made under the provisions of section 5 in the repayment of incentives upon subsequent employment with the Government, the reasons for each waiver, and the title and grade or pay level of each employee to whom the waiver applied. Section 8 also amends the Federal Workforce Restructuring Act of 1994 (Public Law 103–226), which now requires that reports on voluntary separation incentives under that Act provide data for each employee who received an incentive, to instead require reports on a summary basis for each agency which paid incentives, as provided for the new authority.

Section 9 authorizes agency heads, under procedures prescribed by the Office of Personnel Management, to allow an employee to volunteer for separation in a reduction-in-force when this will result in retaining an employee in a similar position who would otherwise be released in the reduction-in-force. A voluntary release under the provision would be treated as an involuntary separation in the reduction-in-force. The procedures prescribed by the Office will provide that an offer of voluntary participation in a reduction-in-force is made at the agency's discretion, and that no employee may be coerced into accepting such offer. An employee who is voluntarily released would not have assignment (''bump'' and ''retreat'') rights in the reduction-in-force.

Section 10 provides that employees in any agency who are involuntarily separated in a reduction-in-force, or who voluntarily separate from a surplus position that has been specifically identified for elimination in the reduction-in-force, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium.

Section 11 provides that the Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of the Act.

Section 12 provides that the Act will take effect upon enactment and that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2000.

U.S. OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC, May 9, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the President's Management Council, the Office of Personnel Management submits herewith an Administration legislative proposal entitled the ''Federal Employment Reduction Assistance Act of 1996.'' We request that it be referred to the appropriate committee for prompt and favorable consideration.

While total Federal employment is relatively stable at present, the need for employment reductions may vary significantly from one particular agency to another. In the next several years, it is likely that many Federal agencies will need to make significant cuts. The Administration believes that separation incentives can be an appropriate tool for those agencies that must reduce their employment levels, when the use of incentives is properly related to the specific cuts that are needed within the agency and thus will help reshape the agency for the future. Further, it is vital to provide for consistent administration of any incentive programs that prove necessary for different agencies, and to appropriately limit the time period for any incentive offers.

This initiative is based on the Executive Branch's experience with voluntary separation incentives under the Federal Workforce Restructuring Act of 1994. The Restructuring Act provided Federal civilian agencies with authority to offer voluntary separation incentives for a one-year period that ended

March 31, 1995. We believe that agencies generally used these incentives successfully to help avoid involuntary separations, and that the Restructuring Act provided a useful framework for consistent administration of incentive programs in many different agencies.

This proposal would provide an overall system for the limited use of voluntary separation incentives by Federal civilian agencies. When an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify how the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of incentives, and a proposed coverage for offers of incentives to agency employees on the needed organizational, occupational, and geographic basis. The Director of the Office of Management and Budget would approve or disapprove each plan submitted, and would have authority to modify the time period for incentives or coverage of incentive offers. We believe that these provisions for plan approval will ensure that any separation incentives are appropriately targeted within the agency in view of the specific cuts that are needed, and are offered on a timely basis. An agency's full-time equivalent employment would be reduced by one for each employee of the agency who receives an incentive.

The authority for separation incentives would be in effect for the period starting with the enactment of this Act and ending September 30, 2000. The amount of an employee's incentive would be the lesser of the amount that the employee's severance pay would be, or whichever of the following amounts is applicable based on separation in accordance with the agency plan: $25,000 in fiscal years 1996 and 1997; $20,000 in fiscal year 1998; $15,000 in fiscal year 1999; or $10,000 in fiscal year 2000. Any employee who receives an incentive and then accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the incentive to the agency that paid the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

In order to further assist agencies in making needed cuts, the bill would authorize agencies, under appropriate conditions, to allow an employee to volunteer for separation in a reduction-in-force when this will prevent the involuntary separation of an employee in a similar position. In addition, in order to minimize the impact of reduction-in-force actions on employees, the bill provides that employees who are involuntarily separated in reductions-in-force can continue their health insurance coverage for 18 months while continuing to pay only the premium that would apply to a current employee.

The Administration believes that this proposal would provide a very useful tool to assist agencies in making needed cuts under appropriate controls and effective program administration.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

JAMES B. KING,
Director.●

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. SIMON, and Mr. DOMENICI):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs

THE INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT AMENDMENTS

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Environmental General Assistance Program Act of 1992. I am pleased to be joined by the vice chairman of the Committee on Indian Affairs, Senator INOUYE, and my colleagues, Senator SIMON and Senator DOMENICI as original cosponsors of this legislation.

Mr. President, the Congress enacted the Indian Environmental General Assistance Program Act over 4 years ago to correct a serious deficiency in Federal efforts to ensure environmental protection on reservation lands. Environmental problems on Indian lands were virtually ignored until the mid-1980's when the Congress adopted amendments to the Clean Water Act, Superfund and the Safe Drinking Water Act to authorize Indian tribes to obtain regulatory primacy under these Federal statutes. Despite these efforts to ensure that Indian lands enjoyed the same level of environmental protection as the rest of the Nation, there remain many serious environmental threats to Indian lands.

Some of the most severe environmental problems in the United States threaten our poorest communities. It has been reported that at least 600 solid waste landfills exist on Indian lands that do not meet Federal standards. Contamination from unsanitary landfills pose a daily hazard to the Pine Ridge reservation in South Dakota, which is located in one of the poorest counties in America. Mercury pollution on the Seminole Indian Reservation in Florida threatens fishing and the gathering of food. The Navajo Nation estimates that as many as 1,000 abandoned hazardous waste sites polluted with uranium mine waste contaminate its reservation land in New Mexico, Arizona, and Utah. In a 1994 inspector general report, the EPA estimated that at least 75 percent of the reported 530 leaking underground storage tanks on Indian lands have not been cleaned up and many more have not been identified. These additional conditions are intolerable and deserve our immediate action.

The Indian Environmental General Assistance Program Act authorizes the Environmental Protection Agency to award multimedia grants to Indian tribal governments for the purpose of developing tribal capacity to establish environmental regulatory programs. Before the Committee on Indian Affairs, Indian tribes have testified regarding the need for a diversified and flexible funding mechanism to allow for the development of tribal environmental programs across a wide range of media areas.

The General Assistance Program allows Indian tribes to tailor an environmental management approach that is flexible and allows for the allocation of limited resources pursuant to tribally identified environmental priorities. The minimum award for a general assistance grant is $75,000 per year. The act authorizes $15 million per fiscal year to be appropriated to the EPA to administer the General Assistance Program.

Despite these advances in Federal Indian environmental policy, many Indian tribal programs are barely in the infant stages of development. The General Assistance Program provides Indian tribal governments with the necessary technical and financial assistance to enable them to become better environmental managers.

The bill I am introducing is a simple amendment to the act that would authorize the appropriation of such sums as are necessary to implement the Indian Environmental General Assistance Program. This modification will provide greater flexibility to the Administrator of EPA to make awards to Indian tribes under the act and it will enable a greater number of Indian tribes to develop environmental programs.

In the 4 years since its enactment, less than one-fifth of the 557 Indian tribes and Alaska Native villages have been able to receive grant awards under this program. This modification will ensure that more tribal governments will be able to receive assistance to address the many severe environmental problems affecting reservation lands. In monetary terms, the funds that are needed to address these environmental problems are enormous and far exceed the scarce resources of most Indian tribes. Through this legislation, we will ensure that the Federal Government will afford Indian lands the same protection to a clean environment as the rest of the United States.

I am pleased to note that this legislation is strongly endorsed by Indian tribes and the EPA. The EPA has steadily increased its efforts over the past several years to support tribal authority to regulate environmental programs on reservation lands. EPA Administrator Browner expressed her commitment to improving environmental protection on Indian lands by elevating the needs of Indian tribes as a funding priority for the Agency. This commitment is a long overdue, but much welcome change for Indian country.

I urge my colleagues to support the passage of this legislation and join me in this effort to assist Indian tribes to improve environmental quality on Indian lands.

By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the line-item veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that

if one committee reports the other have 30 days to report or be discharged.

THE LINE-ITEM VETO ACT EXPANSION ACT OF 1996

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to expand the Line-Item Veto Act to cover one of the largest and fastest growing areas of the Federal budget, tax expenditures.

I am especially proud to be joined in offering this legislation by two colleagues who have worked to ensure that tax expenditures receive the scrutiny that other forms of spending receive, my good friends, the Senator from New Jersey [Mr. BRADLEY] and the Senator from Minnesota [Mr. WELLSTONE].

In addition to our effort here in the Senate, I am pleased that my good friend, Congressman TOM BARRETT of Milwaukee, is spearheading this legislation in the other body. Both bills expand the Line-Item Veto Act which was signed into law recently, and which will take effect next January and remain in force for the next 8 years.

Mr. President, both Congressman BARRETT and I supported the new Line-Item Veto Act that was signed into law a few weeks ago. Though it isn't the whole answer to our deficit problem, I very much hope it will be part of the answer.

However, the new Line-Item Veto Act failed to address one of the largest, and fastest growing areas of Federal spending—the program spending done through the Tax Code, often called tax expenditures.

Citizens for Tax Justice estimates that over the next 7 years, we will spend $3.7 trillion on tax expenditures. In the coming fiscal year, it is estimated that we will spend more on programs through the Tax Code, nearly $480 billion, than we will on discretionary spending for defense, agriculture, the Commerce Department programs, education, the environment, health programs including medical research, housing programs, the Justice Department, transportation, veterans affairs, the space program, the entire Federal judiciary, and the entire legislative branch.

Mr. President, despite making up a huge portion of the Federal budget, tax expenditures are off the table with regard to the new Presidential authority which only extends to so-called limited tax benefits, defined in part to be a tax expenditure that benefits 100 or fewer taxpayers. Thus, as long as the tax attorneys can find 101 taxpayers—individuals, corporations, or both—who benefit from the proposed tax expenditure, it is beyond the reach of the new Presidential authority.

Mr. President, it may not even be necessary for the tax attorneys to find that one 101st taxpayer. If a tax expenditure gives equal treatment to all persons in the same industry or engaged in the same type of activity, it is exempt from the new Presidential authority no matter how few benefit from the special treatment.

Also, if all persons owning the same type of property, or issuing the same type of investment, receive the same treatment from a tax expenditure, that tax expenditure is beyond the reach of the President's new authority.

And, there are still more exceptions that make it even harder for a President to trim unnecessary spending done through the Tax Code. For example, if any difference in the treatment of persons by a new tax expenditure is based solely on the size or form of the business or association involved, or, in the case of individuals, general demographic conditions, then the new spending cannot be touched by the President except as part of a veto of the entire piece of legislation which contains the new spending.

Mr. President, we find none of these elaborate restrictions on spending done through the appropriations process or through entitlements. The new Presidential authority is handcuffed only for spending done through the Tax Code.

Mr. President, this raises several problems.

First, and foremost, it partitions off an enormous portion of the Federal budget from this new tool to cut wasteful and unnecessary spending. Citizens for Tax Justice estimates that we are spending over $450 billion through the Tax Code this year, nearly $480 billion next year, and a whopping $3.7 trillion over the next 7 years. If the authority established by the Line-Item Veto Act is to have meaning, it cannot be preempted from being used to scrutinize this much spending.

A second problem raised by the inability of the new Presidential authority to address new tax expenditures is that it creates an enormous loophole through which questionable spending can escape. The current Line-Item Veto Act power given the President formally covers discretionary spending and new entitlement authority. But a special interest intent on enacting its pork-barrel spending could still do so by avoiding the discretionary or entitlement formats, and instead transform their pork into a tax expenditure. As a tax expenditure, most special interest pork is beyond the reach of the Line-Item Veto Act.

Mr. President, this gaping hole is big enough to sink the entire ship.

No matter how powerful this new authority is with regard to discretionary spending and entitlement authority, it is virtually useless against tax expenditures, and thus invites special interests to use this avenue to deliver pork.

Mr. President, a further problem with the lack of adequate Presidential review in this area is the very real potential for inequities in the implementation of the new Line-Item Veto Act authority. These inequities arise in part from the progressive structure of marginal tax rates—as income rises, higher tax rates are applied. In turn, this means that many tax expenditures are worth more to those in the higher income tax brackets than they are to families with lower incomes.

In some instances, tax expenditures provide no benefit at all to individuals with lower incomes.

This is not the case with entitlement and discretionary spending programs—both areas covered by the Line-Item Veto Act. The benefits of those programs often are targeted to those with lower income.

The net effect is that the scope of the current Line-Item Veto Act covers programs that often benefit those with low and moderate income, while it is powerless with regard to programs that often benefit individuals and corporations with higher incomes.

Mr. President, tax expenditures have another feature that makes it especially important that we extend the new Line-Item Veto Act to cover them, namely their status as a kind of super-entitlement. Once enacted, a tax expenditure continues to spend money without any additional authorization or appropriation, and without any regular review. In fact, while even funding for entitlements like Medicare or Medicaid can be suspended in rare instances such as a Government shutdown, funding for a tax expenditure is never interrupted.

Tax expenditures enjoy a status that is far above any other kind of government spending, and as such, it should receive special scrutiny. Extending the Line-Item Veto Act to cover them will provide some of that needed review.

Mr. President, as I have noted, tax expenditures make up a huge portion of the budget. They will soon exceed the entire Federal discretionary budget. Citizens for Tax Justice reports that if all current tax expenditures were suddenly repealed, the deficit could be eliminated and income tax rates could be reduced across the board by about 25 percent.

Clearly, tax expenditures have an enormous impact on the deficit, and we need to pursue two tracks with regard to them. First, we must cut some of the $455 billion in existing spending done through the Tax Code. Any balanced plan to eliminate the deficit over the next few years must contain cuts to spending in this area.

And second, with so much of our budget already dedicated to this kind of spending, we must bring tax expenditures under the Line-Item Veto Act and give the President the authority to act on new spending in this area as he does in other areas.

Our legislation does just that by eliminating the highly restrictive language with respect to tax expenditures.

Mr. President, as with the recently enacted Line-Item Veto Act itself, this bill to extend that new authority is not the whole answer to our deficit problems, but it can be part of the answer, and I urge my colleagues to support this effort to put teeth into the new Presidential authority with respect to the tax expenditure portion of the Federal budget.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1835

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

SECTION 1. AMENDMENT TO CONGRESSIONAL BUDGET ACT.

Section 1026(9) of the Congressional Budget and Impoundment Control Act of 1974 (as added by the Line Item Veto Act) is amended to read as follows:

''(9) LIMITED TAX BENEFIT.—The term 'limited tax benefit' means any tax provision that has the practical effect of providing a benefit in the form of different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers.''.

By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL WILD AND SCENIC RIVERS SYSTEM LEGISLATION

Mr. SANTORUM. Mr. President, I rise today to introduce a measure to add 51.7 miles of Pennsylvania's Clarion River to the National Wild and Scenic Rivers System. This bill, which Senator SPECTER has joined as an original cosponsor, is companion legislation to a measure being introduced in the House of Representatives today by Congressman BILL CLINGER.

Our bill designates segments of the main stem of the Clarion River from the Allegheny National Forest-State Game Lands No. 44 boundary to the backwaters of Piney Dam as part of the National Wild and Scenic Rivers System. This designation will help to preserve and protect the significant scenic and recreational values of these segments of the Clarion River.

This measure will conclude work begun by the late Senator John Heinz. It was his legislation to add a portion of the Allegheny River to the National Wild and Scenic Rivers System that also authorized the study of the Clarion River to determine its eligibility. The study was concluded earlier this year. And enactment of the bill that Senator SPECTER and I are offering today will bring Senator Heinz's efforts full circle.

Thank you, Mr. President. I ask unanimous consent that the full text of this bill appear in the RECORD.

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

S. 1836

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

SECTION 1. DESIGNATION OF THE CLARION RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''( ) CLARION RIVER, PENNSYLVANIA.—The 51.7-mile segment of the main stem of the Clarion River from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to an unnamed tributary in the backwaters of Piney Dam approximately 0.6 miles downstream from Blyson Run, to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 8.6 mile segment of the main stem from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills, as a recreational river.

''(B) The approximately 8-mile segment of the main stem from Portland Mills to the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, as a scenic river.

''(C) The approximately 26-mile segment of the main stem from the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, as a recreational river.

''(D) The approximately 9.1-mile segment of the main stem from the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson Run, as a scenic river.''.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. BROWN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 341, a bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1389

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1389, a bill to reform the financing of Federal elections, and for other purposes.

S. 1610

At the request of Mr. BOND, the names of the Senator from Washington [Mr. GORTON] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1661

At the request of Mr. PRESSLER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

S. 1703

At the request of Mr. MURKOWSKI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1703, a bill to amend the Act establishing the National Park Foundation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. SMITH], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Arizona [Mr. KYL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

SENATE CONCURRENT RESOLUTION 63

At the request of Mrs. KASSEBAUM, the names of the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Concurrent Resolution 63, a concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 257—RELATIVE TO THE RACE FOR THE CURE DAY

Mr. FORD (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. COATS, Mr. COHEN, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mrs. MURRY, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. KERRY, Mr. GRAMM, Mrs. HUTCHISON, Ms. SNOWE, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 257

Whereas breast cancer strikes an estimated 184,000 women and 1,000 men in the United States annually;

Whereas breast cancer will kill 44,300 women in the United States alone this year;

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas death rates resulting from breast cancer could be substantially decreased if women were informed about the risks of contracting the cancer and if they received mammograms on a regular basis;

Whereas the Race of the Cure is dedicated to eradicating breast cancer through providing funding for research, education, treatment, and screenings for low-income women;

Whereas throughout the year, almost 340,000 participants in 65 cities across the United States (including the first-time host cities of Los Angeles, Las Vegas, Cheyenne, Sacramento, Battle Creek, Baton Rouge, and Louisville) will join together in Races for the Cure to demonstrate their commitment to fighting breast cancer;

Whereas the National Race for the Cure in Washington, D.C., is the largest 5 kilometer race in the country, with 35,000 walkers, runners, and in-line skaters expected to participate this year; and

Whereas the Seventh National Race for the Cure is to be held on Saturday, June 15, 1996, in Washington, D.C.: Now, therefore, be it

Resolved, That the Senate designates Saturday, June 15, 1996, as ''National Race for the Cure Day''. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding security in cyberspace.

This hearing will take place on Wednesday, June 5, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel S. Gelber of the subcommittee staff at 224–9157.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 11, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1010, a bill to amend the unit of general local government definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, and for other purposes, S. 1807, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and S. 1187, a bill to convey certain real property located in the Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Jo Meuse or Brian Malnak.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KYL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on Tuesday, June 4, at 9:30 a.m., hearing room (SD–406) on S. 1730, the Oil Spill Prevention and Response Improvement Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 4, 1996, at 10 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. KYL. I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing on S. 1237, the Child Pornography Prevention Act of 1995, during the session of the Senate on Tuesday, June 4, 1996, at 10 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. KYL. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on International Trade to hold a hearing on the permanent extension of most-favored-nation [MFN] trade status to Romania on Tuesday, June 4, 1996, beginning at 2 p.m. in room SD–215.

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

ADDITIONAL STATEMENTS

A WEEKEND WITHOUT WAR OVER THE ABORTION ISSUE

● Mr. SIMON. Mr. President, the New York Times carried a story the other day about people in Wisconsin from the pro-life and pro-choice side of the abortion issues, to use the names each side uses, meeting together to talk about what can be done in a constructive way on the issue of abortion.

About 100 people met at this meeting.

I commend them for doing it.

This is a meeting that I or some other Member of the Senate should have called a long time ago.

I remember when Cardinal Bernardin, the Roman Catholic prelate in the Chicago area, said that people of sincerity on both sides ought to be meeting and trying to work together on a common agenda.

For example, we know that girls and boys who drop out of high school are much more likely to be involved in teenage pregnancies. And a high percentage of those end in abortions.

If we have programs to encourage people to stay in high school, we are going to have fewer abortions.

That may not be as emotionally satisfying as carrying a picket sign or haranguing someone, but it does infinitely more constructive good and it is something that both sides could agree upon.

I applaud the leaders, Mary Jacksteit and Sister Adrienne Kaufmann, for what they are doing.

I ask that the New York Times article be printed in the RECORD.

The article follows:

A WEEKEND WITHOUT WAR OVER THE ABORTION ISSUE

MADISON, WI.—In workshops and seminars, 100 people from both sides in the fight over abortion met here this weekend to talk about their beliefs without proselytizing or condemning each other.

At its first national conference, which ended today at the University of Wisconsin, a group known as the Common Ground Network for Life and Choice brought together community organizers, members of the clergy, writers and academics in an effort to defuse the rancor that often colors the abortion debate.

''Common Ground is trying to maintain a civil environment in which people can discuss the issues,'' said Mary Jacksteit, a former labor lawyer who co-founded the organization in Washington in 1993. ''This is the place for light instead of heat.''

The aim, Ms. Jacksteit said, is to ease the dispute over abortion and find points of commonalty that can be put into practice on a local level.

Critics say Common Ground members risk compromising their beliefs by fraternizing with their opponents. But Ms. Jacksteit said the group's focus was not necessarily on abortion.

Rather than developing a middle position, the organization favors exploring issues that can have a cause and effect bearing on abortion—like teen-age pregnancy, birth control, adoption and sexual responsibility.

Ms. Jacksteit and the group's other founder, Adrienne Kaufmann, a Benedictine nun, refrain from labeling themselves and decline to be pinned down on the beliefs.

''Neither one of us have been either pro-life or pro-choice activists,'' sister Kaufmann said. ''We do not have a hidden agenda.''

Many participants in the conference identified their position only by attaching colored stickers to their name tags, a green dot indicating support of abortion rights, a blue dot indicating opposition. One-third had blue dots, one-third had green dots and one-third had no sticker.

In a Friday workshop, groups of participants sat knee to knee in a circle of chairs, Planned Parenthood board members beside Operation Rescue organizers, a Baptist minister who supports abortion rights beside someone long active in social issues who opposes abortion.

''When President Clinton vetoed the late-term abortion bill, I was pleased,'' said the Mel Taylor, a Baptist pastor for Denver and a supporter of abortion rights. ''But I was also very aware of how my friends on the other side were grieving. What I can't do anymore is gloat.''

For the participants, a willingness to engage in dialogue did not mean conceding their beliefs.

''I don't feel like I have to give an inch at all,'' said Loretto Wagner, a veteran abortion opponent who started the Common Ground chapter in St. Louis. ''To learn to trust people does not demand any kind of compromise. But I don't have to stand on my principles with my chin thrust out in confrontation. The whole concept of Common Ground involves recognizing our similarities rather than our differences, and not coercing or forcing our agenda on someone.''

With 1,500 members in 21 states, Common Ground has tried such bridge-building in a number of communities, Ms. Jacksteit said. In Buffalo, Common Ground works with schools to combat teen-age pregnancy. In St. Louis, an abortion clinic gives prenatal care to women who decide not to terminate a pregnancy and refers them to a crisis pregnancy center run by opponents of abortion. These services were arranged by the directors of the clinic and the crisis center, who are members of Common Ground.

In 1995, after the announcement that two abortion clinics would be built in Davenport, Iowa, Common Ground members talked about ways to reduce the potential for violence.

In another workshop on Friday, participants critiqued their own sides in the abortion conflict.

''I think it's possible to disagree with somebody without calling them a baby killer or believing they are monsters of fiends,'' said Frederica Mathewes-Green, the author of ''Real Choices'' and an abortion opponent. The slogan ''It's a baby,'' popularized by abortion opponents, only deadlocks the debate, Ms. Mathewes-Green said. It perpetuates the misbelief that women and babies are on opposite sides of the issues, she added, and alienates women who face unplanned pregnancies.

Conversely, the slogan ''It's a woman's choice'' trivializes the death of the fetus, the author Naomi Wolf told participants at the Friday workshop. The death of the fetus has become ''the blind spot'' of the abortion-rights movement, said Ms. Wolf, who supports abortion rights and who last fall condemned the oratory of the abortion-rights movement in an essay in The New Republic.

''I think there is a great hunger in America for a discussion on this issue,'' she added. Most Americans ''want to preserve abortion as a legal right, but condemn it as a moral iniquity.''

Many Common Ground members said they were viewed with suspicion not by their adversaries but by their allies. They said their willingness to sit down and listen to the enemy was seen as a form of betrayal.

The apparent mistrust is not a surprise to Sister Kaufmann.

''We live in an adversarial society,'' she said. ''To be in a non-contentious conversation with someone is viewed as strange behavior.''●

REPORT ON THE DEFENSE INVESTIGATIVE SERVICE MEMORANDUM

● Mr. MOYNIHAN. Mr. President, for over a year I have served as the Chairman of the Commission on Protecting and Reducing Government Secrecy. Among the Commission's concerns is the often corrupting nature of secrets. Undocumented allegations, sweeping generalizations, personal biases, and outright lies can all be wrapped in the protective cloak of secrecy and receive a level of credibility that they would quickly lose if their documentation and sources were subject to public scrutiny. In addition to the problem of formal classification, the Commission has witnessed examples of instances in which unclassified information gathered from open sources is given greater weight by restricting the distribution of such information to those who hold security clearances. We were recently witness to an example of this phenomenon.

In October, 1995, a counterintelligence profile by the Defense Investigative Service of the Defense Department was sent to 250 leading defense contractors warning of the danger posed by the State of Israel. Israel, the reader was warned, is a ''nontraditional adversary'' with a proven history of aggressive espionage against the United States, utilizing the strong ethnic ties to Israel present in the United States and the skilled exploitation of selective employment opportunities to infiltrate American industry.

These are serious allegations. They are substantiated with a reading list of three leading daily newspapers and four recent best-selling books about Israeli espionage. No specific citations, no references to pages, or even issues of the newspapers. No attempt to link the explosive statements in the memorandum to the list of sources that follow.

Before entering the Senate, I taught at both Syracuse and Harvard Universities. Had I received a term paper from a college freshman with such inadequate documentation I would have returned it without bothering to read the material.

But add the magic words counterintelligence profile and send it out on a computer from the Defense Investigative Service and for 3 long months these ugly allegations festered unchallenged. For 3 long months none of the 250 defense contractors who had received this document raised a question in public. After all, who wanted to betray the contents of a Defense Department counterintelligence profile, albeit one adorned with a notation that the document did ''not necessarily represent the views of the Defense Investigative Service or the Department of Defense?'' Certainly not a defense contractor concerned that such action might raise suspicions of involvement in the pro-Israel cabal. Incidently, the very word ''cabal'' has its roots in the medieval suggestion that Jewish sages—students of the Cabala—were planning to subvert established European regimes.

The silence that greeted this outrageous memorandum is hardly the first time that people who knew better have been quiet in the face of similar ugly allegations.

A century ago the Czar's secret police crafted their own counterintelligence profile in response to the world's outrage at the government-sanctioned pogroms against Russian Jews. This document, the infamous Protocols of the Elders of Zion, purported to be proof of the international Jewish conspiracy bent on world dominance. After the First World War, the Protocols were translated into numerous languages and became popular in nativist and anti-Semitic circles in this country. Virtually everyone knew the Protocols were an ugly lie. But for much too long almost no one had the courage to say so in a clear and unambiguous voice.

The damage done by the Defense Investigative Service memorandum was real and the questions it raised could not be ignored. The loyalties and integrity of millions of American citizens

have been questioned in a report prepared at Government expense and released, in a manner which suggested it carried the authority of the Department of Defense, to a select group of corporations who were advised to be cautious about employees with strong ethnic ties to Israel.

When I learned of this memorandum in January, I spoke to Under Secretary of Defense John White to say that we need to have an affirmative statement of what the policy of the Department of Defense is. Which is to say that Israel is most assuredly not a nontraditional adversary and that defense contractors are in no way to consider ethnic origins in their employment practices. I subsequently met with Michael Waguespack, Director of the National Counterintelligence Center, and with John F. Donnelly, then the Director of the Defense Investigative Service. Both appreciated the implications and lessons of this incident. One hopes that no group of Americans, and no foreign country, ever has to endure similar allegations.●

SALUTE TO TENNESSEE'S BICENTENNIAL

● Mr. FRIST. Mr. President, I rise today in recognition and celebration of Tennessee's 200th birthday. Two hundred years ago, when Tennessee's statehood was in its infancy, pioneers and frontiersmen banded together to forge a new future for the Southwest Territory. Though the road to statehood was filled with many obstacles, including land disputes with North Carolina and Presidential politics that held the territory's petition hostage, the spirit of Tennessee's founding fathers prevailed, On July 1, 1796—months after our forefathers called a convention and drafted a State constitution—President George Washington signed a bill into law and Tennessee became the 16th State in the Union.

With a chain of mountains separating them from their eastern neighbors and a vast wilderness to their west, Tennessee's new citizens continued to rely on their frontier skills. It was that pioneer determination that laid the rock-solid foundation for growth and prosperity in the State of Tennessee. It wasn't long before the population grew. Settlers from Virginia, North Carolina, South Carolina, and Pennsylvania quickly moved in—first to mountainous east Tennessee and then went to the hills of middle Tennessee and on to the banks of the Mississippi. Today, Tennessee's population is as rich and diverse as our native soil and our three grand regional divisions.

In the last 200 years, Tennesseans have become President and Vice President of the United States; they have fought—sometimes brother against brother—in bloody battles in the War Between the States and have given their lives on foreign soil in World Wars; they have toiled in hot fields and on hot city streets; they have founded some of the finest colleges and universities around; they have built music and entertainment industries; and they have helped develop the technology that will advance Tennessee into its third successful century. And Mr. President, they have all—in one way or another—contributed to the fortune of our State and Nation.

Mr. President, as Tennessee looks back proudly on the accomplishments of its first 200 years, let us also recognize the bright future that lies ahead for my home state. The volunteers of Tennessee are no longer living on the frontier, but their pioneering minds and spirits continue to drive them toward success. So Mr. President, I rise today to celebrate with my fellow Tennesseans as we all look forward to the prosperous growth and bountiful success that the next 200 years of Tennessee history will behold.●

THE SILLY SEASON

● Mr. SIMON. Mr. President, I felt like cheering as I read Tom Friedman's column in the New York Times on the gasoline tax, which I ask to be printed in the RECORD after my remarks.

Frankly, no tax cut makes any sense when we are still running a huge deficit. Tax cuts are pandering at their worst.

But of all the tax cuts the one that makes the least sense is the 4.3-cent-a-gallon cut in the gas tax.

Even our neighbors in Canada, who have much greater distances to cover with a sparser population, have a gasoline tax roughly double our gasoline tax.

No country outside Saudi Arabia has a gas tax lower than ours.

We illustrate over and over again the need for doing what Thomas Jefferson first suggested—having a constitutional amendment to restrict Government borrowing.

For most of the first two centuries of our country's existence that was not a huge problem, but we are so motivated by polls and gimmicks that we are doing a great disservice to our country.

If President Clinton had stood up and said this is wrong, he would have picked up support both in conservative circles as well as generally.

It is interesting that after we had passed the 4.3-cent-a-gallon tax increase, I did not have a single person among the 12 million people in Illinois object to that tax increase.

I talked to a western Senator where you might expect greater sensitivity, and he told me he had the same experience.

The article follows:

[From the New York Times]

THE SILLY SEASON

(By Thomas L. Friedman)

WASHINGTON.—I have a confession to make: Even before the old Bob Dole became the new Bob Dole, our family station wagon wasn't exactly plastered with his bumper stickers. But last week I returned from an overseas trip to find that Mr. Dole was proposing to repeal the 4.3-cent-a-gallon gasoline tax, and I've changed my mind about the old guy. Yes, sir, scrapping the gasoline tax. That's the sort of leadership America needs; that's the sort of spirit of sacrifice the country's been missing: a President who's ready to sacrifice the budget, to sacrifice the environment, to sacrifice energy conservation, to sacrifice oil reserves in order to save the American people 4.3 cents a gallon. And when Mr. Dole's sidekick Dick Armey, the House majority leader, suggested that we consider cutting the education budget to make up for the lost gas-tax revenue, well, then and there I knew I was a Dole man. I mean, cutting education to save Americans a few pennies a gallon at a time when their gas is already the cheapest in the world—that's the kind of thinking that will keep us the world's most competitive nation in the 21st century. I sure hope the Japanese don't get that idea.

Are we out of our minds? Raising the gas tax has been one of the few smart things we've done in recent years. It promotes energy conservation, it helps protect the air, it encourages development of alternative energies, it promotes national security by reducing U.S. dependence on foreign oil supplies—*and* it reduces the budget deficit. That 4.3-cent-a-gallon tax raises $5 billion a year. It is one of the reasons the deficit has been cut in half since 1993.

Any proposal to repeal the gas tax should be hooted out of Congress with scorn. Unfortunately, that's not what President Clinton did. Instead he's trying to trade his support for this idiotic gas-tax repeal for a Republican endorsement of his proposal to raise the minimum wage—the worst sort of election-year poker. Mr. Clinton is saying to Mr. Dole: ''I see your foolishness and I raise you one.''

It is hard to believe that the Dole proposal for repeal of the gas tax is effective even as political pandering. How many people are really going to change their votes from Clinton to Dole over 4.3 cents a gallon? Moreover, how can Republicans argue that a balanced budget and deficit reduction are the two most urgent priorities in American politics and then, when gas prices go up a bit due to seasonal factors, simply discard the gas tax without regard for the long-term budget implications? ''It only makes sense politically if it is part of a broader Dole strategy for lowering taxes,'' says Bill Kristol, editor of the conservative Weekly Standard. And then for Mr. Armey to even hint that we might pay for this giveaway by cutting education—that takes your breath away. For a cheap political high with the shelf life of a dead fish, a House Republican leader is ready to cut $5 billion a year from education? How could such a thought even cross Mr. Armey's mind? Forget about what a Dole Presidency would be like; if this keeps up I'm not sure we can afford a Dole candidacy.

The truth is we shouldn't be lowering our gas taxes. We should be raising them. Gasoline is probably the best bargain commodity in the U.S. marketplace. The latest blip aside, the real price of gasoline in the U.S. has been falling for 15 years (and if the Iraqi oil sanctions are eased by the U.N. soon, gas prices in the U.S. will likely resume that downward trend). In France and Italy, gas goes for $4.50 a gallon; in Japan it costs $3.75. Most of the difference between their prices and ours is taxes that those Governments use to finance public services. We could put a 50-cent-a-gallon tax on U.S. gasoline, get rid of the deficit and still have a huge competitive edge over the Europeans and Japanese. ''This is one of the easiest and most attractive ways of raising tax revenue, and we're just giving it away,'' says the oil economist Vahan Zanoyan, of the Petroleum Finance Company.

In his speech announcing his resignation from the Senate, Mr. Dole insisted that: ''My campaign for the President is not merely about obtaining office. It's about fundamental things, consequential things, things that are real. My campaign is about telling the truth, it's about doing what is right.''

If that's true, then I can't wait for the Dole campaign to begin.●

L.W. HIGGINS HIGH SCHOOL, MARRERO, LA

● Mr. JOHNSTON. Mr. President, I rise today to congratulate Jamie Staub's civics class from L.W. Higgins High School in Marrero, LA, winners of the Louisiana competition of the We the People . . . the Citizen and the Constitution Program. These exceptional young people were participants in the national finals held in Washington, DC on April 27, through April 29, 1996.

The distinguished members of the team are: Stephen Deffner, Khai T. Duong, Kim Evans, Mary Rose Hollywood, Liliane Thuy Huynh, Danielle S. James, Ashley Huong Kha, Julie Larue, Christina Magenta Lindsay, Lauren Elizabeth Mo, Cathy Thuy Nguyen, Michelle Thuy-Trang Nguyen, Traci Hong Pham, Shaun Adrian Posey, Hoai X. Tran, Mary M. Tran, Euriah Marie Walters, and Donald Alexander Winchester, Jr.

I would also like to recognize Jamie Staub, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Jane Wilson, and the State coordinator, Catherine St. Amant, also devoted a great deal of time and were integral to the team's achievement.

The We the People . . . the Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate youth about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the ability to apply constitutional principles to both historical and contemporary issues.

Administered by the Center for Civic Education, the We the People Program, now in its ninth academic year, has reached more than 70,400 teachers and 226,000 students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

This outstanding program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in history and in our lives. I am very proud of the students of L.W. Higgins High School and look forward to their continued success in the future.●

ANNOUNCEMENT OF POSITION ON VOTES

● Mr. LIEBERMAN. Mr. President, on Wednesday, May 22, because of obligations in my State, I was absent for two rollcall votes, rollcall Nos. 145 and 146.

Had I been present, I would have voted ''yea'' on rollcall No. 145 and ''nay'' on rollcall No. 146.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 24, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget, House Concurrent Resolution 67, show that current level spending is above the budget resolution by $15.5 billion in budget authority and by $14.3 billion in outlays. Current level is $79 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $260.1 billion, $14.4 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated May 2, 1996, there has been no action to change the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 3, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through May 24, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated May 2, 1996, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 24, 1996

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority [1]	1,285.5	1,301.1	15.5
Outlays [1]	1,288.2	1,302.5	14.3
Revenues:			
1996	1,042.5	1,042.4	−0.1
1996–2000	5,691.5	5,697.0	5.5
Deficit	245.7	260.1	14.4
Debt Subject to Limit	5,210.7	5,041.5	−169.2
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security Revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 24, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
ENACTED IN FIRST SESSION			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation bills:			
Ninth Continuing Resolution (P.L. 104–99) [2]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [3]	14,054	5,882	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 24, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	.....
Saddleback Mountain Arizona Settlement Act (P.L. 104–102)	.....	−7	.....
Telecommunications Act of 1996 (P.L. 104–104)[4]	.....	.....	.....
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	.....
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	.....
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	.....
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(1)	(1)	.....
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117)	.....	.....	−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	.....
Agriculture Improvement and Reform Act (P.L. 94–127)	−325	−744	.....
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)	.....	.....	(1)
Antiterrorism and Effective Death Penalty Act (P.L. 104–132)	.....	.....	2
Total enacted second session	292,699	201,740	−36
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	.....
Total Current Level[5]	1,301,058	1,302,495	1,042,421
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution	.....	.....	79
Over Budget Resolution	15,543	14,335	.....

[1] Less than $500,000.

[2] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[3] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[4] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[5] In accordance with the Budget Enforcement Act, the total does not include $4,551 million in budget authority and $2,458 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Note.—Detail may not add due to rounding.●

WORLDWIDE GAMBLING BOOM IS CAUSE FOR CONCERN

● Mr. SIMON. Mr. President, a friend of mine, Robert Luken, sent me an article from the Catholic Times, the Springfield, IL, diocesan newspaper with a story by John Thavis that was distributed by Catholic News Service under the title ''Worldwide Gambling Boom Is Cause for Concern,'' which I ask to be printed in the RECORD at the conclusion of my remarks.

It contains not only good moral advice but good common sense that we must keep in mind as we approach a decision on whether or not to have a Federal commission to look at the huge growth of gambling in our country.

I urge my colleagues to read the article.

The article follows:

[From the Springfield Catholic Times, Apr. 21, 1996]

WORLDWIDE GAMBLING BOOM IS CAUSE FOR CONCERN

(By John Travis)

VATICAN CITY.—A worldwide boom in gambling—increasingly sponsored by the state—is raising moral concerns among Vatican officials, theologians and Catholic social scientists.

Gambling is not a new issue for the church. Bingo has been a parish mainstay for decades. Local churches have raised money through raffles or other take-a-chance offerings.

But this small-scale ''social'' gambling has given way to a more aggressive form that, according to church experts, has a corrosive effect on individuals, families and the entire social fabric. In the U.S., nearly $500 billion is wagered legally every year.

''Gambling is obviously reaching alarming proportions. I think it represents a menace to the basic institution of the family and to the community at large,'' said Jerzy Zubrzycki, a member of the Pontifical Academy of Social Sciences, who has spent years researching the effects of gambling.

Gambling ''is a search for a quick fix, like the drug culture. It's escapism instead of facing one's problems and trying to grow,'' said U.S. Jesuit Father John Navone, a theologian at Rome's Gregorian University.

For Swiss Dominican Father Georges Cottier, Pope John Paul II's in-house theologian, the spread of gambling is no less than a sign of a ''social disease.'' The house never loses, but the weak and their families often do, he said.

Yet, surprisingly to many, the church's official teaching on gambling is quite tolerant. According to the ''Catechism of the Catholic Church,'' games of chance and betting are not in themselves evil or unjust.

They become morally unacceptable when they ''deprive someone of what is necessary to provide for his needs and those of others.'' The catechism also rejects unfair wagers or cheating; but there's no explicit mention of the state's role in promoting lotteries, casinos or ''scratch-and-win'' tickets.

The Vatican has not examined the finer moral points of state-sponsored gambling in any comprehensive way, and the Congregation for the Doctrine of the Faith declined to answer questions about the issue. Church officials are, however, tracking recent statements against gambling by bishops in the U.S., Canada and Australia.

''The state, instead of being a brake or a guide on this issue, is playing the game itself. Unfortunately, this is part of the crisis of values in society,'' said Franciscan Father Pier Giuseppe Pesce, a Rome theologian who advises the Vatican.

Mary Ann Glendon, a U.S. lawyer and a member of the Pontifical Academy of Social Sciences, said state-sponsored gambling often appears a painless way to produce much-needed revenues. But really, it's a ''regressive tax'' that hits the poor hardest.

What she especially finds objectionable is that the state ''imitates the private operators of casinos, in trickling in this little wins'' to keep people coming back. It's ''very cynical and very exploitative,'' she said.

Father Cottier said he thought the Vatican should take a closer look at the morality of all this. One way in which the issue might be advanced, he said, is for a bishop to pose formal questions for response by the doctrinal congregation.

But none of those interviewed was proposing a ban on gambling. The question is more complex than that, they said.

As Glendon said, ''When we address the moral issue we have to make sure that we are not trying to eliminate things that make life pleasant and fun.''●

CELEBRATING 50 YEARS OF THE NATIONAL SCHOOL LUNCH PROGRAM

● Mr. MCCONNELL. Mr. President, 50 years ago this June, President Harry Truman signed the National School Lunch Act into law declaring ''Nothing is more important in our national life than the welfare of our children, and proper nourishment comes first in attaining this welfare.'' This created the modern School Lunch Program operated through the U.S. Department of Agriculture.

By the end of its first year about 7.1 million children were participating in the National School Lunch Program. Today, over 25 million children receive a nutritious lunch under the program.

The National School Lunch Program is administered by Food and Consumer Service, an agency of the U.S. Department of Agriculture. At the State and local levels, the program is usually administered by the State education agency in cooperation with local school districts.

Throughout my career, I have been a strong supporter of child nutrition programs. We in public service have no greater responsibility than to ensure the health an well-being of our Nation's children. I pledge my commitment to continue to support the tremendously successful School Lunch Program.

Studies confirm and teachers readily agree, that there is a clear link between sound nutrition, learning ability, and the behavior of children. The best education programs we can devise will have little effect if children are simply too hungry to concentrate.

The School Lunch Program is a vital ingredient in the recipe to provide nutritious meals for America's children. For many of our Nation's children, the meals they receive through the various nutrition programs, especially the School Lunch Program, are the only nutritious foods they eat all day. Over 93,000 schools and residential child care institutions participate in the National School Lunch Program. The program is available in 95 percent of all public schools, representing 97 percent of all public school children.

Today, we not only celebrate the 50th anniversary of the School Lunch Program but also salute the women and men who contribute to the success of this program. I also want to thank the American School Food Service Association and their members for providing high-quality, low-cost meals to children across the country.

The School Lunch Program is an investment in our kids, an investment in our Nation's future. Happy anniversary and congratulations on a job well done.●

IN MEMORY OF IVAN FRANK KARDOS

● Mr. WELLSTONE. Mr. President, I rise to pay tribute to Ivan Frank Kardos, an attorney, formerly of Washington, DC, who died in his home in Grove, OK, April 2, 1996, with his family and friends in attendance, after a 2½-year battle with cancer. He was cremated and his ashes were inurned in a ceremony on May 21, 1996, at Arlington National Cemetery with full military honors.

Mr. Kardos, born August 2, 1920, in Budapest, Hungary, was the son of William and Olga Kovacs Kardos, who preceded him in death. The family emigrated to New York City when Frank was 2 years old.

He graduated from New York University Law School in 1948. His bar admissions included New York, Maryland, District of Columbia, Oklahoma, U.S. Court of Appeals for the 2d, 10th, and District of Columbia Circuits, U.S. district courts for the Southern District of New York, Northern, Eastern and Western Districts of Oklahoma, and for the District of Columbia, U.S. Courts of Military Appeals, U.S. Court of Claims, and the U.S. Supreme Court.

His legal career in the public sector included service with the United States Postal Service, United States Army Corps of Engineers in New York and Washington, DC, and Karachi, Pakistan. He was the Principal Deputy to the General Counsel of the U.S. Postal Service, responsible for writing and administering the Department's Code of Ethical Conduct and Conflicts of Interest Programs.

He was liaison with the Department of Labor for the Service Contract Act of 1965 and other labor requirements under Federal contracts and was also liaison with the Department of Justice concerning various criminal matters and the Public Information Act, and with the then Civil Service Commission for Inter-Agency Committee for Procurement. He served as a legal advisor concerning equal opportunity employment, and administered on behalf of the general counsel the Release of Information Program under the Freedom of Information Act.

Frank's Military service began in the ROTC in 1937. He was on active duty with the United States Army in the armored branch when Pearl Harbor was bombed and served 42 months in the Southwest Pacific theater, including the Philippines and New Guinea. In 1980, he retired from the military with the rank of lieutenant colonel.

In addition to his successful professional career in public service, Frank also was generous with his time in the private sector. He strongly believed in giving back to society by being actively involved with such organizations as SCORE, the American Legion, Masonic Bodies, and Literacy Programs.

A man of great intellect who lived his life with integrity and honesty, he will be sorely missed by his family and friends. He is survived by his wife, Bettie Crumpler Kardos of Grove, OK; sons Christopher and his wife Sherry and their son Jonathan of Cedar Rapids, IA; Michael and his wife Kay of Austin, TX, Gregory and his wife Brenda with their daughter Kelly and son, Scott of Farmington, NM, and daughter, Pamela Kardos-Gordon and her husband, Wayne Gordon, of Upper Marlboro, MD.●

REPUBLIC OF ITALY'S 50TH ANNIVERSARY

● Mr. LEVIN. Mr. President, 1996 marks the 50th anniversary of the establishment of the Republic of Italy. Fifty years ago, Italy escaped the dark hold of fascism and began the process of becoming the important democratic nation it is today. Modern Italy was created out of the tumultuous aftermath of World War II. The system of governing for the new republic received its mandate from the people of Italy, and it has continued in that fashion for the past 50 years. On May 9, 1946, Victor Emmanuel III gave up his claim to the Italian throne. On June 2, 1946, Italians officially replaced the monarchy with a republic when Italy held its first free elections in 20 years. The purpose of the Constituent Assembly that was elected was to prepare a new democratic constitution to guide a free Italy in the future. The Assembly adopted a new constitution 1 year later. As Italy's democratic tradition has grown stronger and older over the years, the nation has continued to exert its leadership in world affairs. Today, Italy is a respected ally of much of the industrialized world and a leader in many of its organizations. I know that my Senate colleagues join me in celebrating the great strides that the Republic of Italy has made over the past 50 years.●

CONGRATULATING STEVE STRICKER'S 1996 KEMPER OPEN VICTORY

● Mr. KOHL. Mr. President, I rise today to congratulate Edgerton, WI, resident, Steve Stricker, on winning the 1996 Kemper Open. Known to many on the Professional Golfers Association (PGA) tour as the best player not to have won on tour, Stricker shed that distinction with his commanding 3-stroke victory at the Tournament Players Club (TPC) at Avenel in nearby Potomac, MD.

Stricker demonstrated the skill and confidence of a champion throughout the 72-hole tournament. Whether it was a 5-foot par putt to maintain his lead, or the decision to attack the par 5 sixth hole rather than hold back, Steve's long hours of practice and overall commitment to excellence paid off, literally.

Steve Stricker was not alone on the damp and drizzly 7,005 yard, par 71 course, however. Stricker's caddie, Nicki, who also happens to be his wife, was there every step of the way, encouraging him to be aggressive, yet acting as a steadying presence over any anxious moments during the tournament. A competitive golfer in her own right, Nicki's wise counsel and experience added to the victory, making it truly a team effort.

Those of us who have followed his short career know that this is just the tip of the iceberg for Steve Stricker. With his exceptional work ethic and dedication to making himself the best, Steve's successes have only just begun. With this in mind, I congratulate Steve Stricker on his 1996 Kemper Open victory and look forward to more of the same.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations en bloc, on today's Executive Calendar: Calendar Nos. 482, 521 through 528, 530, 554 and 555.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

DEPARTMENT OF STATE

Lawrence Neal Benedict, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

J. Stapleton Roy, of Pennsylvania

Harold Walter Geisel, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of The Comoros.

Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

David H. Shinn, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

AFRICAN DEVELOPMENT FOUNDATION

Ernest G. Green, of the District of Columbia, to be a Member of the Board of Directors

of the African Development Foundation for a term expiring September 22, 2001. (Reappointment)

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Lottie Lee Shackelford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998. (Reappointment)

AFRICAN DEVELOPMENT FOUNDATION

Henry McKoy, of North Carolina, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2002.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Ronnie Feuerstein Heyman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Terry Evans, of Kansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, JUNE 5, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:15 a.m. on Wednesday, June 5; further, that immediately 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, and the time for the two leaders be retained their use later in the day, there then be a period for morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator ROTH, 30 minutes; Senator BRADLEY or designee, 40 minutes; Senator GRASSLEY, 5 minutes.

I further ask at 11 a.m. the Senate begin debate on House Joint Resolution 1, the balanced budget amendment. I further ask the time for debate on Wednesday be equally divided with the portion of time under the control of the Democrats divided as follows: Senator HOLLINGS, 2 hours; Senator DORGAN, 1 hour; Senator EXON, 30 minutes; further, I ask the time between 1:30 p.m. and 3:30 p.m. be under the control of Senator THOMAS.

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

Mr. DOLE. So, I would say for the information of all Senators, tomorrow will be dedicated to debate on the balanced budget amendment.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 1

Mr. DOLE. I ask unanimous consent a motion to proceed and the motion to reconsider be agreed to, and the vote occur on passage of House Joint Resolution. 1 at 12 noon on Thursday, June 6, 1996, with the last 40 minutes of debate under the control of the two leaders with the majority leader in control of the closing 20 minutes.

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

SENATE CONCURRENT RESOLUTION 63

Mr. DOLE. Mr. President, it had been my hope tonight, on behalf of Senator KASSEBAUM, to pass Senate Concurrent Resolution 63. We were going to ask that the Committee on Agriculture be discharged from further consideration of that resolution and that the Senate then proceed to its immediate consideration. I understand there may be an amendment on the other side of the aisle. As I understand, the person who may have the amendment is not now available.

Let me indicate what the resolution will do. We have been promised that maybe by tomorrow morning sometime we can resolve any problem. I hope that is the only reason. There may be another reason that sort of crosses my mind as I stand here.

This resolution will express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes. The amendment indicates that, in light of the prolonged drought conditions existing in certain areas of the United States, the Secretary of Agriculture promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970, 7 USC 1427 (a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought. And that is true.

In some parts of America, including my home State of Kansas, we have had a long drought. In fact, in Texas, I think it is the worst drought they have had, in some parts of Texas, in over 50 years.

So I hope we can move on this quickly. It is a sense-of-the-Senate resolution. It may be that the administration has decided to move without passage of the resolution. That will probably be known later.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum. 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.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Wednesday, June 5, 1996, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1996:

DEPARTMENT OF STATE

MADELEINE MAY KUNIN, OF VERMONT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 4, 1996:

DEPARTMENT OF LABOR

PASCAL D. FORGIONE, JR., OF DELAWARE, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 1999.

DEPARTMENT OF STATE

LAWRENCE NEAL BENEDICT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

J. STAPLETON ROY, OF PENNSYLVANIA

HAROLD WALTER GEISEL, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DAVID H. SHINN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ETHIOPIA.

AFRICAN DEVELOPMENT FOUNDATION

ERNEST G. GREEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2001.

HENRY MCKOY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2002.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LOTTIE LEE SHACKELFORD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RONNIE FEUERSTEIN HEYMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

TERRY EVANS, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

LEGISLATION AMENDING THE SPOUSAL PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation to amend the Spousal Protection Act so a former spouse's right to a Federal worker's pension is relinquished if the former spouse remarries before the age of 55.

Current law allows a former spouse to receive a portion of the Federal worker's pension even if the former spouse remarries. On the other hand, a survivor annuity stops permanently if the former spouse remarries before age 55. It cannot be restored, even if the new marriage fails.

A Federal worker whose spouse remarries could have a meager pension to live on. This occurs because the former spouse does not have to relinquish his/her right to the Federal worker's pension even if he/she remarries. The law should not be structured so one individual enjoys his/her golden years at the expense of another.

This legislation will not take money from a former spouse who needs and deserves it; it will provide equity to Federal workers who may find themselves in a desperate financial situation in retirement because they are still paying a portion of their pension to a remarried former spouse. Current law leaves the retired Federal employee—and any new spouse they may have—with their pension diminished to protect someone who no longer requires such protection. In 1986, the Congress recognized the survivor annuity inequity caused by the 1984 Spousal Protection Act and voted to rescind the rights of a former spouse in regards to the survivor annuity in the event that the former spouse remarries before age 55. Nothing has been done to protect the employee's pension in the same circumstances.

There is a precedent for this legislation. Former spouses of Foreign Service employees are not entitled to an annuity under 22 U.S.C. 4054 if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

In this period of Federal downsizing, this legislation would also affect the number of Federal workers taking early-outs or regular optional retirements. These Federal workers are more likely to continue working to receive their higher salaries and increase their pensions. Because of these workers staying in the Federal workforce, younger workers with lower salaries may find themselves more likely to be RIF'd.

I have a constituent who is a Federal employee approaching retirement age. Although his former spouse has remarried a retired business executive with a generous pension, he will be forced to pay his former spouse a portion of his pension. As a result, this employee and his new spouse will need to extend their careers to make up the difference.

Mr. Speaker, I support the Spousal Protection Act, but we need to rethink what the results are for retirees whose former spouses remarry, and that is what this legislation does.

STATEMENTS REGARDING OVERCROWDING PROBLEMS IN EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Jackie Frazier, Kate Greanon, Kay Gerson, Drew McNaughton, Kate McQuillen, Jennifer Arner, Lucas D'Amico, and Charley Hart, high school students from Vermont, who were speaking at my recent town meeting on issues facing young people.

For the record, my name is Jackie Frazier, this is Kay Gerson, Kate McQuillen, and Drew McNaughton. Our discussion is actually, ''Overcrowding, or Budget [Problems] and Education.''

(Alternating speakers): We've been asked to directly discuss problems that arise within our school, and our students participating in school for seven years—being in a high school—and the problem that most prominently arises for us was the overcrowding problem in our school. What all of you may not know, is that we have 5 districts that come to our school, and we also have people that are paying tuition to come here. As most schools are having a problem with budget now, unless they live—earlier, someone was discussing how in . . . a resort town, they have more money to put into a school system. We have 5 towns, and this school was actually built at one time to support around 750 students; at this point in time, we have close to 910 people, which is not that much over, but each year we are increasing. Two years ago, we had a class of about 80 students, my class is about 130, the upcoming class of 7th grade next year will have around 170; I think it's a substantial increase each year.

If you were to look at a town in your report, you'll see that each year we are increasing drastically in the number of students, but we don't have the budget to increase either space or more teachers. Sometimes we have to actually hold classes in this auditorium, over on the side here, and in the small media room upstairs, which is normally held for just movies. Each year as the budget stays the same, and the capacity stays the same, the students go up; and what we'd like to discuss, and we have a movie to show you, is that each year when the amount of students do go up, the actual grade of the school goes down in standard: in the way we survive, in the air we breathe, and in the rooms that populate. Sometimes the student ratio is 30 students to one teacher, when ideally it's 20:1. So, each time that we do this, we want to show you how it looks, in reality.

Can everyone hear me? (narrating as video is shown): Due to the reduced janitorial staff over the past few years, and increased student population we see an overall depreciation of the physical condition of the school. There is no classroom space available; this American History class uses a corner of the auditorium as a makeshift classroom for one period each day. One of our stairwells . . . This was . . . one of the Junior High classrooms, and . . . you can see, there are many classrooms in the school which have a severe overcrowding problem. A high school classroom, with a ratio of about 30:1.

All right, so that was a video to show visually what's the matter with it. Now, I want to talk about what the funds are directed towards, instead of building maintenance. By 1997, the future budget is planning on increasing itself by $617,000, and $409,940 of which is going to Special Ed. programs. I think if Special Ed. is increasing itself by 85%, and while all of this is going on, U–32 High School is going rapidly down. We already mentioned the American History class, and how it's held over there; but there's also a Spanish class upstairs that has 30 students in it, and the rooms about as big as about a third of this stage. We're all cramped together in it—it decreases individualized . . . one-on-one help with a teacher, so they fall behind, and they can't catch up. The ventilation problem in the school, you've probably already noticed; so when one student gets sick, the whole student body gets sick. So I think on a national scale, U–32 is the representation of the problem, in that . . . we're supposed to be a world power, and I don't think our schools should be run this way. It's a bad way to represent our country.

HONORING THE U.C. DAVIS SCHOOL OF MEDICINE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today in honor of the University of California, Davis, School of Medicine, which is celebrating its 25th year of graduating students with the doctor of medicine degree. The U.C. Davis School of Medicine has a national reputation as a leader in the training of primary care medical residents, particularly in family practice with a rural orientation.

Because of its excellent curriculum and rigorous academic standards, the U.C. Davis School of Medicine was ranked second in the nation by U.S. News and World Report among all comprehensive medical schools in 1995. In addition, the school's academic medical center, with its outstanding patient care, superb medical faculty, and state-of-the art medical technology, is consistently ranked among the best academic medical centers in the nation.

Since its inception, the School of Medicine has created an extensive network of affiliated community hospitals, clinics, and physician group practices throughout the Sacramento region. The medical staff consists of over 1,000 primary care and specialty physicians, many of whom have gained national reputations for excellence. In addition the medical center

serves as the only level I trauma center in northern California.

I salute the U.C. Davis School of Medicine for its twenty five years of contributions to the community and numerous medical advances. They have truly made our community a better and healthier one.

REV. LOUIS CAESAR CAPPO

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. STUPAK. Mr. Speaker and Members of the U.S. House of Representatives, it is an honor for me to bring to the attention of this body and the Nation a remarkable individual who has devoted his life to helping others. Rev. Louis C. Cappo is celebrating his 50th anniversary of ordination into the priesthood on June 8, 1996. Throughout his career Reverend Cappo has enriched Michigan's Upper Peninsula economically, socially, but most important spiritually. He is currently Rector of St. Peter's Cathedral parish, a parish known for their poetic liturgies and beautiful music.

Reverend Cappo was born and raised in Houghton County, in Michigan's Upper Peninsula. He attended St. Lawrence College and St. Francis Seminary in Wisconsin, graduating in 1943 with a degree in theology. On June 8, 1946, Father Cappo was ordained a priest in Milwaukee at St. John's Cathedral. After ordination he returned to the Upper Peninsula, beginning his ministry in Ishpeming. Reverend Cappo spent his first 25 years of ministry serving parishes, hospitals, and Catholic schools throughout the Upper Peninsula from St. Ignace to Hancock to Escanaba.

In 1972, Reverend Cappo settled in Sault Ste. Marie when Bishop Salatka appointed him executive director of the Tower of History and head of the department of community services and family life for the Marquette diocese. In this assignment, Father Cappo's responsibilities included running various social and community programs, including the Campaign for Human Development, Natural Family Programming, marriage, family, and individual counseling, infant and special needs adoptions, and infant foster care programs. Father Cappo served as director of the department of community service and family life for 13 years. In 1975, he was appointed to his present position, Rector of St. Peter's Cathedral.

Reverend Cappo is known throughout the Upper Peninsula not only for his devotion to improving our spiritual life and social programs, but also for the work he has done to help improve the area's economy. One of his most noteworthy accomplishments was in 1966 when he was instrumental in bringing natural gas to the Upper Peninsula. Father Cappo has participated in the International Trade Commission, the U.S. Small Business Administration Advisory Council and the Marquette United Way Board of Directors. He has also been chairperson of the Michigan Tourist Council and is currently Chaplain to the Michigan State police.

Reverend Cappo's devotion is recognized by colleagues, Catholics, and fellow citizens throughout our State. As an example of his devotion, in 1974 he was presented with the Northern Michigan University President's Award for outstanding citizenship. This remarkable man is 76 years old and as devoted to his priesthood as ever.

Mr. Speaker, in Hebrews it states, ''one does not take this honor on his own initiative, but only when called upon by God, as Aaron was, you are a priest forever.'' Father Cappo has been called by God to be a spiritual leader for all the residents of the Upper Peninsula of Michigan. For whenever we have called upon Father Cappo he has been there for us. It is appropriate that we give honor to Father Cappo and as we recognize Father Cappo's achievements, we give honor to God. Honor to God through his priest, who is our priest forever.

Mr. Speaker, on behalf of St. Peter's Parish, the Marquette diocese, and the entire State of Michigan, I congratulate Rev. Louis Cappo on this golden anniversary of his ordination into priesthood.

TRIBUTE TO JULIE SIMPSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HUNTER. Mr. Speaker, I rise today to recognize the remarkable dedication and accomplishments of a constituent in my district, Julie Simpson of Spring Valley, CA. For the past 16 years, Julie has been employed by the U.S. Navy in San Diego, CA. I would like to take a moment to commend her hard work and dedication.

Julie began her quest for independence in the Grossmont Union High School district's special education program. It was there that she was first introduced to the Navy Defense Subsistence Office of the Pacific Rim. Under this Navy program, Julie was given civil service status and became self-sufficient for the first time in her life. She began as a typist and has since moved up to her current position as a transportation clerk and computer specialist. Julie is responsible for processing the ordering and warehousing of perishable produce for the Pacific Navy fleet. Currently, Julie has a GS–4 ranking, a remarkable achievement for a mentally handicapped person, and has become an invaluable asset to the San Diego Navy Depot.

The Covenant Ministries of Benevolence in Spring Valley has arranged a recognition assembly to honor Julie as well as those who have played prominent roles in her life. The event is scheduled for July of this year in San Diego. Among those who will be honored will be Julie's mother, Beverly, who has served as a constant source of strength and inspiration to her daughter.

Mr. Speaker, in a time when our mentally challenged citizens are so often given a second rate status, individuals like Julie Simpson offer hope and assurance to us all. Julie is an exceptional person who has gained a solid identity and shown her strength and abilities through hard work. I would like to join with the many others in honoring Julie for all of her remarkable qualities and personal achievements.

WINNING ESSAY: ''IMPOVERISHED METROPOLISES''

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. LEVIN. Mr. Speaker, when HUD Secretary Henry Cisneros leads U.S. representatives to HABITAT II—the Second U.N. Conference on Human Settlement—in Istanbul, Turkey, the official delegation will include a Michigan high school student whose essay won first place in the 1996 National High School Contest on the United Nations.

In his essay, John Hart, a junior at Kimball High School in Royal Oak, MI, describes the impact of migration, trade policies, and international economics on urban centers throughout the world, and argues for a ''new set of priorities,'' based primarily on free trade and multilateral investment, to promote global prosperity.

Hart's essay, ''Impoverished Metropolises,'' won a $1,000 first prize and a trip to HABITAT II for both Hart and his history and international relations teacher at Kimball High School, Patricia Estep. The conference focuses on building links among national urban development programs, environmental studies and social service networks.

I compliment John Hart for his accomplishment, and commend his work to the attention of my colleagues.

IMPOVERISHED METROPOLISES

(By John Hart)

The fate of the world is entwined with the fate of its cities. Social critic Lewis Mumford remarked that ''the city is a place for multiplying happy chances and making the most of unplanned opportunities.'' At the turn of the century, roughly five percent of the world's people lived in cities with populations over 100,000. Today, an estimated forty-five percent, slightly more than 2.5 billion people, live in urban centers. Every year, millions migrate to metropolitan areas in search of prosperity. However, bright hopes have been clouded by dim prospects, as rapid population growth has strained resources and ignited economic turmoil. These problems plague the growth of the developing world. Millions of citizens face deplorable living conditions, while others struggle to support themselves. Poverty and unemployment form the core of metropolitan crises; economic and social hardships in developing nations are one of the world's most prevalent ills.

The influx of billions of people into metropolitan areas strains the resources, leadership, and infrastructure of dozens of nations. Migration is a continuous trend. Citizens from the poor interior of sub-Saharan Africa travel to Kinshasa, Zaire, despite the collapse of its economy and services. Rapid population growth has pushed Kinshasa to the edge of anarchy. Between 1950 and 1995 the number of cities worldwide with a population of over one million increased fourfold, from 83 to 315. Cities, first and third world alike, are coping with waves of poor newcomers while affluent citizens move out, driven away by crime and a deteriorating quality of life. Rio de Janeiro, Sao Paulo, Jakarta, Mexico City, Cairo, Delhi, and Beijing face similar situations. The United Nations estimates that by the year 2025 more than five billion people, or sixty-one percent of humanity, will be living in cities.

Poverty and disease are rampant in hundreds of the world's metropolises. Unsanitary conditions breed infectious diseases, infecting millions chronically. In Poland, the

land and water have been so poisoned by toxic waste that ten percent of babies are born with birth defects. Virulent insects thrive in contaminated areas. Urbanization has produced an ideal environment for the spread of disease. Carolyn Stevens, an epidemiologist at the London School of Hygiene and Tropical Medicine, notes that poverty is the root cause of such epidemics. Disproportionate numbers of poor people living in cities die from both infectious diseases and chronic illnesses. As migrants flood cities, resulting urban growth outruns the installation of sanitation. Hopeful citizens view metropolitan life as one of opportunity; however, resources are drained quickly and the standard of living falls exponentially. As time progresses, crowded, unsanitary slums will continue to harbor disease, perpetuating massive poverty.

Massive migration also strains rural economies. Millions move toward the cities, abandoning suburban life in hope of metropolitan prosperity. Many of those who migrate in the developing world are farmers. The world's largest nations, including India and China, depend upon massive production of grain to feed their millions. As rural populations dwindle, grain output also dwindles commensurably. Burgeoning city populations, on the other hand, demand widespread resources. Agricultural output fails to fulfill the demand of large metropolises. As a result, much of the third world must import billions of pounds of grain. Although such attempts are successful, many are still left in poverty. Urban growth creates an unprecedented strain on the worldwide agricultural industry, ensuing economic hardship and widespread poverty.

Population growth also strains urban economies. As cities swell from migration and births, workers face crowds of competitors. Economic growth cannot keep up with population expansion. Beijing is home to an estimated one million floating workers in search of jobs. Unemployment rates in scores of African cities top twenty percent and are unlikely to drop anytime soon. Newcomers have fled to Kinshasa, yet recent violence has scared away affluent businessmen and foreign workers. As a result, over the last three years, Kinshasa has seen its economy shrink by forty percent. Thousands of government jobs have disappeared, and the city's infrastructure has crumbled. In Beijing, the banking system is on the brink of collapse, as inflation is rapidly outpacing income growth. Hundreds of cities face similar situations; growing demand outpaces economic supply, harboring unemployment and depression. Metropolitan economics can't keep up with increased pressure.

More and more, the fate of cities determines the fate of nations and regions. In dozens of countries, a single major city accounts for half of the government's revenues and a large portion of GDP. Karachi is Pakistan's financial center, only major port, and has the highest concentration of literate people. Large cities such as these are not only fundamental to the economy of their nation but are also catalysts for political movements. Depression and widespread poverty often spur ethnic or religious conflict. Overcrowded cities harbor violence and civil strife; passions incubate among disgusted peasants. In Pakistan, if factional violence intensifies, unrest could engulf the rest of the populace, leading to international conflicts and large movements of people. Cities are fundamental to economic and social stability.

The problems of the world's major cities demand the attention of policy makers. The international community must work toward creating a new agenda for dealing with rapid urbanization. First, aid must not be prioritized to the world's few largest metropolises. Most international attention is directed toward the most gigantic cities, although smaller urban centers often face more severe hardships. Future programs must concentrate on assisting cities with the deepest problems, not those with the largest populations.

Moreover, international organizations, such as the United Nations, must support community-based initiatives. These projects, pioneered by the World Bank, focus on small, yet fundamental problems. One of these initiatives, the Kampung Improvement Program in Jakarta, Indonesia, gave citizens an incentive to clean up their community. This method of foreign aid concentrates expertise of foreign workers, yet also gives cities a certain degree of autonomy in the self-improvement process. After the Jakarta program was implemented, Josef Leitmann, a World Bank urban planner, indicated that the ''poor began to look at their community as their home. A simple change in psychology produced a change in physical surroundings.'' By impressing the process of social and economic development, rather than blanketing certain areas with massive amounts of aid, international organizations can improve the welfare of cities dramatically.

The international community must also promote multilateral free trade. Developing countries, such as China and Russia, must be included in the World Trade Organization. Increasing economic relations between all nations helps narrow the North-South gap, the economic and political barrier between first and third world countries. The United States and other major global powers can no longer concentrate trade with a select few large partners; they must open their doors to small, indigenous nations. Such an initiative would boost the economies of struggling cities, as increased exposure to world markets would boost standards of living and calm protectionist unrest.

Current United States policies, such as the Export Enhancement Program (EEP), are contributing to third world city poverty. The program, known as the EEP, allows China to purchase grain from the United States at a substantially reduced price. Although China is the world's largest importer of grain, programs like the EEP, essentially subsidize foreign agricultural industries, killing their ability to complete. Nations such as China are, thus, able to purchase grain from the United States at a cheaper price than from their own farmers. This system pressures the individual farmers, causing millions to move to cities. Mass migration, in turn, strains resources in urban areas, perpetuating poverty and unemployment.

Corporate investment also plays a fundamental role in reaching out to swelling metropolises. Abolishment of protectionist trade barriers must be accompanied by increased investment in fledgling economies. Multinational corporations, or MNCs, must be encouraged to develop new initiatives to boost the infrastructures of struggling cities. Hands-on investment, as opposed to large monetary grants, will pave the way for worldwide metropolitan prosperity.

Cities form the cornerstone of civilization. Recent population growth has dulled the luster of shining metropolises. Migration has strained the developing world, creating millions of unemployed workers, pushing even more into poverty. Industrialized nations must form a new set of priorities, hinging chief objectives upon free trade and multilateral investment. Although the world cannot rectify all urban problems, it must act quickly and decisively in order to promote global prosperity. If positive steps are taken, present-day slums may become, as Lewis Mumford put it, ''symbols of the possible.''

CASTLETON HOSE CO. CELEBRATES 125 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SOLOMON. Mr. Speaker, anyone who visits my office can't help but notice the display of fire helmets that dominates my reception area. They're there for two reasons. First, I had the privilege of being a volunteer fireman in my hometown of Queensbury for more than 20 years, which helps explain the second reason, the tremendous respect that experience gave me for those who provide fire protection in our rural areas.

Mr. Speaker, in a rural area like the 22d District of New York, fire protection is often solely in the hands of these volunteer companies. In New York State alone they save countless lives and billions of dollars worth of property. That is why the efforts of people like those fire fighters in Castleton, NY is so critical.

And that's why, Mr. Speaker, in their wisdom, the Castleton Village Board and Board President Frank P. Harder proposed starting the Castleton Fire Department back in the spring of 1871. Later that summer, the first engine House was completed on what is now the corner of Green Avenue and 1st street in Castleton. Clearly, they recognized the importance of protecting the lives and property of their friends and neighbors and established two hose companies to do just that.

On that note, Mr. Speaker, those are the traits that make me most fond of such communities, the undeniable camaraderie which exists among neighbors. Looking out for one another and the good of the whole is what makes places like Castleton a great place to live and raise a family. And this concept of community service couldn't be better exemplified than by the devoted service of the fine men and women who have comprised the Castleton Fire Co. over its 125 year history. That's right, for well over a century, this organization has provided critical services for the citizens on a volunteer basis. As a former volunteer fireman myself, I understand, and appreciate, the commitment required to perform such vital public duties.

Mr. Speaker, It has become all too seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully for the residents of Castleton, the members of their fire department have selflessly performed their duty, without remiss, since Abe VanBuren took the post as the first Fire Chief back in 1871.

You know, I have always said there is nothing more all-American than volunteering to help one's community. By that measure, Mr. Speaker, the members of the Castleton Fire Company, past and present, are truly great Americans. It will be my distinct pleasure to join the community of Castleton, this Saturday, June 8, 1996, in a parade and tribute to their fire department and the selfless sacrifices of its members over the course of the last 125 years. In that regard, I ask that you Mr. Speaker, and all members of the House, join me now in paying tribute to these dedicated men and women.

INTRODUCTION OF THE HOMEOWNERS RELIEF ACT OF 1996

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Homeowners Relief Act, legislation to provide homeowners with relief from capital gains taxes upon the sale of their principal residence.

This legislation recognizes that a person's home is something more than a simple investment; it's a fundamental part of the American dream, and our Tax Code should recognize this fact. The bill exempts the sale of a principal residence from capital gains taxation. Specifically, the bill excludes from taxation the gains from the sale of a principal residence if, during the 7-year period prior to the sale of the residence, the property was owned by the taxpayer and used as the taxpayer's principal residence for 5 or more years.

Under current law, capital gains liability on the sale of a principal residence is postponed if another residence of equal or greater value is purchased within 2 years. In addition, taxpayers 55 years of age or older may claim a one-time $125,000 exclusion of the gain from the sale of a principal residence during any 3 of 5 years immediately preceding the sale. Further, taxpayers can also avoid capital gains on owner-occupied housing by holding the asset until death and leaving it to their heirs.

While these exemptions serve to shield most homeowners from capital gains liability, certain circumstances force many homeowners to shoulder a significant capital gains tax bite when they sell their home. Increased home values put many taxpayers, particularly older Americans looking to retire, in the difficult situation of having to pay substantial capital gains taxes. In addition, at a time when corporate downsizing is all too common, often the most substantial asset held by laid-off workers is their home.

The problem is, current law has the effect of locking individuals into homes that, but for the Tax Code, they might wish to sell. Those individuals who can afford to purchase a more expensive home can postpone capital gains liability, while those who need to move to more modest accommodations, because their economic circumstances warrant doing so, must pay a tax.

Mr. Speaker, passage of this legislation will give homeowners needed relief from this inequity, and will put recognition in the Tax Code of the special status of the home. I urge my colleagues to join me in supporting the Homeowners Relief Act of 1996.

IN HONOR OF THE GALVESTON BAY FOUNDATION

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor the Galveston Bay Foundation and its work to preserve and enhance Galveston Bay. On June 8, 1996, the Foundation will host its sixth annual ''Bay Day Festival,'' a day long entertainment, educational, and recreational event at historic Sylvan Beach County Park in La Porte, TX, to showcase Galveston Bay's many resources.

Galveston Bay is one of southeast Texas' most valuable and most threatened natural resources. Since the 1950s, the Bay has lost more than 30,000 acres of coastal wetlands and 90 percent of its aquatic grass beds. More than half the Bay has been permanently closed for commercial oyster harvesting while the remainder is routinely closed after heavy rainfall. With the completion of Lake Livingston Dam, the Trinity River Delta has been reduced dramatically, elminating vital wetland habitat.

The Galveston Bay Foundation has played a critical role in helping to reverse this degradation and bring the Bay back to health. The Foundation was formed in 1987 as a non-profit organization made up of commercial fishermen, developers, business people, environmental groups, government officials, recreational interests, and other citizens who sought to increase education and communication about the importance of Galveston Bay to the region.

The Foundation's work to preserve the Bay has four fundamental principals—education, conservation, research, and advocacy. Through these efforts, the Foundation seeks to increase awareness of the multiple uses of Galveston Bay and to increase participation in projects to preserve the natural resources of the Bay.

In 1987, through the leadership of U.S. Senator Lloyd Bentsen, the U.S. Congress designated Galveston Bay as a part of the National Estuary Program in an attempt to solve problems to the Bay caused by pollution, development, and overuse. The Galveston Bay Plan was developed by a consortium of scientists, corporate and governmental representatives, and local citizens. The Foundation has served as a partner in the effort to restore vital Bay habitats, contain contaminated runoff, and curtail sewage and industrial waste. The success of the clean-up is a testament to the Foundation and its ability to reach consensus on a solution to improve the quality of life on Galveston Bay.

The Foundation has also been instrumental in developing environmentally sound approach to modernize the Houston Ship Channel, demonstrating that environmental protection and economic growth can go hand in hand. This innovative plan that will both expand the Houston Ship Channel and contribute significantly to the restoration of Galveston Bay.

This project will use dredged material to restore Galveston Bay's wetlands, creating new wildlife habitats and enhancing recreational benefits. The creation of marshlands, a critical part of the Galveston Bay ecosystem, will provide habitats for thousands of species of plant and animal life, including several endangered species. The three islands to be created under the plan will also provide natural habitats for birds and other wildlife. New boating channels and anchorages will give fishermen and other recreational users increased access to the Bay. The Foundation's role in developing this plan has increased the benefits exponentially for Texas' families and wildlife that rely on Galveston Bay.

I commend the Galveston Bay Foundation for its nine years of service to the committees surrounding Galveston Bay, and I wish the Foundation continued success in achieving its goals in preserving and enhancing one of Texas' and the nation's most treasured natural resources.

CONTINUATION OF THE SUMMER YOUTH EMPLOYMENT PROGRAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues, I would like to have printed in the RECORD this statement by Amy DeCarmine, Amber Johnson, Beth Carmine, and Nathina Roy, high school students from Vermont, who were speaking at my recent town meeting on issues facing young people

The Summer Youth Employment Program has kept us off the streets; kept us from the use of drugs, alcohol and violence of any type. The Youth Program has also given us the experience of how living can be in real life, and how to conserve money for our future.

There can be nothing more positive in our lives than the Summer Youth Employment Program; it is a continuance of encouragement of being a responsible young adult. The Summer Youth Employment Program has been the cause of so many young people being employed, and in some cases it may help to slow down the cycle of the welfare generation. It gives us ideas, training for possible future employment, and it gives us a better idea of what we need to do to accomplish our future. Please help us to keep what has been proven to be a wonderful chance to understand what is expected from us as adults.

It has given us a great source of self-pride in our abilities to contribute and know what this is—that this is a great start in life. And with your support in us, you have also given us hope that you believe in all of us. We need this opportunity to prove that we are serious about our future, and need your consideration to allow us this Program to continue. That's it.

Congressman Sanders: Can you tell us what kind of work you did in the Summer Youth Employment Program?

Answer: I've been on the Youth Program for two years now. And, the first year I worked at Project Independence, which is helping elderly people take care of themselves and entertain them. And last summer, I cleaned the elementary school of Williamstown to get [it] ready for school.

Answer: I've only been in this for one year, which was last year, but I worked with Amber at the elementary school cleaning, and I thought it was a really great thing, because a lot of people that are inexperienced, like under 16, [employers] don't want to hire you * * *

Answer: I worked at a hospital as a spot clerk in the basement, and I was in the program for one year. It was a very good skill because I'm going to be working at a hospital after I graduate.

Congressman Sanders: So I think what you're seeing here is an example of a Federal program which meant a lot to you three, and to tens and tens of thousands of other young Americans.

Answer: Yes.

Congressman Sanders: There is a major debate taking place in Congress right now, as to whether this fund, with this program, should continue to be funded. I prefer, strongly, that it should; but we're fighting against people who prefer to put money into

airplanes and bombers that the Pentagon doesn't need, rather than in programs like this. So, I thank you very much for personalizing one of the major debates taking place in Congress. Thank you.

TRIBUTE TO THE OTA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the Institute for Technology Assessment.

The Institute of Technology Assessment [ITI] was established as a nonprofit research group by former senior analysts of the Office of Technology Assessment [OTA]. In one of perhaps the most mindless acts committed by this Congress, OTA was eliminated last year. This House voted twice to continue funding for OTA, but the Republican congressional leadership prevailed in the end, and OTA went out of business.

I fought hard for the continuation of OTA, because the objective analysis of issues related to science and technology that OTA provided was an invaluable resource to the public policy efforts of this Congress. So I am glad that this new institute has stepped up to take on OTA's crucial mission.

ITA has just received funding and support from the New York Community Trust, the Garfield Foundation in Philadelphia, the George Mason University Foundation, and the Medical Technology and Practice Patterns Institute in Washington, DC.

ITA will carry out multidisciplinary studies and analysis of the potential economic, social, legal, and environmental effects of technical developments and technology-related projects, programs, or policies.

I am thrilled that the Institute of Technology Assessment has been established, and I am honored to begin my service on ITA's advisory panel.

I ask that my fellow colleagues join me in a bipartisan effort to help ITA maintain the focus on public policy and legislative issues inherited from OTA.

GILBERT ''GIBBY'' LAFAVE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. STUPAK. Mr. Speaker, it is with great pride that I bring to the attention of the House of Representatives and of this Nation the recent retirement of Mr. Gilbert ''Gibby'' LaFave, director of aging and nutrition for the Dickinson-Iron Counties Community Service Agency. The agency, located in Michigan's Upper Peninsula, will truly miss Mr. LaFave who concluded his tenure on May 10, 1996, after 16 dedicated years.

During these times of budget cuts and increased need for social services to our senior citizens, the efforts of so many people to stretch a dollar, to provide more and better services to those who truly need assistance and to improve the quality of life for so many is truly an accomplishment. throughout his years at the DICSA, Gibby personified dedication, care, and concern for our seniors in his every effort.

Leading the development of the rural transportation program for seniors and the handicapped in Dickinson and Iron Countries, Gibby's efforts provided a way these seniors could get out of doors and do things for themselves. The program allowed for a degree of self-sufficiency and helped the local economy.

Gibby was also very much aware of the inability of many seniors to perform their household chores due to physical constraints. In response, he was the leading force behind the development of the senior chore service that provides this type of work to be done for seniors by more able-bodied clients of the agency.

For many, many years, Gibby LaFave has also lent his efforts to this community and surrounding area through participating in local government and helping to raise funds for a variety of programs, services, and other noteworthy causes.

Mr. Speaker, the public service of Gilbert ''Gibby'' LaFave is greatly appreciated. His concern for his fellowman will be long remembered and valued. On behalf of so many Michigan's Upper Peninsula that benefited by his actions, I congratulate Gibby LaFave on his retirement and wish him well.

TRIBUTE TO LT. COL. ORVILLE SANDAKER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding service and dedication of a constituent in my district, Lt. Col. Orville Sandaker. His career in the Air Force Association [AFA] as a pilot trainer spans five decades and has included over 15 awards and recognitions. I would like to take a moment to commend Orville's exceptional service to our country.

Orville began his career 60 years ago in Coopertown, ND, flying an OX–5 Travelair. Since then, Orville has logged over 5,000 hours in the air, 3,000 of which included search and rescue missions. On December 1, 1941, Orville became a charter member of the Civil Air Patrol [CAP] and in 1948, went to serve in the Auxiliary of the U.S. Air Force. Orville has also worked as a training check pilot since 1951 and as a co-founder of the Flying Samaritans and a charter member of the Baja Bush Pilots, his responsibilities are ever-changing.

Throughout his tenure in the Air Force Auxiliary Service and various Chairmanship positions in the San Diego Chapter of the AFA, Orville has contributed infinitely to the aerospace and flight education of young pilots. It is this continued role as an educator that has earned Orville many CAP and AFA honors, including their top National Achievement awards.

Mr. Speaker, in an era when the U.S. military is often not given sufficient recognition, outstanding leaders, such as Orville, exemplify the commitment our Armed Forces has to superior performance. Orville has dedicated his life to teaching our young Air Force aviators the necessary skills and tools to serve our country in the best possible manner. As a veteran and chairman of the House Subcommittee on Military Procurement, I would like to commend Lt. Col. Orville Sandaker for all of his efforts and years of service and to the U.S. Air Force and our country.

TRIBUTE TO RANDY HUSK, TROY CITY COUNCIL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. LEVIN. Mr. Speaker, I rise today to recognize Randall J. Husk, recently retired from the Troy City Council after 18 years of distinguished service.

Known to his friends and family as Randy, he has served most effectively and was honored by his peers with election as Mayor Pro Tem in 3 different years. While a City Councilman, Randy Husk served with distinction representing the city of Troy on the Michigan Municipal League's Workers Compensation Board and on the General Assembly of the Southeast Michigan Council of Governments [SEMCOG]. Prior to his first city council term he was appointed to the planning commission for 3 years and was on the zoning Board of Appeals, holding the office of chairman of each. During his tenure in both appointed and elected city government he was known as a strong supporter of the Troy master land use plan.

Randy Husk's energy and untiring dedication extend beyond City Hall to other areas of the community. His concern for youth is demonstrated by his contributions to the Troy Boys and Girls Club, the Athens High School Athletic Boosters Club, and his service as a volunteer probation worker for the Oakland County Juvenile Department. And he is a member and past president of the Troy Optimist Club, serving the youth of Troy in that role also. The Troy Code of Ethics Committee recognized his commitment by electing him Vice Chairman. He is a past president of the Apollo Homeowners Association, and a past Trustee of the Troy Inter-Service Club Council.

The citizens of Troy were not surprised when in 1977 the Troy Jaycees presented Randy Husk with the Distinguished Service Award. Always outspoken in support of issues he believes in, he has been untiring in his efforts to promote the betterment of the health, safety, and welfare of the Troy community.

And so, Mr. Speaker, we take note of the numerous contributions of Randy Husk to the citizens of Troy, and I offer my best wishes for his continued success in future endeavors.

SARATOGA SPRINGS, NY, RECEIVES GREAT AMERICAN MAIN STREET AWARD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SOLOMON. Mr. Speaker, only five cities were singled out by the National Trust for Historic Preservation for its Great American Main

Street Award. One of them, Saratoga Springs, NY, is in the 22d Congressional District I have the privilege of representing.

The award was well earned. Saratoga Springs has long enjoyed its distinction as a city of thoroughbred racing and fine mansions. But by the 1970's, the city's charm was starting to fade. Fortunately, Saratogians are justifiably proud of their city, and a group of them decided to restore the city's splendor to its fullest.

About a quarter century ago building facades were crumbling and the downtown was lifeless. Fear that a recently constructed nearby supermall would drain the city's commercial blood, a group of citizens responded by forming what was known as the plan of action. Besides encouraging ideas on renovation, plan of action led to a special assessment district, a group of 82 downtown property owners on and along Broadway who paid an additional tax each year for improvements.

These efforts, in turn, led to a spring flowerplanting program and the gathering of residents 4 days a week to dig up sidewalks and plant 250 trees along Broadway. The city also boasts of a new urban center that attracts tourists even outside the racing season.

To make a long story short, Mr. Speaker, the total value of downtown property was valued at $15 million in the early 1970's and is valued at $63 million today.

The summer season of thoroughbred racing and Saratoga Performing Arts Center always drew tourists to Saratoga Springs. But the city's finest sons and daughters were not content until they once again had a city worthy of those two attractions.

As the recipient of a Great American Main Street Award, Saratoga Springs will receive a plaque to display along the street, a certificate, a trophy, and a $5,000 award to be put in a revolving trust controlled by the city's Preservation Foundation.

Mr. Speaker, the spirit that restored Saratoga Springs is the spirit that made America the greatest country in the world. I'm proud of the city, privileged to represent her residents in Congress, and fortunate to have my major district office on Broadway.

Let us now, Mr. Speaker, add our own voices to the growing chorus of tributes to Saratoga Springs, NY, as one of this Nation's truly fine cities.

A TRIBUTE TO TERRI MCNAIR

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. KELLY. Mr. Speaker, I rise today to pay tribute to a true American hero. Terri McNair, a constituent of mine, is the living embodiment of the spirit of charity and giving that this Nation was built on. She has devoted her career, and much of her free time, to easing the pain and the burden on people who are less fortunate.

As the volunteer president of the Community Center in Katonah, NY, Terri McNair coordinates an operation that provides food, clothing, literacy programs, career counseling, and most importantly, a helping hand and word of encouragement to needy people in my district and hometown. The Katonah Community Center is a place of refuge for many people, and she is a beacon of hope for those people who seek out this refuge.

Terri McNair's commitment to the less fortunate does not end when she goes to her full-time job. She is a social worker who coordinates the Family Violence Program at the Bedford Hills Correctional Facility. As a social worker at New York's only maximum security women's prison, Terri McNair works with inmates who have been both the perpetrators and the victims of violence and she is in a key position to help these women stop this endless cycle of violence.

For her commitment to making her community and our world a better place, I rise today to pay tribute to a woman whose commitment to the less fortunate is unmatched and whose charity and compassion is truly awe-inspiring. Terri McNair, on behalf of myself, my colleagues in the U.S. House of Representatives and all of the people whose lives you have touched, I want to offer you my most sincere thanks. Terri, you truly are an American hero.

IN HONOR OF SHELL EXPLORER POST 9999, DEER PARK, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BENTSEN. Mr. Speaker, I rise to commend the members of Shell Explorer Post No. 9999 in Deer Park, TX, for their many achievements and contributions to our community.

The Shell Explorer Post is sponsored by the Shell Oil Refinery located in Deer Park, TX, and is part of the East Central Exploring District of the Sam Houston Area Council of the Boy Scouts of America. The post is open to young men and women, ages 14 to 20, who wish to be part of a vibrant, growing, fun-filled organization that explores career opportunities and encourages community involvement.

Shell Explorers learn the value of community service, develop an awareness of our fragile environment, and establish an understanding of the strength we have as a people that fosters pride in themselves and their ability to do good work, both as individuals and as a team.

During the 1994–95 season, they brought their hard work and dedicated service to a wide assortment of community projects.

To help improve our environment, the Explorers cleaned up a stretch of beach front for the fifth year in a row. They then turned their attention to the Armand Bayou Nature Center where they helped to build gates, repair fences, and clear brush vines. Through such activities, the Explorers learned about the ecosystem and wildlife while helping to beautify our community for all of us.

Senior citizens hold a special place in the hearts of the Explorers, and they go out of their way year after year to help better their lives. Whether it be removing old broken sheetrock, helping a carpenter to install a new kitchen counter and sink, patching or painting, the Explorers are always there to extend their valuable services.

Besides doing handiwork, the Explorers can always be relied on to share a friendly smile. During the Christmas holiday, they delivered hot, hearty meals to homebound seniors in Pasadena, Deer Park, La Porte, and the Deer Park Activities Center. The Explorers also brought Christmas cards and kind words for those who lived far from families and were alone for the season.

The Shell Explorers are particularly proud of their $1,000 donation to the Boys and Girls Harbor Youth Facility in Morgan's Point, TX. Through several car washes, the Explorers had raised this money to finance their yearly activities. However, they later learned that the Boys and Girls Harbor Youth Facility, which helps orphans and troubled youth, was in need so the Shell Explorers donated the funds to help the Facility.

Career opportunities are also a focal point for the Explorers. They visited KRBE Radio to learn the tricks of sound mixing, the art of promotions, and other career opportunities for those interested in a future in broadcasting. The Explorers invite guest speakers to discuss their careers as well as to instill the value of good study habits and the importance of a college education.

The Shell Explorers provide an example of good citizenship for all of us. Through the years, they have learned that by serving others they serve themselves and each member has gone forth with the knowledge that he or she had made a difference.

IMMIGRATION AND REFUGEES IN THE UNITED STATES

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Tedra Guyett and Harmony Hariman, high school students from Washington County, VT, who were speaking at my recent town meeting on issues facing young people.

My name is Harmony Hariman, and I'm a Student Area Coordinator for Amnesty International, and I'm an intern with the Vermont Refugee Assistance.

My name is Tedra Guyette; I'm also a Student Area Coordinator for Vermont, and I'm also an intern with Vermont Refugee Assistance.

The first thing we really want to talk about is a Bill that was passed on March 21st in the House, HR 2202. That's really upsetting to me, because it effectively banned people who have genuine political claims . . . from ever entering the U.S., or ever staying, because . . . When a person flees their country with the fear of safety, and they come here, do you think they're going to come off the plane and say, ''Whoops, we better get a lawyer and file some papers?'' No, they're worried about their safety. And often spend months trying to save their families, and just getting settled, which pretty much bans them from ever filing. The Bill HR 2202 would ensure that any immigrant or refugee who is caught entering or crossing the border illegally will be permanently barred from ever legally entering the country. Yet there are instances where a refugee has no other option. Immigrants lack knowledge about specific opportunities of become a citizen, and often do not understand the process itself, or how to negotiate the I.N.S. bureaucracy.

There is a section of the bill that says that immigrants who are here illegally, or undocumented immigrants, are unable to receive health care through out public system.

And there's a myth that the reason that the health care system is in the ground is because it's the immigrants, it's the poor people that are just dragging it down. But really, immigrants use health care less than the general public. A 1992 U.S. Dept. of Justice report found that immigrants use federally funded services less than the general population, and there have been several studies that show that it's not immigrants that are pulling us down, it's everyone else's stupidity and ignorance about the immigrants. Most hospital care costs for undocumented immigrants were paid by private insurance, which was 47%; or by the immigrants and their families themselves, which was 45%. That only leaves 8% of the immigrants in the country that were paid for by the government.

This Bill would also deny immigrants benefits under any means-tested programs funded by the federal government, or by state government, as well as being ineligible to receive grants, to receive Earned Income tax credits, to receive SSI benefits, Medicaid, Food Stamps, housing assistance, unemployment benefits, college financial aid, among others. Although, undocumented immigrants alone paid $7 billion per year in taxes. In 1990, undocumented immigrants paid $2.7 billion in Social Security, and $160 million in Unemployment Insurance; and this is according to a publication by the Urban Institute. (signal)

I'm just going to do a quick story about a man that I know. He's 18 years old, and is from Sudan, and is now lost in the ''war zone'' of the American immigration system. He's actually living in Woodbury; he is apparently some kind of dangerous criminal because he came here with a false passport; so, now he's in jail, and the first time I met him I asked him, ''Well, how long will you be here?'' meaning, how long would he be staying with family that he was staying with. And he misinterpreted me to mean, ''How long will you be in the U.S.,'' and just said, ''immigration,'' and shrugged his shoulders. And that was probably the saddest thing I've ever seen in my life, was this man-just lost.

Due to time restrictions, we are unable to address all the myths and . . . overstatements, but I can say that to blame immigrants is to scapegoat an easy, unpopular target, and to divert responsbility from more proper parties.

Congressman Sanders: Thank you very much. Let me ask you a couple of questions: what does political asylum mean, and why is that important?

Answer. Well, to me, it means someone who because of their benefits, because of their actions, needs to flee their home, needs to leave, whether it's because they were against their government in this country . . . like the [last] girl was saying, or the wrong color, in the wrong country; come to a place where they can be safe, where they can wake up in the morning and know that, ''okay, nobody's going to shoot me today.'' That's what asylum means.

Congressman Sanders: Okay. Were you immigrants?

Answer. Yes, my family was . . . [there's] a history of immigrants in my family.

Answer. Being that we are white, I think we are all immigrants, in this country.

Congressman Sanders: so, essentially what you're saying is that everybody other than the Native Americans are immigrants if we are in this country?

Answer. That's true.

Answer. That's correct.

Congressman Sanders: Okay. Thank you very much—excellent presentation.

UN HABITAT MEETING: A BOOST FOR CIVIL SOCIETY IN TURKEY?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HOYER. Mr. Speaker, Habitat II, the United Nations Conference on Human Settlements is now underway in Istanbul, Turkey. World leaders, international media, and thousands of NGO representatives from around the planet have assembled to address critical global issues related to sustainable development.

Mr. Speaker, in addition to Habitat II's global significance, the meeting offers an unprecedented opportunity to further develop civil society and democracy in Turkey and raise international awareness of the serious problems which prevent Turkey from realizing its great potential. The gathering affords Turkish NGO's—the building blocks of civil society—an unparalleled opportunity to network, organize coalitions, and develop advocacy strategies. Among NGO's attending the conference, there is a palpable sense that Habitat will catalyze efforts to advance civil society, democracy, and human rights in Turkey. Mr. Speaker, it is my hope that this important conference will also result in concerted international efforts to support human rights and democracy in Turkey and the NGO's which support these ideals.

Mr. Speaker, Istanbul is an appropriate venue to examine sustainable development. A former seat of empires and home to a multitude of cultures and people, Istanbul is a dynamic urban bridge between Europe and Asia, Christianity and Islam, antiquity and the 21st century. From modern high rises and opulent Ottoman palaces to sprawling shanty towns and exploding garbage dumps, Istanbul encompasses all that is wonderful and frightening about today's urban environments.

Mr. Speaker, Istanbul's unforgettable character owes much to a great Ottoman hero, the 16th century soldier-turned-architect, Sinan. During a prolific career that spanned six decades, Sinan-designed many of Turkey's most well-known landmarks. Yet he also built structures throughout the Ottoman empire which were critical to daily lives, including: bridges, wells, warehouses, tombs, aqueducts, baths, residences, and caravan stops. In Istanbul alone, more than 300 Sinan-designed structures have been identified.

Yet while Sinan's heritage provides an impressive Habitat backdrop, the travails of a contemporary Turkish architect reveal a not-so-proud legacy, one that reminds us that Turkey faces severe strains which threaten democracy and the development of civil society.

Yavuz Onen is general secretary of the Turkish Architect's Association and president of the Human Rights Foundation of Turkey. The Foundation documents human rights abuses and operates four treatment centers for victims of torture in Turkey. In 1995, Mr. Onen accepted awards on behalf of the Foundation from the International Human Rights Law Group and the Lawyers Committee for Human Rights. Foundation leaders and doctors face constant prosecution and harassment. The Turkish Government's persecution of the Foundation and other NGO's reflect a larger effort to criminalize and silence groups and individuals critical of government human rights practices, military abuses of the Kurdish population, Turkey's founder Ataturk, or state institutions.

Mr. Speaker, a more immediate attempt to silence criticism during Habitat is evidenced by the police closure of a building used by 35 NGO's boycotting the conference to protest government human rights and Kurdish policies. These groups have organized an alternative Habitat to publicly protest the destruction of almost 3,000 Kurdish villages and creation of almost 3 million refugees. These groups rightly contend that such policies are incompatible with the goals of Habitat and reflect serious threats to democracy and development of civil society in Turkey. Yet instead of allowing open discussion of these serious issues, the Government of Turkey has once again chosen to respond with repression—in full view of the international community.

Mr. Speaker, Turkey has ratified numerous U.N. and European human rights conventions, committed itself to OSCE standards and principles, and is seeking closer ties with the West. Unfortunately, efforts by successive Turkish governments to strengthen democratic institutions and institute legal reforms have failed to resolve underlying sources of human rights problems.

Mr. Speaker, Turkey is an important strategic and economic ally. As a NATO member proximate to the Balkans, Caucasus, Central Asia, and the Middle East, Turkey figures prominently in regional efforts to address water, energy, arms control, terrorism, and environmental issues. Yet while Turkey's government and people are poised to reap political, economic, and strategic windfalls, the potential perils for Turkey, should it move back on the democratic path, loom equally large.

Mr. Speaker, these dangers are very real. As Habitat II convenes, Turkey's minority coalition government verges on collapse, incapacitated since its inception by bitter personal rivalries and corruption charges. The Constitutional Court recently invalidated the parliamentary vote which approved the centrist coalition, and a no-confidence vote this Thursday will likely bring down the government. Turkey's military leaders, who seized power on three occasions since 1960, increasingly express dissatisfaction with the status quo and rising popularity of the Muslim-based Refah Party. Coup rumors abound in the Turkish press. As confidence in the government ebbs, support for Muslim fundamentalist and nationalist parties has increased. Should moderate, secular parties lose power, Turkey could turn away from the West, undergo a military coup or face deepening instability and political violence. All these scenarios set back democracy and civil society, threaten regional stability, and pose obstacles to Turkey's moving closer to Europe and the United States.

Mr. Speaker, the Turkish Government's intolerance of NGO's protesting village evacuations and other Kurdish or human rights issues has already marred Habitat. While participants in the official and NGO forums will reportedly not be prosecuted for remarks that violate Turkish law, it is unclear whether individuals and groups speaking outside the meeting will face charges. Mr. Speaker, this leads me to ask what will happen after Habitat, when NGO's energized by the experience attempt to utilize newly established links and implement strategies developed during the conference? It will be very important for all Habitat

participants, including U.S. delegation members led by Housing and Urban Development Secretary Henry Cisneros, to maintain links and support for groups they worked with during Habitat II. As human rights issues and the further advancement of civil society in Turkey have important implications for bilateral relations, this Congress should continue to closely monitor developments in Turkey after Habitat II.

EILEEN PECH RECEIVES WOMEN'S HISTORY MONTH HONORS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding journalist in my district who was recently honored for her contributions to her community.

Ms. Eileen Pech, of Berwyn, IL, was recently named Woman of the Year by the Morton Township Women's History Month Committee. The committee recognized Ms. Pech, a reporter for the LIFE newspapers, for her working toward the betterment of the community.

Ms. Pech is widely respected in her community for her fair-minded, thorough, and often entertaining coverage of local events. She shuns the spotlight herself and in accepting the award, said she is ''much more comfortable'' sitting in the audience writing about the accomplishments of others.

Mr. Speaker, I congratulate Ms. Pech on receiving this prestigious award, and extend to her my best wishes on continued success.

THE IMPORTANCE OF AERONAUTICS RESEARCH AND TECHNOLOGY

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HOKE. Mr. Speaker, I rise to express my appreciation to the distinguished chairman of the House Science Committee for his help in providing adequate funding levels in the area of aeronautics research and technology. In these times of severe budget constraints there was undoubtedly a strong temptation to slash spending in these critical programs, but the chairman demonstrated a real willingness to listen to and accept my vigorous defense of aeronautics at NASA, especially in high-speed research and advanced subsonics technology. I want to take this opportunity to thank the chairman for his commitment and foresight.

Aeronautics research and technology helps promote a high-technology industry, one that is of critical importance to our national economy and international balance of trade. Even conservative estimates show that the aerospace industry has annual sales of over $60 billion and produces a positive balance of trade of $25 million. In Ohio alone, the aerospace industry is responsible for approximately 300,000 jobs and injects $13.5 billion into the State's economy.

But it's not just a question of dollars and jobs. Aeronautics research and technology helps address safety, fuel efficiency, and environmental impact concerns. Anyone who has ever expressed concern about air travel can fully appreciate the importance of this scientific work. Research and development in the areas of aging aircraft safety, air traffic management, advanced technologies, and wing and engine icing are just some of the ways in which aeronautics directly touches our lives. Moreover, scientific work in aeronautics has also led to the development of thousands of spinoff technologies that we see every day. The NASA Lewis Research Center in my district in northeast Ohio, along with Wright Labs at the Wright-Patterson Air Force Base in Dayton, are responsible for developing or refining many everyday conveniences such as medical equipment, orthopedic advances, microwave ovens, automotive brake discs, high-temperature paints, fire-resistant fabrics, and graphite composite sporting goods.

Despite all of the industry's successes and contributions to our way of life, the future of America's preeminence in aeronautics is threatened. Our trading partners continue to pour billions into their domestic research and development programs, while our national effort, led by the extraordinary work of the men and women at NASA, has suffered from declining levels of investment. The President's budget request for NASA, in fact, recommends a cut of $4.9 billion over the next 4 years when compared to this year's funding. Although I take a back seat to no one when it comes to battling our budget deficit, I have serious reservations about making such deep cuts in an agency that is at the forefront of technology research and development on which our Nation's future competitiveness depends. The House Budget Resolution, by contrast, represents some $2 billion more than the President over the same time period by making responsible choices in establishing agency priorities, and targeting resources to where they will best be utilized.

While there might be a temptation to cut aeronautics research and technology resources in the pursuit of short-term budget savings. I believe the long-run interests of our Nation require that an adequate level of investment be made in aeronautics. That is why it is so important that the funding levels recommended in the House Budget Resolution be honored.

CELEBRATING THE EDWARDS/WARD FAMILY REUNION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. CLAYTON. Mr. Speaker, family reunions are an important part of the American fabric. I recently sent a letter to Ms. Allene Farmer Hayes concerning the reunion her family has planned for July. Many of the family members live in my congressional district, and I want to share with my colleagues the text of my letter to Ms. Hayes.

It is my understanding the Edwards/Ward Family will hold its sixth family reunion during the weekend of July 4th, in Washington, D.C.

As you gather to celebrate, remember the ties that bind you. Your theme, ''Family Matters'' is an excellent one. I am convinced that you cannot move ahead in life if you do not know from whence you came. All too often, we forget those who came before us, their struggles, and even their achievements, even though it is they who have helped mold the future of those in attendance.

This occasion at this time in our Nation's history reminds us of the rewards of toil and hard work. Your family reunion marks yet another step in your commitment to continue to build upon a strong and solid foundation. It also reflects the value of loving husbands and wives, devoted fathers and mothers, attentive grandfathers and grandmothers, dutiful sons and daughters and loyal uncles, aunts, cousins and other family members. This reunion is but another stepping stone in a brilliant path that the family has blazed, leaving a legacy from which all can learn.

At this special time, permit me to borrow from the words that are found in Saint Matthew 16:18, ''And I say also unto thee . . . upon this rock I will build my church; and the gates of hell shall not prevail against it.'' We face difficult and uncertain times as many are challenging the very foundations that have made this Nation strong. It is important, now more than ever, that the family stand together and assert your rightful role. Ecclesiastes 4:12 is instructive, ''And though a man might prevail against one who is alone, two will withstand him. A threefold cord is not quickly broken.'' This reunion should be a time for rekindling the spirit, reigniting the energy and reestablishing the unity that has made your family a pillar of strength.

I am a strong believer that family is one of the most precious gifts we have; a gift that we must treasure. So, as you gather together, reflect into the history of the Edwards/Ward Family, and learn from that history. And remember, that it is the past which brought you together, but it is the future generations that will keep the Edwards/Ward Family together.

Please know that as a member of the North Carolina Congressional Delegation, I am proud to be of service to such celebrated citizens and to have the opportunity to greet you and the distinguished members of your family. May you be richly blessed as you strive to perfect that which God has bestowed upon you.

Congratulations on this event. I wish for each of you many years of health, happiness, and prosperity.

TRIBUTE TO BRUCE CORWIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to our good friend Bruce Corwin, whose company, Metropolitan Theaters Corp., is this year being given the H.E.L.P. Group's Corporate Philanthropy Award for ongoing dedication to children with special needs everywhere. Anyone who knows Bruce and his work knows that he is an ideal choice for this award. We can think of few others who have done so much for children and the larger community.

This is the second time Bruce has been honored by the H.E.L.P. Group; in 1988, he received its humanitarian award. Indeed, the

list of those organizations and associations that bestowed awards on Bruce through the years is extraordinary. Among the more notable: in 1986 Los Angeles Children's Museum named Bruce its Man of the Year, 3 years later he was named Man of the Year by the Temple Sinai Jewish Community Center of the Desert. Not to be outdone, in 1993 the Channel Islands Chapter of the Multiple Sclerosis Society named Bruce its Man of the Year.

Bruce's wide range of philanthropic and volunteer interests is truly remarkable. It is hard to imagine how he finds both the time and energy to do so much. For example, Mayor Bradley appointed Bruce to the Los Angeles Fire Commission, where he served as president for 2 years. He is also on the advisory board of Bet Tzedek, a member of the advisory committee of the Los Angeles conservancy, and a member of the executive board of the Will Rogers Hospital.

Finally, Bruce is general partner of the San Diego Padres baseball team, which this year is the surprising leader of the National League's West Division. It would not surprise us if somehow, in some way, he has played a part in the Padres' success.

We ask our colleagues to join us today in saluting Bruce Corwin, as well as his wife, Toni, and sons, Daniel and David. His selflessness in a shining example for us all.

CASH GRANTS UNDER THE COOPERATIVE THREAT REDUCTION PROGRAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HAMILTON. Mr. Speaker, on April 2, 1996, I wrote to Secretary Perry about a proposed cash grant to the Ministry of Defense of Ukraine under the cooperative threat reduction—Nunn-Lugar program. On May 28 I received a reply from Deputy Secretary of Defense John White, and I would like to bring the corresponding to the attention of my colleagues. The text of the correspondence follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, April 2, 1996.

Hon. WILLIAM J. PERRY,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY PERRY: I write with respect to your letter of March 19, 1996 concerning a proposed obligation of $10.3 million of the FY95 Cooperative Threat Reduction (CTR) funding as a cash grant directly to the Ministry of Defense of Ukraine.

As you know, I have been a strong advocate and supporter of the CTR program from the outset. I believe that this program is in the national interest of the United States, and that it has made important contributions to U.S. national security over the past 5 years through the destructive and dismantlement of nuclear weapons systems.

What concerns me is your proposed cash grant. I have consistently opposed, as the State Department well knows, all types of cash grants to NIS states as inconsistent with the authorities of the FREEDOM Support Act. In November 1994, Secretary Christopher wrote to me pledging that no future cash grants from FREEDOM Support Act funds would go forward. I have also felt that any U.S. assistance must be tied to identifiable reforms.

My views with respect to CTR funds are the same. I would appreciate a detailed explanation of the reasons that you seek to proceed with such a cash grant, and why you cannot achieve your purposes through the U.S. articles or services. I would also like a description of your oversight mechanisms for the monitoring the use of funds from this proposed cash transfer, how you will monitor whether funded activities are accomplished, and what specific reforms this assistance is tied to.

I would respectfully request from you a commitment that this proposed cash transfer is not a precedent for future CTR activities. I would also seek from you a commitment on prior consultation if, at any time, a cash transfer from CTR funds is under future consideration.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, May 28, 1996.

Hon. LEE H. HAMILTON,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: Secretary Perry has asked me to respond to your letter of April 2, 1996 regarding DOD's proposed obligation of up to $10.3 million of the FY95 Cooperative Threat Reduction (CTR) funding as a cash grant directly to the Ukrainian Ministry of Defense. First, let me clearly state that the Secretary and I share your concern about providing CTR assistance in the form of grants: though the authority has existed for some years to use grants, we have given clear direction that grants will not be normally provided. DOD is proposing an exception to this policy in this case because it is required to facilitate the final denuclearization of Ukraine, a paramount national security goal for the United States.

The activities the grant will support involve sensitive activities to include removal of nuclear warheads and nuclear support equipment and the defueling, removal from silos and partial neutralization of SS–19 missiles, as well as road repair and construction on sensitive areas of missile bases. All of these expenditures are non-recurring costs associated with the final removal of all warheads and related equipment from Ukraine. Ukraine's agreement with Russia under which the warheads will be returned prohibits any foreign presence when these activities are underway. Therefore, the U.S. cannot use normal contracting methods.

Although cash grants cannot be audited as closely as goods and services the U.S. provides to Ukraine, I want to assure you that Ukraine will provide invoices, records of payments made, and summary reports for most activities under the Grant. We will verify that the invoices relate to effort covered under the Grant and we will be working with the Ukrainian banks to ensure that payments are actually made by the Ministry of Defense to legitimate third parties. In addition, the invoices and reports will be measured against information available to us from national technical means of surveillance, through which we can determine that the activities for which the assistance has been provided have in fact occurred. Until we have these reports and confirm independently that work has taken place, the full amount of assistance will not be provided to Ukraine.

Let me stress the Secretary approved the use of grants in this instance only because the activities involved are critical to achieving one of our paramount security goals. This exception is not intended to set a precedent for future CTR activities. DOD does not now envision another exception to our established policy of not providing direct financial assistance to foreign governments under the CTR program. However, I will make sure you are contacted in advance if another exception is considered.

Your support for the CTR program is vital and I want to add my personal thanks for the help you have provided. If you have any further questions, please feel free to contact me.

Sincerely,

——— ———.

ANDREA JAQUITH ON GANGS AND STREET VIOLENCE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Andrea Jaquith, a high school student from Brattleboro, VT, who was speaking at my recent town meeting on issues facing young people.

The phenomenon of gangs and gang violence is widespread throughout this country, and is spreading rapidly and fast becoming a societal problem of great magnitude. Some people blame the gang problems on the poverty that this country is struggling with. With the possible exception of some states in the Northeast, every state now has some sort of gang problem. In 1961, there were about 23 cities in the U.S. with known street gangs. Today, there are at least 187 different cities with known street gangs. In 1992, there were an estimated 4,881 gangs in the U.S.

L.A. County in California is the gang capital of the nation. In 1991, there were 150,000 persons in 1,000 gangs in L.A. County. John Pole of Emerge Magazine said, ''If you could eliminate the narcotics problem tomorrow, you would still have a significant gang problem. If the next day you eliminated the gang problem, you'd still have a significant crack problem.''

Guns, ''gas traps'' or ''toolies''—whatever you choose to call them—firearms are a major part of gangs and violence, in general, today with American youths. Gunshot wounds are the leading cause of death for all teenage boys in America. Guns kill 14 kids in America every day. It is estimated that one out of 25 African-American male children now in kindergarten will be murdered with a gun by the age of 18. In a recent survey conducted, it was found that one in five H.S. students carry a weapon with them. The vast majority of juveniles get guns from their own homes, and the majority of accidental shootings occur in homes where kids can easily get guns. In a 1989 poll, nearly three out of five Americans own a gun.

So many youths have firearms because of the perceived absence of any other kind of power necessary to attain status and wealth. 5,000 kids are killed by a gun every year in the U.S. There's a trend that appears to be a weak economy and scarcity of legitimate jobs for these young minority men—that's why they tend to join gangs. Basic needs that kids get by joining gangs are: structure, nurturing, economic opportunity and a sense of belonging. Most kids join gangs because that's what there is to join where they live—there aren't sports teams that they can join,

and there aren't jobs that they can get because of the weak economy—so that's why they turn to gangs.

There are two well-known gangs in Western U.S.; they're known as the ''Crips'' and the ''Bloods;'' the Crips and the Bloods are rivals in the Western U.S.—the Crips wear blue and the Bloods wear red. There is a lot hatred between these two gangs; a Blood will not ask for a cigarette because the word begins with a c,' as in Crips. Instead, they ask for a figarette.'' Parents are very fearful for their children's lives when they go out to play or go to school; if they are caught wearing the wrong colors, they could be misinterpreted for belonging to a gang, and get hurt or killed. Parents dress their children carefully in brown, yellow or other neutral colors, and they avoid buying British Nike's brand sneakers, because the initials have come to mean ''bloodkiller,'' a sign of disrespect in a Blood neighborhood. Nearly 50% of the Black male population age 21 through 24 is involved in some sort of gang activity. More than 200,000 people live in South Central L.A., and most have turned their homes into what look like jails: heavy metal-grid bars across the windows and doors, their yards turned into military compounds with wrought-iron fences, etc. They do this to protect their property, their family and themselves from gangs involvement.

Solutions to ending the gang problems of the U.S. are difficult to come up with. Trying to attract the interest of teenagers is also hard to do. Some suggestions have been: recreational activities for the students to participate in after school so they can stay off the streets. A way to bring teenagers into the picture of helping out is by way of teacher training. They need training to recognize gang members (signal), and discourage their activities. Other than recreational activities, there should be also an alternative for those nonathletic students. There should be tighter security—security officers at schools to deal with troublesome students; increased discipline would mean stricter enforcement of existing disciplinary rules. Metal detectors are also a way of weeding out weapons, and in some schools there's a truancy court that deals with people with high absenteeism. There is also . . . alternative schools with programs for disciplinary problem children. Former gang members participate in community awareness campaigns. And one last solution would be to control the unemployment by making . . . more jobs available for students and young people.

Congressman Sanders: Andrea, thank you very much; that was excellent. I'd like to ask you a very brief question, one question: in your judgment, has the government or other interests done a good job of controlling or eliminating youth gangs in America?

Answer. I don't think so, because there's a lot of unemployment out there, and that's why these teens are turning to gangs, because they don't have anything to do. So I think that the government should create more jobs for the students to get involved with.

Congressman Sanders: Are you familiar with the Summer Youth Employment Program?

Answer. A little bit.

Congressman Sanders: The Summer Youth Employment Program is a Federal program which allows low- and middle-income students to have summer jobs. It's a very important program, in districts such as you were speaking about in Los Angeles, where unemployment is very high. One of the things that I should tell you, a little bit sadly, is we were fighting this fight, but we think that the leadership in Congress is going to eliminate the funding for the Summer Youth Employment Program, which I think addresses some of the concerns that you've raised.

REVISION OF UNITED STATES-PUERTO RICO POLITICAL STATUS ACT, H.R. 3024

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. GALLEGLY. Mr. Speaker, today I am submitting for the RECORD a revision of H.R. 3024, the ''United States-Puerto Rico Political Status Act.'' The purpose of the revised version is to enable Members of Congress to consider the actual language of the political status option which was presented to voters as the definition of the ''Commonwealth'' political status option in a 1993 plebiscite conducted by Puerto Rican authorities under local law. The local political parties in Puerto Rico formulated the ballot definitions in that plebiscite.

On December 14, 1994, the Legislature of Puerto Rico adopted Concurrent Resolution 62, requesting the 104th Congress, if unwilling to accede to and implement the definition of ''Commonwealth'' from the 1993 ballot, to state ''. . . the specific status alternatives that it is willing to consider, and the measure it recommends the people of Puerto Rico should take as part of the process to solve the problem of their political status.'' Before responding to Concurrent Resolution 62, on October 17, 1995, the Subcommittee on Native American and Insular Affairs, Committee on Resources, and the Subcommittee on the Western Hemisphere, Committee on International Relations, conducted hearings on the 1993 plebiscite results in which representatives of each principal political party testified and persons of all persuasions were afforded the opportunity to submit statements for the record.

Based on the record of that hearing (see, Joint Hearing Report, Serial No. 104–56 (Committee on Resources)), Chairman DON YOUNG and I introduced H.R. 3024 along with 13 other cosponsors to the request of the Puerto Rico Legislature in Concurrent Resolution 62. H.R. 3024 reflects the best judgment of its sponsors with respect to how Puerto Rico's political status can be resolved consistent with the U.S. Constitution and this Nation's commitment to self-determination. The definition of ''Commonwealth'' on the ballot in the 1993 plebiscite was not included in the bill as introduced for reasons which include those set forth in the letter of February 29, 1996, from Chairman DAN BURTON and I as the two subcommittee chairmen who conducted the joint hearing on October 17, 1995, signed as well by our respective full committee chairmen. See, CONGRESSIONAL RECORD, March 6, 1996, E299–300.

On March 23, 1996, a comprehensive hearing on H.R. 3024 was conducted by the Committee on Resources in San Juan, PR. Again, all parties were afforded an opportunity to testify or submit written statements. On the basis of the exhaustive record now before the committee and extensive consultations with interested individuals, political parties, and elected officials in Puerto Rico, the Subcommittee on Native American and Insular Affairs is prepared to consider further H.R. 3024.

Obviously, it would be unfair and irresponsible to allow the deliberative process of Congress regarding H.R. 3024 to be held hostage by those who, for whatever reason, may prefer to delay or prevent a considered and unambiguous Federal response to the 1993 plebiscite. However, to accommodate the widest possible range of rational and responsible views on this matter, Chairman YOUNG has taken the time to consider the record carefully, and he has agreed to support revisions to the bill based on comments and recommendations made in hearings and during consultation with some of our colleagues, representatives of the major parties, and other concerned parties.

Thus, for example, we are prepared to ensure that a valid definition of ''Commonwealth'' consistent with applicable rulings of the U.S. Supreme Court is included in the democratic process under this bill—even though the present status would not have changed under the original version unless the voters approved a new status. In addition, the revised version of H.R. 3024, with the 1993 ''Commonwealth'' definition prepared by the local political party which supports that status option, is being made available for consideration by the subcommittee and interested Members of Congress.

The constitutional, fiscal, and political obstacles to implementation of both the core elements and most provisions of the 1993 ''Commonwealth'' definition remain, as indicated in the February 29 letter cited above, Still, Chairman YOUNG has demonstrated exceptional sensitivity toward the difficult issues which arise from the inclusion of this ''best of both worlds'' definition on the 1993 ballot, and its approval by a slight plurality but less than a majority of the voters. Under the U.S. Constitution only Congress can determine what political status options it is willing to consider as requested by Concurrent Resolution 62, but Chairman YOUNG's decision to present the 1993 definition to Congress for its consideration reflects his commitment to the most open and bipartisan approach possible.

I want to express my admiration for the conscientious and careful approach which Chairman YOUNG has taken in this matter. While some of the people of Puerto Rico and even some Members of Congress may well prefer this legislation not be considered on the merits, there is no credible basis for further delay. The process of hearings and accommodation of the views of others which Chairman YOUNG has overseen has been exceptionally fair, and, by ensuring that people in Puerto Rico know that the 1993 definition of ''Commonwealth'' is considered by Congress in the original form without alteration, Chairman YOUNG has demonstrated unprecedented flexibility and openness.

That is why some 60 Members, including Democrats and Republicans, are now cosponsors of the United States-Puerto Rico Political Status Act, H.R. 3024. That is why we are going to move forward without further delay.

The revision to H.R. 3024 is made by inserting the following language on line 22, page 9, of H.R. 3024 as introduced on March 6, 1996:

(3) A path of Commonwealth, in which—

''(A) the Commonwealth is a mandate in favor of guaranteeing our progress and security as well as that of our children within a status of equal political dignity, based on the permanent union between Puerto Rico

and the United States encompassed in a bilateral pact that cannot be altered except by mutual agreement.

''(B) the Commonwealth guarantees—

''(i) irrevocable United States citizenship;

''(ii) common market;

''(iii) common currency;

''(iv) common defense with the United States;

''(v) fiscal autonomy for Puerto Rico;

''(vi) Puerto Rico Olympic Committee and our own international sports representation; and

''(viii) full development of our cultural identity, under Commonwealth we are Puerto Ricans first;

''(C) we will develop Commonwealth through specific proposals to be brought before the United States Congress; and

''(D) we will immediately propose—

''(I) reformulate section 936, ensuring creation of more and better jobs;

''(ii) extend the Supplementary Security Insurance to Puerto Rico;

''(iii) obtain Nutritional Assistance Program allocations equal to those received by the States; and

''(iv) protect other products of our agriculture, in addition to coffee.''.

SPECIAL TRIBUTE TO MRS. MARY VEREEN ON HER RETIREMENT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a remarkable educator whose exemplary life of commitment represents a genuine consecration to the ideals of service on behalf of thousands of students. Mrs. Mary Vereen is retiring from the Dade County Public Schools after serving 31 years of continuous teaching, educating and motivating countless boys and girls to choose the path of academic excellence and personal achievement.

In her own quiet but dignified way she epitomized the noble qualities that ordinary Americans, the unsung heroes and heroines of our Nation, have always engendered into their charges time and time again. I would not feel right at all if I did not share with Congress the legacy of excellence and sacrifice this humble educator bequeathed to benefit the lives of so many children in my community.

A salient description of what Mrs. Vereen meant to many homes in the inner city is so compelling as to tug at the heartfelt simplicity and relentless commitment she gave to these children. Nurturing them into becoming responsible and productive members of society, she transformed her covenant of service into one that bespeaks of her utmost caring and encouragement for their future. She also veritably became an oasis of hope and support for their parents who have had to weather the storms that constantly challenged them along the way.

In her stint as a teacher and then as an administrator, she created ample opportunity and brought so much joy to so many students who were eager to meet the challenges she posed to them. With this basic methodology Mrs. Vereen went on to guide her charges, both children and their parents, counseling them to abide by the tenets of common discipline and personal responsibility. She instilled into their value systems no less than the love of learning and the mastery of the basic skills, demanding moral excellence and communal courtesy in their dealings with one another. Mediocrity was unacceptable.

Mr. Speaker, my community will sorely miss the guiding hand of Mrs. Mary Vereen. Her legacy exemplifies a genuine stewardship reflecting an admirable fusion of utmost professionalism and personal integrity that will long be remembered and admired in the annals of educational leadership. I wish her a well-deserved retirement and success and happiness in her future endeavors.

NO DEAL ON TOBACCO INDUSTRY PROPOSAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. STARK. Mr. Speaker, recently two tobacco industry giants, Philip Morris USA and United States Tobacco [UST], presented a gift to the American people: their approach to how the industry and the Federal Government could work together to reduce youth smoking. Their present was beautifully wrapped with an agreement to ban cigarette vending machines, to restrict mail distribution of tobacco products, and to prohibit billboard advertising of tobacco products within 1,000 feet of schools—all of which would be greatly effective in decreasing youth smoking, an injurious activity that one out of every three American high school students take part in. But once we tear away the ribbons and packaging on this present, we find that all that's left is gag gift from the tobacco industry. The Philip Morris/UST proposal mocks the health and welfare of our Nation's children and the tobacco industry gets the last laugh.

The Philip Morris/UST proposal is an utter sham compared to the FDA's proposed rule:

The FDA proposed rule bans tobacco sponsorship of any athletic, musical, artistic or other social or cultural event. Under their proposal, the tobacco industry can sponsor motorsports and rodeo, two events that the tobacco industry is heavily invested in. These sporting events are the most commonly attended sporting events in the country.

The FDA proposed rule restricts tobacco advertisements to publications with an adult readership of 85 percent or more and less than 2 million readers under 18 years old. The industry proposal changes readership to subscribers. Since most children and youths do not subscribe to magazines, this provision becomes ineffectual.

The FDA proposed rule requires each tobacco manufacturer to contribute to a $150 million public education campaign to discourage youth from tobacco use. The tobacco industry doesn't even bother to include this provision in their proposal.

But most importantly, the Philip Morris/UST proposal eliminates FDA jurisdiction over tobacco products. This would effectively shut down the FDA's ability to regulate tobacco at all with disastrous effects: It would preempt the FDA from ruling that nicotine is a drug. It would preempt the FDA from ruling that nicotine is addictive. And it would preempt the FDA from ruling that a cigarette is a device used to transmit an addictive drug. With no FDA jurisdiction over tobacco, there is no agency with authority over nicotine-containing tobacco products.

We cannot allow the tobacco industry to go unregulated especially in the area of youth smoking. The threat to our Nation's children is too great. For example, in California alone:

Over 29 million packs of cigarettes are sold to California children annually, generating $62.5 million in sales revenue for the tobacco industry.

Teens under 18 can successfully purchase tobacco from one out of three tobacco retailers in California.

Smoking among youth in California is increasing from 9.1 percent in 1993 to 10.9 percent in 1994.

And California is one of the leaders in anti-smoking efforts. I could only imagine how bad the statistics would be if even our few laws weren't in place.

Philip Morris and UST know that their public support has been reduced to ashes. Since today is World No-Tobacco Day, I urge Congress to embrace the FDA proposal, a comprehensive approach to reduce youth tobacco use and reject the tobacco industry's sham proposal. No deal for Philip Morris and UST. Our children's health is non-negotiable.

THE OIL SPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. MENENDEZ. Mr. Speaker, it is with a sense of urgency that I introduce the Oil Spill Prevention and Response Improvement Act. On May 10, 1996, a tanker moored in Delaware Bay spilled 10,000 gallons of light grade crude oil. Strong winds pushed the slick toward the beaches of Cape May, NJ, posing a threat to wildlife and migrating waterfowl. The tanker had been anchored 17 miles off the Cape May Shore in an area known as the Big Stone Anchorage. It was involved in a process known as lightering. A tanker lighters by pumping some of its cargo into a smaller barge. This is usually done because there is insufficient depth of water to allow the tanker to safely make passage to secure oil terminals. Transferring oil over open water between two or more vessels is a risky process which greatly increases the possibility of spills or more serious accidents.

While the Cape May incident was a relatively minor accident and the environmental impacts were quickly contained, I am greatly troubled about the prospect of an accident in the New York Harbor. Thirty billion gallons of oil of every type are shipped through the Port of New York and New Jersey each year. One billion gallons is lightered from deep water anchorages beyond the Verrazano Narrows. That is 100 times the amount of oil spilled by the Exxon *Valdez* off the Alaskan coast. These barges are often single hulled and sometimes have no crew or anchor. The situation in the New York Harbor is doubly dangerous because of an institutional failure to dredge. The lightering process is used to reduce the weight of oil tankers and thereby lessen draft to enable these great ships to negotiate the shoaled-in channels and berths of

the upper bay and the connecting channels in the Kill Van Kull and the Arthur Kill. It is only the exceptional skill and dedication of the pilots serving the Port of New York and New Jersey that have prevented a catastrophe, but there have been a number of near collisions.

To reduce this threat, this legislation requires the Coast Guard to develop requirements for lightering and towing operations. It provides incentives for converting to the use of double hull vessels. The bill will also reduce the economic hardship on the victims of oil-spills, particularly in fishing communities. This bill is a good starting point at improving the Oil Pollution Act and improving the safety of barges that move a commodity that is essential for our economy safely and without harm to the environment.

INTRODUCTION OF RABBI DAVIS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. DEUTSCH. Mr. Speaker, it gives me great pleasure to introduce to my colleagues, Rabbi Edward Davis, who will be giving today's opening prayer. Rabbi Davis leads the Young Israel Congregation of Hollywood, FL. Yet, Rabbi Davis is far more than just the spiritual leader of his south Florida congregation. After serving as Young Israel's rabbi for over 15 years, he has emerged as a well-respected leader throughout the community. He is a man that people can turn to in their time of need and someone people seek out to share in their joyous occasions. Moreover, he has become a dear friend whose ability to enrich people's religious experience is a treasure and a gift.

Rabbi Edward Davis is married to Meira Davis and is the father of nine children. Mr. Speaker, I congratulate Rabbi Davis on all that he has accomplished and I ask my colleagues to join me in welcoming Rabbi Davis to the floor.

STATEMENT REGARDING STUDENT VOICE AND EMPOWERMENT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by several high school students at Champlain Valley Union High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Through our high school years, we have discovered the power and voice that we as students have in our school; and we have realized that this power of student voice is an incredibly valuable and meaningful learning experience.

It's important to recognize that education reform, especially when it concerns the students that say their education . . . can be very slow. And we hope that some of the ideas that we present today will be a springboard for further action on the part of both students in the audience as well as for Vermont.

It's our hope that . . . we be more of a voice, both in schools and on a national level. And, for that reason, our presentation is both for Congressman Sanders and for the teachers and the students in the audience.

We believe that student voice is fundamental to provide the necessary quality of education to our nation's youth. Student voice empowers our students, instilling confidence and providing opportunities for participation in the democratic process. Student voice gives students control over their own education, getting them interested and excited about it, and making it more meaningful.

Student voice improves the tone and level of respect among students, teachers and administration and other members of the school community, building a stronger community. Incorporating student voice into the educational experience is a tool for developing contributing members of a democratic society.

We attended a national conference last November, where we came together with students and teachers from across the country re: policy changes for student voice. And we came up with a general policy at that conference. This first handout that we've given Congressman Sanders (and if anyone else we would like to copy, we'll have them available afterwards) is kind of our own version of general policy that we created. It's something you can bring back to your own schools, and share with other people. The following is the policy:

School government: schools should incorporate a democratic decision-making process where all students can be recognized; all people in the school community should have equal opportunity to be heard; there should be a commitment to building this process by making it accessible, and by providing students and staff with the time necessary to plan and implement the school's plan of action.

For curriculum, students need to have a voice in what and how they learn; open dialogue should exist between teachers and students, about teacher and student evaluation.

For school tone and culture: a school should have an atmosphere that reflects its values of student empowerment; this includes allowing students to help shape the atmosphere of the school; the climate of the school should be one of open communication between all its members; students and faculty should feel equally comfortable in discussing concerns and suggestions. The first step towards creating a school culture that allows for Student Voice lies within each individual, and . . . we want to stress that each person is responsible for speaking out, and listening, and encouraging the voice of others. The school atmosphere should reflect the democratic ideals of our society. In an ideal world, as well as a democracy, every person has a voice, and so each person's voice should be listened to and respected.

And the most important thing is ''how'' and ''what can you do;'' and that's the second handout that we have available if you want it. (signal) We're just going to go through reading this is all. Here are some suggestions:

Create more funding for education; let's think about the future; if students are empowered today, we will be prepared tomorrow to contribute to society in an active and productive way. But this cannot be accomplished on a shoestring budget. . . . What is more important than education, what is more important than our future?

Encourage students to teach each other; everyone is good at something; finding strengths build upon them by creating opportunities for students to teach their peers. Through this teaching process, students will gain confidence in leadership skills. Invite students to serve on national committees and panels concerning education skills. Create positions for students to advise the Secretary of Education: a student representative in Washington.

And the final suggestion today: create charters for student rights within your local schools, and send these charters to other schools, and encourage them to create their own charters. Let's begin a grassroots Student Voice Movement. (APPLAUSE)

Congressman Sanders: I would strongly encourage all of the schools here to get copies of these very excellent documents. The second I'd like to ask you: to what degree are these principles in existence now at CVU—are they in existence?

Answer. I think we're here because we have gotten these principles from our school and from our education; and that's not to say that every student at CVU has gotten the same things that we have. I think that our school does an excellent job of providing opportunities for students, but it doesn't do quite as well in making . . . sure that all students realize and recognize that opportunity.

Congressman Sanders: Let me ask you the last question: in the last election nationally, only 38% of the American people came out to vote. What do you see as the relationship between student democracy and democracy within our country as a whole?

Answer. It's building on the future; if we start in schools. The problem with our democracy today is that as students grow up in our educational system, they don't learn that much about it. Then once they get out there into the real world they haven't had very much practice with it, and don't know what to do. One of the best ways to remedy that problem is to start dealing with democracy in the schools.

HONORING JOSEPH JACOBSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my colleagues, and the members of the Harry Van Arsdale Jr. Memorial Association as they present their Humanitarian Award to Joseph Jacobson. The Memorial Association recognizes individuals who pay tribute to educational and social projects that express the lifelong philosophy and personal commitments of Harry Van Arsdale, Jr., the long time, and much beloved labor leader.

Throughout his life, Joe Jacobson has strived to help others. In 1921, Mr. Jacobson was initiated into the Local 3, International Brotherhood of Electrical Workers. From there he held a position on the Board of Directors of the Electrical Workers Benefit Society. He has served as president to the Electrical Welfare Club, and the Bronx Acorn Social Club. Mr. Jacobson was also a representative of Local 3, International Brotherhood of Electrical Workers, and an employee representative of the Joint Industry Board of the Electrical Industry, and of the vacation committee.

While becoming active in the community, he still remained a loving husband to his late wife Rose, and a father to his son Stanley, who has blessed the Jacobsons with three grandchildren and one great-grandson.

This is not the first time Mr. Jacobson has been honored with such prestigious recognition. Mr. Jacobson's accomplishments were

also acknowledged by the Electrical Industry Division of the State of Israel Bonds, the Federation of Jewish Philanthropies of the Electrical Sign Division, and the United Jewish Appeal and the Bronx Council of Scouting.

The dedication of this man to better his community continued even after his retirement on March 1, 1967. He was instrumental in organizing the thirteen chapters of the Retirees Association of Local 3, International Brotherhood of Electrical Workers. He served as their first treasurer in 1969, and has served as president since 1975, while continuing to remain a board member on the National Council of Senior Citizens. He still remains active in his community, always putting others before himself. There is no doubt in my mind that this country would benefit by having more people like Joseph Jacobson.

Mr. Speaker, it is with the utmost sincerity and gratitude, that I pay tribute to this man, and thank him for the generosity he has proffered on others throughout his life. He is an outstanding citizen and an inspiration to us all. Therefore, I ask my colleagues to rise with me, and the people of the Fifth Congressional District, as we extend to Joseph Jacobson our sincere appreciation for his life's work and dedication to others.

SERVING NEW JERSEY'S VETERANS BETTER

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in support of H.R. 3376, a bill which authorizes major medical construction projects for the Department of Veterans Affairs in fiscal year 1997. Among these projects, there is one which is special importance to me and to my constituents: an allocation of $21.1 million for a new building on the grounds of the Veterans Medical Center at Lyons, NJ.

Lyons Medical Center has served New Jersey's veterans since 1930. The Center started life as a long-term care facility with 400 beds for the mentally ill. With over 1,000 nursing home and hospital beds and outpatient visits totaling over 90,000 a year, Lyons is now the largest medical center in the VA's health care system.

H.R. 3376 will provide Lyons with the funds for a two-story building that will replace an aging building currently on site. This new building will enable the Center to provide better service in a more cost-effective manner. The Center will be able to consolidate the hospital's emergency department, diagnostic and treatment services, and ambulatory care clinic.

I regard this work at Lyons as one small part of our country's ongoing commitment to its veterans. My father served during World War II as a fighter pilot. He and his generation successfully met the challenge of defending democracy against the fascist threat.

I think our generation now is confronted with another kind of threat, one from within—that is, our every-growing national debt. In light of this problem, we must review our Nation's spending priorities. The 1997 budget resolution reaches a balanced budget in 2002 while increasing spending for Veterans Affairs from $37.8 billion in 1996 to $39.9 billion in 2002. This Congress stands firm in honoring our obligation to veterans, while also honoring our commitment to future generations of Americans by passing a balanced budget.

Mr. Speaker, with H.R. 3376 and its proposed spending to upgrade the Lyons Medical Center, the House continues to honor its obligation to New Jersey's veterans. I commend Chairman STUMP for this excellent bill, and urge my colleagues to support H.R. 3376.

NATO ENLARGEMENT FACILITATION ACT OF 1996

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SMITH of New Jersey. Mr. Speaker, as an outspoken supporter of NATO expansion, I am pleased to join Chairman GILMAN and others in introducing legislation designed to move this important process ahead in a timely manner. Regrettably, the Clinton administration's professed commitment to expansion of NATO has not been adequately matched by concrete deeds. The Partnership for Peace program, meant to deepen and strengthen the links between the Alliance and the emerging democracies of East Central Europe, appears stalled. The legislation we introduce today is designed to move the program forward, making much-needed resources available to Poland, Hungary, the Czech Republic and others, helping them to meet the obligations which NATO membership would entail.

The United States must provide the determined leadership necessary to advance NATO enlargement and check those bent on blocking the inclusion of new states in the Alliance.

Mr. Speaker, the peoples of East Central Europe have made tremendous strides in working to overcome the legacy of communism. Many of the countries have undertaken significant steps to consolidate democracy, to protect human rights, and to rebuild economies based on market principles.

At the same time, my endorsement of an expanded NATO is tempered by a recognition of the fact that progress in the region has not been even. There is room for further improvement in each and every one of the states concerned. I would note that all 27 states which have joined the Partnership for Peace to date are participating States of the Organization for Security and Cooperation in Europe [OSCE]. That membership has committed each to act in accordance with all OSCE documents, including the Helsinki Final Act.

As chairman of the Helsinki Commission, I am convinced of the fundamental role of human rights in advancing genuine security and stability, and, as such, must be an integral aspect of the expansion process. The human rights record of prospective candidates for NATO membership deserves close scrutiny. In fact, I would argue that a country's record should be subjected to more—not less—scrutiny the closer that country comes to being admitted into full membership in NATO. I would emphasize that none of the countries seeking NATO membership, including those considered to be leading contenders, is without problems.

The Government of Poland, for example, still has an arcane defamation law that provides criminal penalties against those who allegedly ''slander'' the state, similar to the laws previously used by Communist regimes to silence their opponents. In response to a letter from members of the Helsinki Commission on this issue, authorities in Warsaw have recently indicated their intention to repeal this provision as part of a general overhaul of the penal code. This step will, in my view, remove one of the last remaining vestiges of the Communist system from Poland's generally outstanding human rights record.

In the case of Hungary, there is continued concern over the use of excessive force by police, including harassment and physical abuse of Roma, Hungary's largest minority group. Some human rights organizations have suggested that Roma are also kept in pretrial detention more often and for longer periods than non-Roma.

The Czech Republic, although a human rights leader in many respects, passed a citizenship law after the dissolution of the Czechoslovak Federation that leaves thousands of people without citizenship. Regrettably, a recently passed amendment to the law failed to resolve this problem. Also, the Czech Republic has used a criminal defamation law to restrict free speech.

Mr. Speaker, I appreciate the tremendous progress which each of these states has made since the revolutions of the late 1980's and early 1990's which toppled the dictators of East Central Europe and the former Soviet Empire. I urge the leaders of Poland, Hungary, and the Czech Republic to take concrete steps to address the remaining human rights concerns in a manner consistent with OSCE principles as they pursue their goal of full NATO membership.

Mr. Speaker, the Congress has sought to play an active and constructive role in moving the NATO expansion process forward. The NATO Enlargement Facilitation Act, which we introduce today, demonstrates our firm commitment to the people of East Central Europe, including those from the Baltic States and Ukraine, as they strive to overcome the legacy of Communism and pursue democracy rooted in respect for the rights and freedoms of the individual.

INTRODUCTION OF H.R. 3562, WISCONSIN WORKS

HON. MARK W. NEUMANN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. NEUMANN. Mr. Speaker, I am submitting for printing in the CONGRESSIONAL RECORD the text of H.R. 3562, a bill to authorize the State of Wisconsin to implement the ''Wisconsin Works'' welfare reform plan. I am also submitting a list of the 88 Federal waivers requested by the Governor of Wisconsin, plus a summary of the Wisconsin Works plan, for the benefit of Members of Congress.

The Wisconsin Works plan was researched, written, debated, and passed into law by the citizens of Wisconsin through their elected representatives. The plan underwent the scrutiny of numerous public hearings and 18 months of public debate. The plan passed the Wisconsin state legislature with bipartisan support—both the State Assembly and State Senate passed the plan with at least a two-thirds

vote. Finally, the President of the United States enthusiastically endorsed Wisconsin's plan in a radio address to the Nation on May 18, 1996.

H.R. 3562

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

SECTION 1. AUTHORITY TO IMPLEMENT WISCONSIN WORKS DEMONSTRATION PROJECT.

(a) IN GENERAL.—Upon presentation by the State of Wisconsin of the document entitled ''Wisconsin Works'' (as signed into State law by the Governor of Wisconsin on April 26, 1996) to the appropriate Federal official with respect to any Federal entitlement program specified in such document—

(1) such official is deemed to have waived compliance with the requirements of Federal law with respect to such program to the extent and for the period necessary to enable the State of Wisconsin to carry out the demonstration project described in the document; and

(2) the costs of carrying out the demonstration project which would not otherwise be included as expenditures under such program shall be regarded as expenditures under such program.

(b) LIMITATION OF COSTS.—Subsection (a)(2) shall not apply to the extent that—

(1) the sum of such costs and the expenditures of the State of Wisconsin under all programs to which subsection (a) applies during any testing period exceeds

(2) the total amount that would be expended under such programs during such testing period in the absence of the demonstration project.

(c) TESTING PERIOD.—For purposes of subsection (b), the testing periods are—

(1) the 5-year period that begins with the date of the commencement of the demonstration project, and

(2) the period of the demonstration project.

(d) RECAPTURE OF EXCESS.—If at the close of any testing period, the Secretary of Health and Human Services determines that the amount described in subsection (b)(2) exceeds the amount described in subsection (b)(1) for such period, such Secretary shall withhold an amount equal to such excess from amounts otherwise payable to the State of Wisconsin under section 403 of the Social Security Act (relating to the program of aid to families with dependent children) for the first fiscal year beginning after the close of such period. The preceding sentence shall not apply to the extent such Secretary is otherwise paid such excess by the State of Wisconsin.

SEC. 2. NO EFFECT ON CERTAIN OTHER WAIVERS GRANTED TO THE STATE OF WISCONSIN.

This Act shall not be construed to affect the terms or conditions of any waiver granted before the date of the enactment of this Act to the State of Wisconsin under section 1115 of the Social Security Act, including earned waiver savings and conditions. The current waivers are considered a precondition and can be subsumed as part of the Wisconsin Works demonstration.

SEC. 3. AUTHORITY TO PARTICIPATE UNDER SUBSEQUENT LEGISLATION.

If, after the date of the enactment of this Act, any Federal law is enacted which modifies the terms of, or the amounts of expenditures permitted under, any program to which section 1 applies, the State of Wisconsin may elect to participate in such program as so modified.

WISCONSIN WAIVERS (88) SUBMITTED MAY 28, 1996

GENERAL

1. New fraud penalties
2. Dual agency administration of medical assistance and food stamps
3. New performance standards for agencies
4. End entitlement to cash, health, child care
5. Fair hearing rights

AID TO FAMILIES WITH DEPENDENT CHILDREN

1. Definition of dependent child
2. Definition of AFDC
3. Benefit for dependent children of parents receiving SSI
4. No entitlement to job positions
5. 60 day residency requirement
6. Assistance group definition
7. End income/resource exemptions
8. Refusal of offer of employment
9. Time-limited participation
10. Early imposition of time limit clocks
11. Flexible use of AFDC and medical funds
12. Agency review of welfare cases
13. Privatization
14. Performance standards for agencies
15. Two month delay in closing cases
16. Changing assets limits
17. Lump sums
18. Benefit calculation
19. End AFDC needs standard
20. Elimination of child care disregard
21. Learnfare sanctions
22. Non-custodial parent eligibility
23. Sanction for child support noncooperation
24. Paying child support directly
25. Treatment of stepparent income
26. End medical assistance extension
27. Eligibility of sponsored aliens
28. Deeming income of sponsors
29. Fraud penalties
30. Minors required to live at home
31. Statewide eligibility criteria
32. Quality control
33. Filing federal fraud reports
34. Benefits under trial jobs
35. Placement for unsubsidized jobs
36. Trial jobs
37. Community service jobs
38. Work required for parents of children under age 6
39. Transition
40. Job access loans
41. Flexible use of cash/medical funds
42. Child care copayment requirements
43. Community steering committee
44. JOBS program provisions
45. AODA participation
46. Work exemption for parents of children under age 1
47. Employment category sanctions
48. Applicant job search
49. Extensions of time limits
50. CWEP participation
51. One parent participation in work program
52. Emergency assistance
53. Displacement
54. Recoupment of overpayment
55. Garnishing benefits for medical premiums
56. Automatic data processing

MEDICAID

1. Entitlement status of medical assistance
2. End of medical assistance extension
3. HMOs
4. Maintain effort on medical assistance
5. No public health benefits if employer plan
6. Health plan premiums
7. Medical assistance income eligibility limits
8. Income disregards
9. Assets
10. Privatization
11. Treatment of stepparent income
12. Minor parents required to live at home
13. Agency review of cases
14. Sanction for child support noncooperation

CHILD SUPPORT

1. Paying child support directly
2. Child support disregard
3. Mandatory cooperation on child support
4. Continued eligibility for child support
5. Child support services for welfare families
6. Earning incentives on child support

CHILD CARE

1. Eligibility age for child care
2. Financial eligibility for child care

FOOD STAMPS

1. Certification
2. Graduated benefit levels
3. Employment and training program exemptions
4. Work requirements
5. Nutrition education

MAJOR FEATURES OF THE WISCONSIN WELFARE REFORM PLAN (WAIVER SUBMITTED MAY 28, 1996)

1. Cash assistance is available only through work or participation in a work activity (such as community service or a sheltered workshop for the disabled).

2. There is a 5-year lifetime limit on assistance (with limited individual extensions such as for poor local economy).

3. Teen parents must live at home or in a supervised alternative living arrangement like kinship care or group homes.

4. Health care coverage (replacing Medicaid) will be obtained from certified HMOs through benefits packages resembling those offered by employers, with recipients paying premiums on a sliding scale and standard copayments. Under the Wisconsin plan, health care spending grows from $445 million in FY 1997 to $475 million in FY 1998.

5. Child care is available to all eligible families who need it to work, with funds focused on lower-income families and recipient copayments linked to the cost of care. Under the Wisconsin plan, child care spending grows from $158 million in FY 1997 to $180 million in FY 1998.

6. The Wisconsin plan includes five food stamp waivers, linking food stamps with other benefits, encouraging work (by maintaining food stamp benefits as work and income rises, by limiting exceptions to required work, and by reducing benefits for failure to work), and requiring nutrition education for participants. Food stamps would be replaced with cash, increasing flexibility and recipient self-esteem.

7. Even though child care and health care spending grows, other expenses such as subsidized employment expenses, office costs, and state administration fall even more, resulting in lower total welfare spending ($1.063 billion in FY 1997 and $1.042 billion in FY 1998).

JACQUES STALDER YEAGER, SR. PRESENTED UCR AWARD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the lifetime achievements of Jacques Stalder Yeager. Jacques has a long history of community service which includes public leadership and the raising of many thousands of dollars for community projects.

On June 5, 1996, Jacques is being recognized by the Citizens University Committee at the University of California, Riverside for outstanding service to the University and the extended community. His service to UCR includes University of California Board of Regents 1988–94; Citizens University Committee,

past chairman and membership chairman, with continuous CUC membership since 1969; UCR Foundation Board of Trustees; founding life member of the Chancellor's Associates; and Chancellor's Executive Roundtable.

In addition to his strong support of the university, Jacques is a noted businessman and community leader. A native of Riverside, Jacques joined the family construction business in 1947 after returning from military service in World War II. In 1957, he became president of E.L. Yeager Construction Co., Inc., then chairman/CEO in July 1993. Last year, he sold the company to six of its senior managers, and Jacques now serves as a director on the company board.

Jacques has always proved to be a reliable advisor who shows his love for the community by involvement in transportation planning and water resource management issues, and by his commitment to coordinated economic planning in the region. He has also been actively involved in charitable foundations, including the Red Cross, the Arthritis Foundation, and arts and museum foundations.

I join the Citizens University Committee in the celebrating of Jacques Yeager's distinguished service to the university and to our community.

STATEMENT REGARDING STUDENT-CENTERED HIGH SCHOOL EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by several high school students at Peoples Academy in Vermont, who were speaking at my recent town meeting on issues facing young people.

Our topic is: changing the education system. We don't have any great solutions, or anything, but we just want to increase the awareness of the fact that there's too much emphasis put on getting good grades, and having a good score. And the desire to learn is gone; or if it's not gone, it's not there very much, or whatever. The result of this is that students just go through school just . . . playing the motions, getting good grades, having tests, memorizing and they're not necessarily learning anything; or discovering . . . how they are self-learners, like what is the best way for them to learn, which they can carry with them throughout life.

Another thing that we think is that teachers seem bored. They're teaching the same thing again and again and again, and . . . becomes monotonous; it makes learning more of a chore. . . .

Along the same lines, we think that perhaps there could be more courses—there's a lot of courses out there that are trying to help teachers learn how to become better educators; but many times the teachers themselves don't have the desire to become better educated. If those teachers could, instead of going to classes and things like that and learning how, we could find the teachers that are considered good teachers, that actually want to help someone . . . I dare say, that the majority of people that become teachers don't necessarily become a teacher and say, ''Well, I want to go out there and help better the education of our youth, and . . . become better people. They say, ''This'll be a good paycheck for me.

And that's another thing that is a real problem with the way the system is set up right now: that money and getting a good paycheck is how things are judged by, and if you want to become a doctor, or whatever, it's not because you want to help cure disease, it's because you want a BMW. And, if these things are taught in the school, then that's obviously how it's going to be presented, but if we could . . . help people understand what they would enjoy doing, and less emphasis on money. Perhaps trying to help people understand that, ''Well, hey, money's not the only thing out there, you know, you've got to go to a job 40 hrs./week, making $50,000/yr., and hate my job, that's not something that's going to make your life happy. So, if we could change things, and help . . . people understand that you have to want to learn; you need to understand what you need to go out and learn about yourself.

And this is going to help in the school system also, because if someone's enjoying what they're learning, they're going to actually go out and do it themselves; they're going to be interested. I dare say that some people, if not most people are here today because it's for a class; they have to be here for a class, not because they're interested in the political system, but because it's a break. And if that's going to be the way things are, then nobody's going to be happy in their life; and that's a bigger issue than simply educating. (APPLAUSE)

We also feel that . . . you shouldn't have as many required courses; you have a four-year English requirement to graduate, and had my 4th year of English, and just sat through my English classes—I couldn't wait until it was over, I didn't learn much of anything, I just got by. I think that there should be more elective classes that you can take, that you're interested in, so that you have more interest to learn, I think that would be better for the students. Along the same lines also, that it is a major problem how general the courses are . . . The general courses are made to expose us to a lot of things, so that we can try to find out what we enjoy. But instead, it actually decreases that, because the system that's presented is looked at as something that's not enjoyable. So a kid—maybe does enjoy reading, but perhaps the way it's presented isn't for him. So, he may go away thinking, ''I'm no good at English, I can't get it right.'' But that's not necessarily the case. It may be that the system that the English is being presented [in] is the problem. So you need to look at that, it's more than just looking at, ''Well, he's just a bad student.''

TRIBUTE TO DR. ARTHUR PAPPAS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving this great body, is the opportunity to recognize outstanding individuals from across the nation. It is with great pride that I rise today to congratulate Dr. Arthur Pappas who was recently honored by the Massachusetts Hospital School for his dedication to children and his 25 years of service as Trustee and Chairman of the Board of the Massachusetts Hospital School.

Dr. Pappas is well known in the Boston area as a humanitarian and his association with the Massachusetts Hospital School is just one of his numerous public service activities. The Massachusetts Hospital School is an institution that encourages equal opportunity. The goal of the school is to reinforce the idea that each child should be given the chance to grow in every possible way despite his or her physical challenge.

In addition to his public service, Dr. Pappas is a leading orthopedist and has been a teacher and mentor to many medical students. He is also a pioneer in the field of sports medicine and has served as the team physician to the Boston Red Sox for many years. Through his private practice and work with the Red Sox, Dr. Pappas has advanced the medical knowledge of the proper treatment and rehabilitation of patients with debilitating injuries, and in so doing has helped thousands of patients.

Mr. Speaker, I am sure that I speak on behalf of everyone who has ever worked with Dr. Pappas or benefitted from his good works, when I offer my warmest congratulations.

INTRODUCTION OF WATER RESOURCES DEVELOPMENT ACT OF 1996

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SHUSTER. Mr. Speaker, today I am pleased to introduce, with my colleague from the Committee on Transportation and Infrastructure, JIM OBERSTAR, the administration's proposed authorization bill for the civil works program of the Army Corps of Engineers, the Water Resources Development Act of 1996, or WRDA.

Submitting a WRDA proposal signals the President's interest in continuing the Nation's commitment to water infrastructure. I congratulate the President and our former House colleague, the Honorable Martin Lancaster, who was recently confirmed as the Assistant Secretary of the Army for Civil Works, for their commitment to water resources development and conservation. While I cannot support some of its provisions, the bill represents an important first step in reinstating the biennial authorization process for corps projects and programs. I look forward to working with Secretary Lancaster as the committee moves forward soon with comprehensive WRDA legislation.

TRIBUTE TO LA PUENTE VALLEY REGIONAL OCCUPATIONAL PROGRAM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. TORRES. Mr. Speaker, I rise today to recognize the accomplishments of the La Puente Valley Regional Occupational Program [ROP], as it celebrates 25 years of community service and putting people on a path to a meaningful and productive career.

Established in July 1970, by four sponsoring unified school districts; Bassett, Hacienda-La Puente, Rowland, and Walnut Valley, in cooperation with the county superintendent of

schools and the State of California, the La Puente Valley ROP will celebrate 25 years of dedicated service to the community on July 1, 1996.

In July 1994, La Puente Valley ROP became a three-district Regional Occupational Program featuring Bassett, Hacienda-La Puente, and Rowland Unified School Districts. Under the dynamic leadership of Superintendent Patricia Frank and Board of Trustee Members Anita Perez, Al Cobos, Mary Jo Maxwell, Toni Giaffoglione, Norman Hsu, and Pete Samphere; and an outstanding instructional staff, the La Puente Valley ROP has made major gains toward implementing the goals as stated in it's mission statement:

The La Puente Valley Regional Occupational Program is committed to developing and providing quality occupational training programs that lead to a successful school-to-work transition or advanced technical training. These programs shall meet the diverse needs of all eligible students.

Over the past 25 years, more than 145,000 high school juniors and seniors, and adults from the community have taken advantage of the opportunities to participate in hundreds of courses. The La Puente Valley ROP offers: business and management, graphic arts, industrial technology, electronics, health occupations, personal services, food services/restaurant occupations and agriculture. Through the interest-aptitude-ability testing, career counseling, and job placement assistance, hundreds of the participating students have made the successful school-to-work transition.

The benefits to prospective employers are significant, there are no fees, applicants are prescreened, and potential employees are trained to meet a company's needs. The partnership built between industry, education, and the community is commendable.

Mr. Speaker, I am honored to have such a successful program serving my constituents. It is with pride that I rise and ask my colleagues to join me in recognizing the La Puente Valley Regional Occupational Program for 25 years of distinguished service to the community.

A TRIBUTE TO THE LIFE OF ADM. JEREMY BOORDA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. PORTER. Mr. Speaker, Harold Kramer, a retired member of the U.S. Navy and a constituent of mine residing in Lake Bluff, IL, wrote this impassioned tribute to the late Admiral Boorda. I would like to take this opportunity to share his words with the country.

THE MEANING OF VALOR

Many of us older Americans, including myself, have had the privilege of serving in the United States Navy in World War II and after . . . in my own case, as an enlisted man. It was, during my enlistment at the age of 17 in 1944, and still is a disciplined and dedicated organization which is one of the bulwarks of our way of democratic life. But in the last few years, a series of unfortunate events of which we are all aware—at an aviator's party, in Okinawa, at Annapolis and elsewhere has forced us to take stock of our shortcomings and re-dedicate ourselves to the re-establishment of the highest degree of understanding of others and morality in our treatment of others who differ from ourselves.

Admiral Boorda, whose untimely death we are here to mourn, was a dedicated man who enlisted in the United States Navy 40 years ago and—make no mistake about this—served the Navy and his country with great distinction throughout that exceptionally long service career. Because of the shortcomings of individuals—including officers in training at the Naval Academy plus harassment by both officers (at Tailhook) and enlisted men—Admiral Boorda had to address himself primarily to correcting problems of ethics and the need for basic decency in treatment of others in the Navy. And these are the same problems which haunt us in our civilian lives. Because of his concentration on apologizing for and correcting the wrongs of others in the Navy, he was sensitive in the extreme to his apparent own shortcoming in the technical violation of what entitled the wearing of the Navy ''V'' for valor.

Admiral Mike Boorda did serve with valor throughout his career and abroad his assigned tour of duty on a destroyer squadron during the Vietnam War. Although it happened that he was not fired upon, he was always willing to place himself in harms way in serving his country. The Webster Dictionary defines ''Valor'' as strength of mind or spirit that enables a person to encounter danger with firmness and personal bravery. Every one of us can and must be aware that our Chief of Naval Operations, Admiral Mike Boorda displayed these qualities and intended the wearing of the ''V'' medals to simply signify his having served during the period of the Vietnam War in the war theater. He earned them by his commitment to serve wherever needed in a war theater! He earned them by his 40 years of service to his country! He earned them by his always very special concern for the Navy enlisted men and women! Because Mike Boorda never forgot that he had advanced through the enlisted ranks, and he always sought the welfare of the enlisted man and woman.

We an mourn Admiral Boorda's untimely death in a number of ways. First, we can make our feeling known to the segments of the media such as Newsweek by canceling subscriptions when they put headlines above decency. We can constantly make a great effort toward understanding those with whom we serve—especially those who are different than ourselves. We can show the same kind of decency toward others that distinguished Admiral Boorda's life. And we can strive mightily to never allow the physically strong to take advantage of the physically weaker: to know in our hearts that real strength is strength of character! We can strive to give unstintingly of our selves in the service of God, our country and humanity! And in doing these things we can honor Admiral Boorda, our still outstanding United States Navy, and ourselves!

Admiral Mike Boorda actually gave his life for his country because he felt that was the only way, under the circumstances of more bad publicity for the Navy, to maintain the integrity of the service he loved. He gave his life for his country just as truly as if he had been under fire! While deeply saddened by his sacrifice of himself, we can honor his memory and his work by knowing that we cannot, we will not allow the wrongs of the past toward our fellows to be our guideline for the future. We can start by shaking the hand of the person next to us, taking some of his or her burden upon our own shoulders with a smile, and making the lives of those around us bright and better!

BALANCING THE BUDGET IS CRUCIAL TO OUR FUTURE

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. CHRISTENSEN. Mr. Speaker, the time has come to decide whether Congress should amend the United States Constitution to require an annual balanced budget. The Nebraskans I represent overwhelmingly support such a measure because they know, like me, that balancing the budget is crucial to their families' well-being and future prosperity.

As you may recall, in the first month of the new Congress the House of Representatives passed a balanced budget amendment by a vote of 300 to 132, thus taking the initial steps of the Republican journey in honoring its Contract With America. Although the balanced budget amendment overwhelmingly passed the House, it was defeated in the Senate when six Democrats who previously had voted in favor of the amendment switched their vote to defeat it. This week, the Senate will again revisit the balanced budget amendment and again attempt to do what is right: begin fixing a system that broke long ago.

According to the House Budget Committee, next year Americans will pay as much interest on the $5 trillion national debt as we will pay for our national defense. That statistic alone illustrates the inadequate way Washington has been doing business. The policies and practices of poor decisionmaking and poor leadership have cost the American families dearly, placing a price tag on our current defeat of over $15,000 per year for each family. Now the time has come to change course, and focus on a new horizon for our families, and for each other.

The balanced budget amendment will force the Government to play by the rules which we, as members of society, have come to expect in our ordinary affairs. Shareholders in corporations wouldn't allow it. The members of your professional organization wouldn't tolerate it. And certainly, you wouldn't plan your family's financial future based on it. Yet for the past 200 years we have let the Government make decisions without accountability; accountability which undoubtedly would not go unanswered by the corporation, by your professional organization, or by the members of your family. The time has come to require Congress to be accountable for the decisions it's making regarding the financial future of our Nation, and our Nation's children.

I pledged to work hard for a balanced budget amendment and did as I said I would do by voting in favor of it. I made a promise to the people of Nebraska and I delivered. The balanced budget amendment will change the way our government does business, forcing Washington do behave responsibly by requiring Congress to balance its books.

In a week representing the end of an era here on Capitol Hill, I defer to words of Senate Majority Leader ROBERT DOLE made last month regarding his 20-year battle for a constitutional amendment to balance the budget:

Perhaps no policy is more important to the economic future of Americans and the future of our children and the future of our nation than a balanced budget amendment. I know the President urged and probably persuaded

at least six Democrats to vote ''no,'' but it's not often we get a second chance to do the right thing.

The time has come to move forward and redirect our policies and practices to responsible spending and reasonable growth. Now is the time to confront the spending dragon on Capitol Hill, and slay the demon like never before. The time has come to show the American people that we are not afraid to accept the responsibility of balancing the budget and restoring fiscal sanity to this country's government. Now is the time. Now more than ever.

Tuesday, June 4, 1996

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5705–S5780

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1827–1836, and S. Res. 257. **Pages S5762–63**

Defend America Act: Senate continued consideration of a motion to proceed to the consideration of S. 1635, to establish a United States policy for the deployment of a national missile defense system. **Pages S5715–41**

During consideration of this measure today, Senate took the following action:

By 53 yeas to 46 nays (Vote No. 157), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to close further debate on the motion to proceed to consideration of the bill. **Page S5741**

Balanced Budget Amendment—Agreement: A unanimous-consent time-agreement was reached providing for further consideration of H.J. Res. 1, Balanced Budget Amendment, with a vote on passage of the resolution to occur at 12 noon on Thursday, June 6, 1996. **Page S5780**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report concerning the national emergency with respect to the lapse of the Export Administration Act of 1979; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–151). **Pages S5758–60**

Nominations Confirmed: Senate confirmed the following nominations:

Ernest G. Green, of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2001.

Lottie Lee Shackelford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998. (Reappointment)

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

Lawrence Neal Benedict, of California, to be Ambassador to the Republic of Cape Verde.

Ronnie Feuerstein Heyman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Terry Evans, of Kansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

J. Stapleton Roy, of Pennsylvania.

Henry McKoy, of North Carolina, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2002.

Harold Walter Geisel, of Illinois, to be Ambassador to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of The Comoros.

Aubrey Hooks, of Virginia, to be Ambassador to the Republic of the Congo.

Robert Krueger, of Texas, to be Ambassador to the Republic of Botswana.

David H. Shinn, of Washington, to be Ambassador to Ethiopia. **Pages S5779–80**

Nominations Received: Senate received the following nominations:

Madeleine May Kunin, of Vermont, to be Ambassador to Switzerland. **Page S5780**

Messages From the President: **Pages S5758–60**

Communications: **Pages S5760–62**

Statements on Introduced Bills: **Pages S5763–73**

Additional Cosponsors: **Pages S5773–74**

Notices of Hearings: **Page S5774**

Authority for Committees: **Page S5774**

Additional Statements: Pages S5774–79

Record Votes: One record vote was taken today. (Total—157) Page S5741

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:24 p.m., until 9:15 a.m., on Wednesday, June 5, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5780.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on the chemical demilitarization program, receiving testimony from Harold P. Smith, Jr., Assistant to the Secretary of Defense (Atomic Energy); Theodore Prociv, Deputy Assistant to the Secretary of Defense (Chemical/Biological Matters); Maj. Gen. Robert D. Orton, Program Manager, Chemical Demilitarization, Office of Assistant Secretary of the Army (Research, Development, and Acquisition); and Richard Magee, Chairman, Subcommittee on Alternative Technologies, National Research Council, National Academy of Sciences.

Subcommittee will meet again tomorrow.

OIL SPILL PREVENTION AND RESPONSE

Committee on Environment and Public Works: Committee concluded hearings on S. 1730, to strengthen and improve provisions of the Oil Pollution Act of 1990, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, after receiving testimony from Rear Adm. James C. Card, Chief of Marine Safety and Environmental Protection, U.S. Coast Guard, Department of Transportation; Douglas K. Hall, Assistant Secretary of Commerce for Oceans and Atmosphere/National Oceanic and Atmospheric Administration; Douglas C. Wolcott, Chair, Committee on the Oil Pollution Act of 1990 (Section 4115) Implementation Review, National Research Council; Sidney H. Holbrook, Connecticut Department of Environmental Protection, Hartford; Thomas A. Allegretti, American Waterways Operators, Arlington, Virginia; John Torgan, Save the Bay, Providence, Rhode Island; Richard Du Moulin, Marine Transport Lines, Inc., Secaucus, New Jersey, on behalf of the International Association of Independent Tanker Owners; George J. Savastano, Ocean City Department of Public Works, Ocean City, New Jersey; and Richard H. Hobbie, III, New York, New York, on behalf of the Water Quality Insurance Syndicate and the American Institute of Marine Underwriters.

ROMANIA MFN TRADE STATUS

Committee on Finance: Subcommittee on International Trade held hearings S. 1644, to authorize permanent extension of most-favored-nation trade status to Romania, receiving testimony from Senator Brown; Representatives Funderburk (former U.S. Ambassador to Romania), and Lantos; Marshall F. Adair, Deputy Assistant Secretary of European and Canadian Affairs, Department of State; Jeffrey M. Lang, Deputy United States Trade Representative; Martin M. Albanese, Lockheed Martin Ocean, Radar and Sensor Systems/Lockheed Martin Corporation, Syracuse, New York; Laszlo Hamos, Hungarian Human Rights Foundation, New York, New York; and Armand A. Scala, Congress of Romanian Americans, McLean, Virginia.

Hearings were recessed subject to call.

U.N. WORLD CONFERENCES

Committee on Foreign Relations: Committee concluded hearings to examine the purpose and results of recent United Nations international conferences, after receiving testimony from Representative Christopher Smith; Timothy E. Wirth, Under Secretary of State for Global Affairs; Penny Nance, Concerned Women for America, and Suzanne Kindervatter, Commission on the Advancement of Women, both of Washington, D.C.; and Christine Vollmer, Latin American Alliance for the Family, Caracas, Venezuela.

CHILD PORNOGRAPHY

Committee on the Judiciary: Committee concluded hearings on S. 1237, to revise certain provisions of law relating to child pornography, after receiving testimony from Kevin V. Di Gregory, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Jeffrey J. Dupilka, Deputy Chief Postal Inspector for Criminal Investigations, United States Postal Inspection Service, U.S. Postal Service; Dee Jepsen, Enough is Enough, and Bruce A. Taylor, National Law Center for Children and Families, both of Fairfax, Virginia; Frederick Schauer, Harvard University, Cambridge, Massachusetts; Judith F. Krug, American Library Association, Washington, D.C.; and Victor Cline, University of Utah, Salt Lake City.

House of Representatives

Chamber Action

Bills Introduced: 16 public bills, H.R. 3562–3577; were introduced. Page H5817

Reports Filed: One report was filed as follows:

H.R. 848, to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia, amended (H. Rept. 104–603). Page H5817

Speaker Pro Tempore. Read a letter from the Speaker wherein he appointed Representative Coble to act as Speaker pro tempore for today. Page H5759

Recess: the House recessed at 1:02 p.m. and reconvened at 2 p.m. Page H5765

Suspensions: House voted to suspend the rules and pass the following measures:

Veterans Health Care: H.R. 3376, amended, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997; Pages H5766–74

Mandatory Federal Prison Drug Treatment: H.R. 2650, amended, to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders. Pages H5774–76

Copyright Clarification: H.R. 1861, amended, to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; Pages H5781–84

Boating and Aviation Safety: H.R. 234, amended, to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated; Pages H5784–86

Administrative Dispute Resolution: H.R. 2977, amended, to reauthorize alternative means of dispute resolution in the Federal administrative process; Pages H5786–89

Office of Government Ethics: H.R. 3235, to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years; and Pages H5789–90

Drought Relief: H. Con. Res. 181, amended, expressing the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States. Agreed to amend the title. Pages H5791–92

Counterfeiting Prevention: The House voted to suspend the rules and pass H.R. 2511, amended, to control and prevent commercial counterfeiting. Subsequently, S. 1136, a similar Senate-passed measure was passed in lieu after being amended to contain the language of H.R. 2511, as passed the House. Pages H5776–80

House then insisted on its amendment to S. 1136 and asked a conference. Appointed as conferees: Representatives Hyde, Moorhead, Goodlatte, Conyers, and Schroeder. H.R. 2511 was then laid on the table. Pages H5780–81

Presidential Message—Export Administration Act: Read a message from the President wherein he transmits his 6-month periodic report regarding the threat to the national security caused by the lapse of the Export Administration Act of 1979—referred to the Committee on International Relations and ordered printed (H. Doc. 104–225). Page H5792

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5818–20.

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 12:30 p.m. and adjourned at 7:05 p.m.

Committee Meetings

INTERNATIONAL STANDARDS

Committee on Science: Subcommittee on Technology held a hearing on the increasing importance of International Standards to the U.S. Industrial Community and the Impact of ISO 14000. Testimony was heard from Belinda Collins, Director, Office of Standards Services, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

WORKER CLASSIFICATION ISSUES

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Worker Classification Issues. Testimony was heard from Senator Gramm; Representatives Christensen and Kim; and public witnesses.

SOCIAL SECURITY TRUST FUND

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the use of Social Security Trust Fund money to finance union activities at the SSA. Testimony was heard from Jane Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO; and public witnesses.

Joint Meetings

CONGRESSIONAL BUDGET

Conferees met to resolve the differences between the Senate and House-passed versions of H. Con. Res. 178, establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D545)*

H.R. 1965, to reauthorize the Coastal Zone Management Act of 1972. Signed June 3, 1996. (P.L. 104–150)

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 5, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine proposals to reform the Commodity Exchange Act, 9:30 a.m., SR–328A.

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on medical programs, 10 a.m., SD–192.

Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on peacekeeping and international organizations and programs, 10 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on S. 1815, to provide for improved regulation of the securities markets, eliminate excess securities fees, and reduce the costs of investing, 2 p.m., SD–538.

Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the foreign policy implications of China most-favored nation status, 10 a.m., SD–419.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to resume hearings to examine the security status of American informations systems, 9:30 a.m., SD–342.

Committee on Labor and Human Resources, business meeting, to mark up S. 1221, to authorize funds for fiscal years 1996 through 2000 for the Legal Services Corporation, 9:30 a.m., SD–430.

Committee on Small Business, to hold hearings to review the implementation of recommendations made by small business entrepreneurs at the 1995 White House Conference on Small Business, 10 a.m., SR–428A.

Special Committee on Aging, to hold hearings to examine how the Supplemental Security Income and the Disability Income programs can be reformed to encourage more people to enter into productive employment, 9 a.m., SD–562.

House

Committee on Agriculture, hearing to review trade opportunities in the Pacific Rim, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the Defense appropriations for fiscal year 1997, 9:30 a.m., 2360 Rayburn.

Subcommittee on Interior, to mark up appropriations for fiscal year 1997, 3 p.m., B–308 Rayburn.

Subcommittee on the District of Columbia, hearing on D.C. Management/Operation Improvements, 2 p.m., H–144 Capitol.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing regarding the performance of the SSA's Administrative Law Judges of Mobile, Alabama, and related issues, 10 a.m., 2237 Rayburn.

Committee on Rules, to consider the following: W–2 Wisconsin Works; and the Conference Report to accompany H. Con. Res. 178, establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002; 4 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to continue hearings on ISTEA Reauthorization Maintaining Adequate Infrastructure: the Interstate Maintenance National Highway System, Bridge and Reimbursement Programs, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, to mark up budget reconciliation welfare proposals, 12:30 p.m., B–318 Rayburn.

Next Meeting of the SENATE

9:15 a.m., Wednesday, June 5

Senate Chamber

Program for Wednesday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will resume consideration of H.J. Res. 1, Balanced Budget Amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 5

House Chamber

Program for Wednesday: Consideration of H.R. 3540, Foreign Operations Appropriations Act for FY97 (open rule, 1 hour of general debate); and

Consideration of H.R. , Deeming Approval of the ''Wisconsin Works'' Waiver Request (subject to a rule).

Extensions of Remarks, as inserted in this issue

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