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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a guest Chaplain this morning, the Reverend George W. Evans, Jr., of the Redeemer Lutheran Church in McLean, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. George W. Evans, Jr., the Redeemer Lutheran Church, McLean, VA, offered the following prayer:

Let us pray. Holy Father, ever mindful of us, ever with us, of that we have been assured. It is true. We spend our days in Your sight. So teach us and so guide us that we may be mindful of Your presence.

In this honored Chamber for debate and decision, where the weight of government rests on the minds and hearts of these chosen women and men who contend here in the name of all our people, cause Your presence to mold what occurs. Intrude, O God, lest these Senators carrying our Nation's burdens and responsibilities lose Your voice amid all the voices that plead for their attention. If Your voice is still and small, give them quiet hearts, peace-filled minds, and receptive souls so they may discern Your presence and be drawn to Your ways. Never are they apart from You. It is urgent that they have the strength of this knowledge. Likewise, protect their homes and loved ones with the security of Your presence. Let no press of events, no calendar, no clamor for attention, no tumult of the day detract from the plain task of pursuing what You call needful, right, and just.

O God, blessed are You. O God, bless these Senators in this day's labors and through them the people of our land. In Your name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Mr. President, I yield to the Senator from North Dakota. The guest Chaplain this morning is from his church.

THE GUEST CHAPLAIN

Mr. DORGAN. Mr. President, I appreciate the courtesy of the Senator from Mississippi. The prayer this morning was offered by the Reverend George Evans, who is pastor at Redeemer Lutheran Church in McLean, VA.

When I remain in Washington, DC, on the weekends, I attend Pastor Evans' church. He is truly an inspiring Christian leader. He comes from Pennsylvania. He was a Chaplain in the Marine Corps for this country. Has served America and now serves his Christian duties in McLean, VA, at Redeemer Lutheran Church. I am very pleased he was able to be with us here in the U.S. Senate today to offer the opening prayer. Mr. President, I yield the floor.

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

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WILLIAM M. THOMAS, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning, to accommodate a number of requests by Senators, there will be a period for morning business until the hour of 12 noon. Following morning business, the Senate will proceed to executive session in order to consider the International Natural Rubber Treaty Agreement under the parameters of a previous unanimous-consent agreement. I understand that a rollcall vote will not be necessary on that treaty and that some of the debate time probably will be yielded back.

Following the disposition of that treaty, the Senate may be asked to turn to consideration of any of the following matters: the pipeline safety bill, with only one nongermane issue remaining unresolved; the work force development conference report—we attempted to reach a time agreement on that one, but have been unsuccessful; we will keep working on that—the debate on the veto message to accompany the partial-birth abortion bill override, the NIH reauthorization bill, or any other items that can be cleared for action.

The Senate may also be asked to begin consideration of the continuing resolution, if an agreement can be reached as to how to proceed on that. I continue to say that I would be glad to begin the debate and allow amendments to be offered as long as there is some order to it as to what we can expect to happen and when it would be completed. But just to start down the trail without any end in sight, without any certainty as to how we proceed, I do not believe is in the best interest of the Senate. We will continue to work on that. I hope we will be able to begin that appropriations bill today.

We do have the end of the fiscal year next week, on Monday as a matter of fact. It is imperative that we finish the work on that bill as quickly as possible.

I note that there are very important negotiations underway now to wrap up, not only the amounts in that continuing resolution, but also language that would be included. We are hoping we will be able to take up the illegal immigration bill also in some form before we go out for the year.

Senators should be alerted that rollcall votes are expected to occur throughout the day, but we do not have any agreed-to time right now as to when that might happen.

One final cautionary note. I do not feel a sense of urgency yet. I think Senators are still feeling, well, we can agree later. Time is running out. Example A is NIH reauthorization. Everybody says they want it, but we continue to not be able to bring it up. Today is the last day for NIH. If we do not get an agreement, I am going to call it up, somebody is going to have to come over here and object, and a very, very important piece of legislation that everybody knows we should pass will be gone for the year, because beyond today—Thursday, Friday, Saturday, Sunday, Monday—we are going to be involved in the partial-birth abortion ban debate and a vote tomorrow, and we are going to be involved in the continuing resolution, the DOD appropriations conference report, and the illegal immigration reform bill. There will not be any time for any other chit-chat, even 1 hour on these other issues.

So for those of you who are interested in parks, those of you interested in NIH, those of you who think pipeline safety is something we should do—by the way, that legislation needs to be done before the end of the month also or we are going to have a lot of expiring laws on our hands. I hope the Senators will get serious. I have my doubt that they are serious. But I also have my limits in what I can do working with the Democratic leader because we have people coming and saying, ''Well, can we just have 6 hours? 4 hours? 1 hour?'' They are all gone. Today is the day. Do it today or it will be gone for the year.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak for not to exceed 5 minutes each.

Senator THOMAS from Wyoming is recognized for a period of 30 minutes.

Mr. THOMAS. Thank you, Mr. President.

ELECTION TIME IS DECISION TIME

Mr. THOMAS. Mr. President, several of us want to continue our discussions of the upcoming election, discussions that have to do with the issues that are involved. It is election time. Of course, as evidenced by what the leader said today, the time is short. It is election time, and it is decision time. This is a government of the people, by the people, and for the people. Therefore, there is a responsibility for all of us, as voters, of course, to participate in the election, to participate as informed voters.

If we are to have self-government, then the decisions and the direction that this country takes must be the result of the composite wisdom of voters. That time has arrived.

It seems almost a paradox that in a time when technically we have more information available to us than we have ever had in history—imagine 100 years ago how much we knew in Wyoming about what was going on in Washington. Very little. If we did, it was much after the event had happened. Now we know instantly, of course. The paradox is that it seems to me it is more difficult for us as voters now to kind of weed out among all the stuff that is out there as to what the real issues are. Whether it is the fault of the media, whether it is the idea of the media picking out the emotional things, whether it is the idea of professional campaign planners who spin and intentionally blur the issues, whether it is a Congress and an administration that seek to make the choices less clear, I do not know. Perhaps it is a combination of each of those.

Nevertheless, you and I have a responsibility to choose. On my way back Sunday, I had a book I have been intending to read about the Constitution. I was struck by the idea that the Constitution, and more particularly the Bill of Rights, was designed exclusively to limit the powers of Government. You do not find in the Bill of Rights, the Government will do this, the Government shall do this, the Government shall provide that. It says, the Government ''shall not.''

The great concern of our forefathers was to make sure that we limit the central Government, limit the power of central Government. Still, it seems to me, in our own way, in our own judgment, that is the choice we make. How do we see the Government? What do we think the role of the Federal Government is? Is it to provide all the little nice things we would like to have happen personally in our lives? Every day is a new program for something that is probably pretty nice. Is that the role? Or is the role more one of insuring freedom, insuring opportunity, insuring an environment in which the private sector can function, providing for strong local government, State and county?

These are the decisions, and I know my prejudices are pretty well arranged. I seek to have a Federal Government that is the protector of those things, rather than a provider of those things. Obviously, there are things that are appropriate for the Federal Government to do—in interstate commerce, in defense and those kind of things. Those are the decisions that we will make. I hope each of us is prepared to do that.

I happen to think we have begun to do some of those things in the last 2 years in this Congress, and, in fact, this has been one of the most effective Congresses we have had for a very long time. Unfortunately, our minority leader does not agree with that. He was quoted as saying this has not been a productive Congress. I am sorry to hear him say that. I do not agree. We will talk about a number of things that have been done, things I believe move us more into the direction of a smaller Federal Government, a less expensive Federal Government, a less regulated society.

Lower taxes: In the 104th Congress, the Republicans passed a $245 billion tax cut, including a $500 child tax credit to move toward allowing families to spend their own money, to allow families to provide for their children. Unfortunately, it was vetoed by the President.

Lower spending: This Congress has cut spending $9.3 billion in 1995, and $23 billion in 1996 was eliminated from 270 programs. That is good. I think that is a real movement. The administration claims to have reduced the size of Government. Indeed they have—they claim, 200,000. The fact is that most was from the base closures, civilian employees of defense; the other was the termination of the savings and loan. Nevertheless, it reduced employees, and that is good.

Balanced budget: How many times before the last 2 years did you hear people talking about balancing the budget? Not very much. It has not been balanced in 40 years. Now, suddenly, everyone is for it. The discussion is not, do you balance the budget; the discussion is, how do you do that? Unfortunately, the balanced budget amendment to the Constitution was defeated here. Nevertheless, we now are on the road to a balanced budget.

Ending welfare as we know it: We have done that, something that has not been done for a very long time, providing the States more opportunity to do something about the entitlement aspect of welfare. Everybody wants to help people who need help. The question is, how do we help them to help themselves? That is what we have sought to do. It took three times to get it passed. Nevertheless, it is a success.

Market-based health reform: Portability, availability, limited medical savings account, the end to preexisting condition exclusions, combat fraud and waste in health care. A success.

Here is an interesting one, ensuring access to higher education. This Congress increased student loan volume by 50 percent, from $24 billion to $36 billion in 2002. Unfortunately, it was vetoed as part of the balanced budget amendment.

Farm programs: Many of us have been involved in farm programs for a very long time. Most everyone has said we need to move toward market orientation, toward the marketplace. Finally, we have done that over a period of 7 years. Agriculture is moving toward a market-oriented economy. It needs to be done. Finally, it is done.

We helped to end lawsuit abuse. Securities litigation was passed. Unfortunately, it was vetoed. Telecommunications was passed. A deregulation of telecommunications which give us some of the kind of new opportunities to communicate that we have never had.

Unfunded mandates is something that local governments have been talking about for a very long time. Unfunded mandates reforms were passed this time.

Regulatory reform: Unfortunately, the real broad one was killed. I think it should have been passed. A lesser one was passed.

Mr. President, we have done a lot of things this time. Line-item veto: A line-item veto in 40 years has not been done. This Congress passed a line-item veto.

Congressional accountability: People in this place, now, have to live under the same rules in their offices and in their conduct, the same as everybody else, in the laws they pass for others.

Reduce congressional funding, small business regulatory reform, gift ban.

Mr. President, I think this has been an extremely successful Congress. The choice with respect to the election is, do we want to continue in this direction, or do we want to go back to where we have been for 40 years in continuing to grow with the kind of Lyndon Johnson programs we have had? That is the choice. It is really the choice.

I think, in addition, and perhaps as important as anything, this Congress has changed the culture of Washington. For the first time, I think, in a very long time—certainly for the first time since I have been here in 6 years—the Congress really took a look at programs that exist and said, do they need to continue to exist? If so, can they be done more efficiently? Could they be done more efficiently by the States or local government? These are the kind of things that need to be examined constantly.

I have a bill that I hope gets consideration next year which would give us a biannual budget so we do not each year spend all of our time on appropriations bills. As you can see by the leader's comments this morning, we are still working on them, and we will not get them done at all this year. We do that every year. I hope, as most States do, we can go to a biannual budget. It is better for agencies. Then we can spend the last year with oversight, looking at programs, to see if indeed this is a better way to do it.

There are a great many things we can do, a great many things we have done. Mr. President, my whole point is, in this election, we make some choices. It is not always easy. It is not always easy to determine where the choices lie, of course. We see all the advertisements, and sometimes you wonder where they are. But I think we have a responsibility to ask, to seek, to point out where these things are. Where do you stand on the balanced budget amendment? Where do you stand on less Government rather than more? Where do you stand on less taxes rather than more? I think those are the basic issues that you and I need to decide. I urge we all do that.

There are other issues, of course. The issue of character, I think, is one. I think we have to ask ourselves, what do we expect of leaders in terms of character? As we look back, character has been an important factor, has been a key factor, and continues to be.

Mr. President, we have some choices. The choices, frankly, are rather clear. We can go back where we were or we can continue the kinds of things that have been done in this Congress in the last 2 years, and it does need an opportunity to continue. You can't change 40 years of history and turn things around in 2 years. Despite the difficulties, it is my view that this Congress has done exceptionally well and will go down in history as one who has sought to turn the direction of this country. I hope that we continue to do that.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

THE POSITIVE ACCOMPLISHMENTS OF CONGRESS

Mr. INHOFE. Mr. President, we hear so many negative things, and it is kind of enjoyable to talk about what has been accomplished sometimes. The Senator from Wyoming has been very articulate in expressing those positive things. I remember in 1987 when I was first elected to the other body. We had as our class project at that time to repeal the earnings test. I have always felt there is nothing more un-American than to tell the people in America that once you reach a certain age, you have to become nonproductive, and if you are not nonproductive, then we are going to take away some of your Social Security. Well, we tried for about 10 years to get that done, and it was not until we had a Republican Congress that we were able to have a major reform. We haven't totally repealed it, but we will phase into a position where we actually will be telling the people of America that you are not going to be punished if you decide to be productive past a certain age.

Many years ago, I was the mayor of a major city in America, Tulsa, OK, and every time I go and talk to mayors now, I say, ''Tell us what the major problem facing your city has been.'' They don't say it's crime in the streets and welfare. They say it's unfunded mandates. I can remember so well as the mayor of the city of Tulsa when the Federal Government would come and tell us certain things that we had to do, and if we didn't do it, they are going to be taking money away from us, or if we did it, we would have to pay for it ourselves. Consequently, it would be up to us to allow Congress in Washington, with all of the lofty attitudes that they seem to portray here, to say that we have done these wonderful things for the people of America, and to say that some political subdivision underneath them—the cities, or counties, or States—had to pay for them.

We passed an unfunded mandates bill where we are not going to be faced with that anymore. I would like for it to have been retroactive, but it could not have been. So that has been resolved. It is a major reform, and it was done by this Congress. I am very, very proud of

that. I counted the reforms we have passed, and I would challenge anybody to find a 10-year period in history when there have been more reforms passed by Congress than we have passed.

Congressional accountability—the fact that we now have to live under the same laws that we impose upon other people in the rest of the country. I spent 30 years in the private sector. I understand what it is like to have to live under an overregulated society, and, yet, Members of Congress historically have been exempt from most of those impositions. Now they are going to have to live under the same laws that we pass for other people. I think that is a major accomplishment of this Republican Congress.

The line-item veto: As long as I can remember, we have talked about that—about reforming the line-item veto. A lot of my friends say, well, I would like to have the line-item veto, as long as we know we have a conservative in the White House, or the other side of the fence would say they would like to have a line-item veto as long as we have a liberal there. But I suggest to you, Mr. President, that they miss the point when they say that, because all a line-item veto does is force the President and Congress to be accountable. Republicans and Democrats in the White House, for decades, have been able to say, well, I didn't want that law, but I had to either sign that because veterans benefits are in there, or something else was in there, and consequently they go ahead and sign something that they say they are opposed to. This forces them, or him, or her, Democrat or Republican, to be accountable, so that if there is 1 thing out of 25 things in a bill that he doesn't like, he can veto it and send it back, and that makes us accountable.

So the whole idea there is accountability. We have passed that. I feel very good about it and think that is a major improvement. Back before I was in the U.S. Senate, I represented an all-urban area, primarily one county in the State of Oklahoma. So I did not have much of the agricultural areas and interests in my district. But I found, as I traveled around the State after becoming a Member of the U.S. Senate, where I had largely an agricultural State, the people who are in the farm communities in Oklahoma—and I suspect it is that way throughout the Nation—really have felt that we have had a failed agricultural policy in this country, that we have imposed upon our farmers things that they must do. Yet, they are not free to plant what they think the market will bear and what will best take care of their needs.

Well, the Freedom to Farm Act was passed, and I find, as I go around—as I did, as a matter of fact, only Monday of this week. I had, I think, seven town meetings throughout agricultural areas in Oklahoma. They all think it is very good.

Do you know what else they think, Mr. President? They want to do something about property rights. Well, that is one area where we have not been successful. I would like to say that we are able to pass all of the reforms that we wanted to pass. Unfortunately, several of them were vetoed by this President. The reform that will go down, I think, in history as the most significant reform that the public is aware of would be welfare reform. I have to remind you that President Clinton vetoed this bill twice. We passed a welfare reform bill that was based on what he campaigned on for President in 1992. He vetoed it, and then he vetoed it a second time. But just as we are getting into the final stages of the Presidential election year, he has signed it. At the same time, he has whispered to his friends on the left that if he is reelected, he will change some of the reforms that we have in the welfare bill.

There are three things I have often said that make us globally noncompetitive, Mr. President. One is that we are overtaxed. The other is we are overregulated. Third is our tort laws in this country. I was proud to be a part of the success in changing our tort laws as it pertains to just one manufacturing item: airplanes and airplane parts. I have about a 39-year history and background in aviation. So I know a little bit about that. Prior to 1970, we made almost the entire world supply of airplanes in the United States—a major export item. And then, over the 10-year period of the 1970's, and up through to the present time, we quit making single-engine airplanes in America. We quit making them only for one reason, which is that you can't be globally competitive and offset the cost of all these lawsuits. So we have lawsuit after lawsuit against manufacturers of airplane parts and of airplanes where maybe it has worked perfectly well for 50 years, but all of a sudden there is an accident and they will go back and get a multimillion-dollar judgment against the manufacturer, and, consequently, our manufacturers either went broke or quit making small airplanes.

I remember the case of Piper Aircraft. They said to the bankruptcy court, "We can move our plant and all of our equipment to Canada and make the same airplanes and supply the same market and do so at a profit because of the fact that they don't have the tort laws we have in this country." So we passed a bill. Even though the President made a commitment to veto any kind of meaningful tort reform, he signed it because we had so much pressure out there. People realized this is a major manufacturing area that could benefit all of America.

In Oklahoma alone, we can identify 4,000 jobs as a result of that one tort reform. Well, it would only stand to reason that if we can put America back into making airplanes by having tort reform, insofar as the manufacture of airplanes and parts is concerned, why not spread that across the entire manufacturing base? So we did. We passed a bill that would make America competitive again, and the President vetoed it.

So I think we have a lot of things that we wanted to do. There was the $500-per-child tax credit, which the President vetoed. There was regulation reform, and some of the marriage penalties that we were going to correct, and the President vetoed it.

In spite of that, we have been a very productive House and Senate, and I am very proud of the major reforms that have passed. I only regret that we were unable to get them all passed because of the vetoes of the President, and perhaps that will change in the near future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

SENATOR PAUL SIMON

Mr. BROWN. Mr. President, I rise to pay tribute to our departing colleague, PAUL SIMON.

All of us have an image of what a U.S. Senator ought to be. It will not surprise anyone that not all who serve here measure up. PAUL SIMON is someone who clearly measures up. He is thoughtful, hard-working, and committed. He has a clear philosophy and the integrity to stand up for it. PAUL'S manner is open. His approach is thoughtful and considerate. He is one who cares more about solving problems than making himself look good.

I think of him as a part of a long line of Senators from Illinois that are epitomized by Paul Douglas. Perhaps I should say that in my mind Paul Douglas is epitomized by PAUL SIMON because both of them brought great integrity and intellect to this body.

It is not unusual for PAUL SIMON and I to be on opposite sides of an issue. But, I have never found him to be unwilling to listen or unwilling to be objective. He is the kind of person who comes here to serve, who displays integrity in office, and places the integrity of his person above selfish interests.

It has been a great privilege for me to work with PAUL SIMON. He is someone I admire now and I will admire him for the rest of my life because he embodies, the best that is in us. He has brought this body a nobleness which is in short supply. As one who hopes the Republican Party will win the seat in Illinois, I will still be sad to see PAUL SIMON go. He has enriched this body. He has enriched all of

us who have had the pleasure to serve with him.

I yield the floor.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Colorado for those excellent words about a colleague—a very serious tribute, a very sincere one, and we are grateful to him as a friend of PAUL'S for his observations about his service. I thank him for his very generous comments. I am sure Senator SIMON will, but I would certainly agree with all of his conclusions. I thank him for making those views clear on the Senate floor today.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for up to 30 minutes.

THE CONGRESS, THE PRESIDENT, AND HEALTH CARE

Mr. KENNEDY. Mr. President, this past weekend, Bob Dole used his Saturday radio address to attack the President's record on health care. He repeated his attack yesterday. He even claimed credit for passage of the Kassebaum-Kennedy health insurance reform bill.

Few issues are more important to the American people than access to affordable, quality health care. They want it for their children, for their parents, and for themselves. But Bob Dole was wrong on his facts, and he was wrong in his conclusions.

On health care, the choice in November is clear. President Clinton and Democrats in Congress stand on the side of American families. Bob Dole and the Republican leadership in Congress have consistently put families last and special interests first when it comes to health care and health reform.

The Republican leadership in this Dole-Gingrich Congress tried to slash Medicare. They tried to trash Medicaid. Bob Dole personally tried to kill the Kassebaum-Kennedy bill. The Republican leadership blocked mental health parity and new protection for mothers and infants, until Democratic members of Congress forced them to act. Republicans continue to resist enactment of a simple rule telling HMO's and insurance companies that they can't prohibit doctors from telling patients about medical treatments they need.

Throughout this Congress, Republicans have been obstructionists on health care reform. There is no reason to believe they will deal constructively with the problems facing our health care system if they retain control of the Congress or win the White House.

President Clinton and Democrats in Congress are committed to genuine progress on health reform. The American people know we're on their side. Every American who works hard and plays by the rules should have access to affordable health insurance coverage. Senior citizens deserve the Medicare they have earned. They should also be able to keep their own doctor, and be protected against profiteering by private insurance companies.

Senior citizens deserve quality nursing home care, without bankrupting their families. President Clinton has led the effort to fill the gaps in Medicare by providing coverage for prescription drugs, and for long-term care in a nursing home or a senior citizen's own home.

Americans deserve protection against the excesses of insurance companies that put healthy profits above healthy patients. They deserve a strong FDA to protect people from harmful drugs, guarantee a safe food supply, and crack down on shameful tobacco industry practices that entice children to start smoking.

These are basic principles that the vast majority of Americans support—but not Bob Dole, NEWT GINGRICH, and Republicans in Congress. NEWT GINGRICH has said that he wants Medicare to wither on the vine.'' House Majority Leader DICK ARMEY has called it a program that he would have no part of in a free world.'' Bob Dole said that he is proud to have voted against Medicare at the beginning. As he told the American Conservative Union, ''I was there, fighting the fight, voting against Medicare, one of twelve, because we knew it wouldn't work.''

That was said not in 1965, Mr. President, but in his run for the Presidency.

The Dole-Gingrich Republican budget would have slashed Medicare by $270 billion. Under the Republican budget Bob Dole forced through the Senate, Medicare premiums would have doubled, deductibles would have doubled, and the Medicare age of eligibility would have been raised.

Every senior couple would have paid an additional $2,400 over the life of the plan in increased premiums alone. Make no mistake, Bob Dole and the Republican Congress are no friends of Medicare.

To make matters worse, Bob Dole and NEWT GINGRICH formed an unholy alliance with the private insurance industry to try to privatize Medicare, to force senior citizens to give up their family doctor, leave conventional Medicare, and join a private insurance plan. The Republicans claimed their plan was intended to give senior citizens a choice. But as all elderly Americans know, giving up the doctor they have chosen to provide billions of dollars in profits for private insurance companies is no choice at all. Again and again, Congress voted on these issues. Again and again, Bob Dole voted with most Republicans in favor of private insurance plans and against senior citizens.

Bob Dole claimed before the 1994 election that Republicans had no plan to cut Medicare. He said that President Clinton and the Democrats were just using scare tactics. Bob Dole is saying the same thing this year—but this time the American people know better, because they know Medicare was put on the chopping block by this Republican Congress.

Despite various promises made prior to the 1994 election that there would be no cuts in Medicare, the Republicans proposed cuts of $270 billion to Medicare to pay for a $245 billion tax cut. Now Bob Dole is talking about an economic plan that will cost $681 billion over a 7-year period. He has indicated he is not going to cut the defense budget; in fact, he has said he would increase the defense budget with additional funding for B–2 bombers and a number of other areas.

The whole question is how can we have any confidence that the Medicare cut is not going to be of a similar proportion in spite of his statements made prior to the election. ''President Clinton and Vice President GORE are resorting to scare tactics falsely accusing Republicans of secret plans to cut Medicare benefits.'' Bob Dole said this just before the election in 1994. Haley Barbour said the same thing: ''As far as I'm concerned, the Democrats' big lie campaign is that the Contract With America would require huge Medicare cuts. It would not.''

Soon after the election, the GOP introduced their plan: $270 billion in cuts in Medicare to pay for $245 billion in tax cuts.

Republicans in Congress didn't stop with Medicare. They also proposed deep cuts in Medicaid—a devastating one-two punch for senior citizens and the disabled. Under the GOP plan, 9 million Americans—children, senior citizens, and the disabled—would have lost health care coverage under Medicaid. They proposed to slash the program by $180 billion. They also proposed to eliminate Federal nursing home quality standards—not modify them, not improve them, but eliminate them.

No one should be forced to go back to the time before Federal nursing home quality standards were enacted in 1987. Elderly patients were often allowed to go uncleaned for days, lying in their own excrement. They were tied to wheelchairs and beds under conditions that would not be tolerated in any prison in America.

Deliberate abuse and outright violence were inflicted on helpless senior citizens by callous and sadistic attendants. Painful, untreated, and completely avoidable bedsores were widespread. Patients were scalded to death in hot baths and showers, sedated to the point of unconsciousness, or isolated from all normal life—all because fly-by-night nursing home operators were profiteering from the misery of their patients.

Congress stopped all that by insisting that all nursing homes must meet basic standards. Yet those are the standards that Bob Dole and NEWT GINGRICH tried to eliminate. They would also have removed protections against impoverishing children and spouses of senior citizens who need nursing home care.

Democrats opposed all of these Republican schemes. As the debate in Congress took place and the American people came to understand what was at stake, Republicans retreated from their most extreme proposals. But the retreat was always grudging. The desire to roll back basic protections was always there. If Republicans retain control of the Congress, we are likely to see a new Republican effort to enact these cruel and unfair proposals.

The Dole-Gingrich Republican plan for Medicare and Medicaid made a mockery of the family values they claim to support. Under their plan, millions of elderly Americans would have been forced to go without the health care they need. Millions more would have to choose between food on the table, adequate heat in the winter, paying the rent, or paying for medical care. Senior citizens have earned their Medicare benefits. They have paid for them. They deserve them. And we don't intend to let Republicans take them away.

President Clinton and Democrats in Congress stopped the Republican assault for the time being. Now it is up to the American people to stop it for good, by the ballots cast in November. Republicans must never again have the opportunity to turn Medicare into a slush fund for tax breaks for the wealthy.

Younger Americans, too, deserve affordable health insurance for themselves and their families. President Clinton has fought hard to give all Americans the guarantee that health care will be there when they need it.

The Kassebaum-Kennedy health insurance reform bill passed by this Congress will end some of the worst abuses in the current system. It guarantees that, as long as you faithfully pay your premiums, your insurance cannot be taken away—even if you become seriously ill, or lose your job, or change your job. Under that bill, insurance companies can no longer impose preexisting condition exclusions on your coverage, as long as you do not let your insurance lapse. The bill opens the door of opportunity for Americans locked in their current job and afraid to pursue new opportunities for fear they would lose their coverage or face exclusions for preexisting conditions.

In the end, this legislation was bipartisan. It passed the Senate 98 to 0. But without President Clinton's leadership it would never have become law. The bill languished on the Senate Calendar for months, with no hope of passage, because Bob Dole refused to let the Senate act. It passed the Labor and Human Resources Committee 17 to 0 on August 2, but in spite of repeated requests Senator Dole refused to bring it up. He hid for months behind a series of rolling, anonymous holds placed by Republican Senators at the insistence of the insurance industry.

Ultimately, Bob Dole, who controled the Senate Calendar, stalled, stonewalled, and sabotaged every effort to bring the bill forward and succeeded in delaying it for 9 months. And, if he had his way, he would have killed it.

The gridlock finally began to break when President Clinton highlighted the bill in his State of the Union Address last January. When the press focused on the anonymous holds that were holding the legislation captive and Senator Dole's refusal to bring it to the floor, public pressure began to mount. But he still refused to act. Only when the ''Nightline'' program confronted Senator Dole directly in New Hampshire and demanded to know why he was holding up the legislation did he finally agree to bring the bill to the floor.

How ironic that Senator Dole has the gall to claim credit for the insurance reform bill. It passed the Labor Committee in August. It was on the Senate Calendar by the beginning of October. Time and time again, Senator Dole was asked to bring the bill up by Senator KASSEBAUM and myself. We asked for floor time in November, but he refused. Senator KASSEBAUM and I, we asked for floor time in December, but he refused. We asked for floor time in January, but he refused. And he claims credit for this legislation.

What was Bob Dole's excuse? Well, there were holds on the bill—anonymous holds. But those holds were not anonymous to the majority leader. He knew who was blocking the bill. And he knew that he could bring the bill to the floor any time he wanted. But he did nothing—because his friends in the insurance industry did not want the bill to pass. And he claims credit for this legislation.

It was President's Clinton's call to pass this legislation in the State of the Union on January 23 that focused the attention of the press and the public on the Senate's failure to act. Editorials called for action, but still Senator Dole refused. There were holds on the bill, he said—even though everyone knows that a majority leader can override any hold from any Senator. But Bob Dole still refused to act.

The press kept up its drumbeat. What is this rolling hold? Where is Senator Dole? The press even identified some of the Senators placing holds—but where was Bob Dole? Did he urge any of these Senators to lift these holds?

And then came the breakthrough. ''Nightline'' confronted Senator Dole on January 31 in New Hampshire. He refused to explain why he would not bring the bill to the floor. Miraculously, the next day, Senator Dole moved to lift the holds. But he still tried to delay the bill as long as possible, so the health insurance industry could mobilize to kill or gut the bill.

He asked that the consent agreement delay the bill for an additional 6 months, to the July 4 recess. When Democrats refused to go along with yet another delay, Senator Dole proposed to delay for 5 months—until Memorial Day. And he wants to claim credit for this bill.

Finally, with increasing pressure from the public, Senator Dole finally agreed to schedule the bill—but he still delayed its consideration to April 15, at the earliest.

Anyone would think that there was tremendously important legislation tieing up the floor for these many months. But what was Senator Dole finding time for? Mostly nothing. Of course, there was work going on off the Senate floor on the budget, but for most of February, Senator Dole kept the Senate out of session, so he could campaign. When he came back to Washington, his main priority was extending Senator D'AMATO's investigation of Whitewater. He also found time to schedule votes on legislation that would have gutted food safety, environmental safety and a host of other consumer protection for the benefit of big business. But health insurance protection for the American people was not on Senator Dole's priority list. And he wants to claim credit for this legislation.

Even when the bill passed the Senate, Bob Dole and the House leadership still delayed it for months by their insistence on stacking the deck of the conference to include a provision on medical savings accounts that was a giveaway to the Golden Rule Insurance Co. and a threat to everyone with a comprehensive insurance policy.

As late as the day before the bill was finally passed, congressional Republicans and their special interest allies in the insurance industry were trying to weaken key provisions allowing people to buy individual insurance coverage if they lost coverage through an employer.

For many months this moderate, non-partisan bill was adamantly opposed by insurance companies that profit from the worst abuses of the current system. And Bob Dole was actively supporting their opposition and delay.

The story of insurance against mental illness is similar. The Domenici-Wellstone amendment to give the mentally ill and their families fair treatment was a bipartisan effort. It received overwhelming votes in the Senate both times it was considered. But the insurance industry opposed it. And so the Republican House leadership insisted on dropping it from the Kassebaum-Kennedy bill, and fought up to the last moment to keep it out of the VA–HUD appropriations bill. And Bob Dole never lifted a finger to help. He was MIA at every critical stage of the debate.

Quality health care for the American people also depends on a strong Food and Drug Administration, to guarantee that food is healthy, that prescription drugs will cure and not kill, and that medical devices will sustain and improve life, rather than end it.

But Republicans in Congress have a different priority. They want to turn critical functions of the FDA over to the tender mercies of private companies hired and paid for by the very

manufacturers whose products they are supposed to regulate.

President Clinton and Democrats in Congress refuse to allow Republicans to expose Americans again to drug disasters like thalidomide and DES and device failures like the Dalkon shield and the Shiley heart valve.

And unlike Senator Dole, President Clinton and Democrats know that tobacco is addictive, and that children deserve protection from the unconscionable targeted assaults of tobacco advertising.

Another key health issue for families is the quality of the insurance they purchase with their premium dollars. The growth of managed care and HMO's in recent years has been soaring. Today, more than half of all Americans with private insurance are enrolled in such plans. Seventy percent of covered employees in businesses with more than 10 employees are enrolled in managed care. Between 1990 and 1995 alone, the proportion of Blue Cross and Blue Shield enrollees participating in managed care plans rose from just one in five to almost half. Even conventional fee-for-service plans have increasingly adopted features of managed care, such as ongoing medical review and case management.

At its best, managed care can improve quality while reducing costs. But at its worst, managed care puts the bottom line ahead of the patient's health—and pressures physicians to do the same. The most widespread abuses include failure to inform patients of particular treatments; excessive barriers to specialists for evaluation and treatment; unwillingness to order appropriate diagnostic tests; evicting mothers and infants prematurely from hospitals; and refusal to pay for potentially lifesaving treatment. In too many cases, these failures have had tragic consequences.

President Clinton and Democrats—Senator BRADLEY, Senator WYDEN, others—have fought to end these abuses, and we will do more in a Democratic Congress. We fought for the Mothers and Infants Protection Act, which guarantees that a mother will not be forced to leave the hospital too soon after her baby is born. We are urging legislation to bar HMO gag rules, to prevent insurance companies from prohibiting physicians from giving all the facts to their patients. The Mothers and Infants Protection Act is on the verge of becoming law—because Republican opposition was proving too costly with the public.

But just the other day, the Republican leadership in the Senate used a parliamentarian technicality to kill legislation to prohibit managed care plans from gagging doctors. Negotiations are continuing, and I hope this legislation can still be passed before the end of the year.

But if it does pass, it will be in large measure because President Clinton and Democrats in Congress have championed it over relentless Republican opposition.

We all know the many other serious health issues facing the country. Down-sizing, layoffs, cutbacks, the growth of the contingent work force, and the escalating cost of health insurance are peeling back the protections that most Americans count on for themselves and their families. According to recent projections, less than half of all Americans will enjoy reliable, on-the-job health insurance by the year 2002.

President Clinton and Democrats in Congress will work to reverse these trends and give all families the health insurance protection they deserve. President Clinton has already proposed assistance to help workers between jobs keep their health insurance. Democrats in Congress are pledged to put affordable health insurance for children within the reach of every family. That is leadership provided by my colleague and friend from Massachusetts, Senator KERRY.

The Republican leadership in Congress and Bob Dole refuse to deal with these issues. They oppose us every step of the way. Their record shows that they care more about protecting powerful special interests than protecting American families.

It is ironic that Bob Dole in recent days has been attacking President Clinton on health care. Whether the issue is Medicare, Medicaid, health care for working families, safe and effective medical products, mental health parity, or protection against the abuses of the private insurance industry, the record is clear. President Clinton and Democrats in Congress want to preserve and protect the benefits that the American people have earned. We want to do more to meet the challenge of providing adequate health care to senior citizens and all working families.

By contrast, Bob Dole and Republicans want to turn the clock back. Whether the issue is slashing Medicare to pay for new tax breaks for the wealthy, enabling insurance firms to reap greater profits at the expense of senior citizens, and other families, Republican priorities are as clear as they are wrong. President Clinton and a Democratic Congress will reverse those backward Republican priorities in the next 4 years.

Bob Dole is right. Health care is a defining issue, but the issue is not, as he claims, whether the Government should run the health care system. That kind of charge is a smokescreen. The real issue is whether Government is on the side of American people, or allied with the greedy guardians of the status quo. On all of the critical issues of health reform, President Clinton and Democrats have consistently fought for better health care for families, and we will continue to do so in the years ahead.

Mr. President, I yield back my time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington. [Mrs. MURRAY] is recognized to speak up to 10 minutes.

Mrs. MURRAY. I thank the Chair.

TRIBUTE TO DR. JOHN N. LEIN

Mrs. MURRAY. Mr. President, I rise today, along with my senior colleague from the State of Washington, to honor a very special individual from our home State. I want to take a few minutes today to honor Jack Lein, not only for his decades of service to Washington State, but for his tireless dedication and commitment to this Nation's health and education.

Mr. President, Jack Lein was born and raised near former House Speaker Tom Foley in Spokane, WA. He served his country bravely during World War II as a medical corpsman atop the mountains of Idaho. Though Jack would tell us he saw very limited military conflict above America's prized potato fields, he did begin a career of medical service that has now spanned generations.

After receiving his medical degree in 1955 and spending some time in private practice, he joined the faculty and administration of the University of Washington where he has remained for over 32 years. Being myself a proud alumnus of Washington State University, it is, indeed, difficult to salute a man so entrenched in the success of our rival, the University of Washington. But I am proud to say, Dr. Lein's tenure at the university has helped to produce one of this Nation's premier research and health science facilities.

Dr. Lein's career at the University of Washington has encompassed most aspects of modern medicine, medical and health sciences education, university administration and Federal relations. He founded the University of Washington School of Medicine continuing medical education program and was its director for 19 years. He was also assistant dean and then associate dean of the school of medicine. He pioneered regionalized medical education and served as the university's vice president for health sciences, the highest academic administrative position ever achieved by a UW graduate.

Dr. Lein's work will be seen by generations to come through his perseverance and foresight which has produced and will continue to produce thousands of America's health professionals. His leadership has been noted by both his peers and the press. In 1993, Dr. Lein was honored with the Recognition Award by the Society for Teachers of Family Medicine. For the third consecutive year, the University of Washington School of Medicine was ranked the best primary care medical school in the Nation. Among medical teaching disciplines, the UW ranked first in family and rural medicine, third in women's health care and fifth in pediatrics.

Although it may be appropriate to call the university's last three decades the ''Lein'' years, that description would be far from accurate. As the director of Federal relations, Dr. Lein

has transformed the university into one of the Nation's leading research universities. The University of Washington has been ranked in the top five in receipt of Federal grant and contract dollars, which account for 80 percent of the university's grant funding.

If anyone could document the history of Washington State's congressional delegation over the last 50 years, it would be Jack. His wit is legendary around Washington State circles, and he can quickly recount a story about Scoop or Dan Evans. Jack will tell you that Maggie thought ''foreign policy was anything outside Washington State.'' He was always there with either the right information or the right resource to find the answer.

Dr. Lein will step down from his position at the university at the end of this year. His absence will be felt by U.S. Senators, congressional staff, college faculty, and students for many years to come.

Mr. President, on behalf of the citizens of Washington State, I salute Dr. Jack Lein and his wife, Claire, for a lifetime of dedicated service to his alma mater, his State and his Nation.

Jack, we will miss you, but we will always know that you are close by.

Mr. President, I yield the remainder of my time to the senior Senator from the State of Washington.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for the two of us who represent the State of Washington in the U.S. Senate, this is a day that is both joyous and sad. It is sad because on December 31 of this year, we will miss the company of Dr. Jack Lein who, for decades, has represented the University of Washington before this body and with particularly, of course, the Members of the House of Representatives and the Senate who represent the State of Washington.

It is a happy occasion, of course, because it gives us an opportunity to crown his career with at least a tiny share of the praise that it deserves.

I can say, Mr. President, after a relatively long career in the U.S. Senate and an even longer one in the Government of the State of Washington, that no person, no individual representing an institution has matched Jack Lein in the quality of his knowledge about the issues that he brings to us, in his dedication to the university that he represents, or in the personal qualities which cause all of us to welcome him into our office, to go out of our way to seek his company and to learn from him.

He has been nonpartisan or bipartisan in the highest sense of that term, with an ability to tell wonderful and always affirmative stories about the people he has met along the way, but with the overwhelming ability to cause us, who obviously believe in our university and want to help our university, to go even further than we would otherwise do simply because it is so important to please him and to help him.

He will be not just difficult to follow in that respect, he will be impossible to follow in that respect. So from the point of view of this Senator—and I know that my sentiments are shared, as they have already been expressed, by my junior colleague—we are not just simply missing someone who represents a vital institution to us here in this body, we are going to miss a very close friend, a good and delightful companion, a wonderful servant of this institution and his State and his medical profession in Dr. Jack Lein. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator would withhold that request for just a moment.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report accompanying H.R. 3666 will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of September 20, 1996.)

Mr. BOND. Mr. President, I wish to express my appreciation to the leadership and the Members on both sides for allowing the VA–HUD, independent agencies bill, H.R. 3666, to be passed.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 3666, the VA–HUD appropriations bill for 1997.

This bill provides new budget authority of $84.3 billion and new outlays of $49.7 billion to finance operations of the Department of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $84.3 billion in budget authority and $98.7 billion in outlays. The total bill is under the Senate subcommittee's 602(b) nondefense allocation by $43 million for budget authority and by $8 million for outlays. The subcommittee is also under its defense allocation by $3 million for budget authority and by $4 million for outlays.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 3666.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VA–HUD SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1997, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	61
H.R. 3666, conference report	126	64
Scorekeeping adjustment	.....	.....
Subtotal defense discretionary	126	125
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	365	47,431
H.R. 3666, conference report	63,917	31,589
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	64,282	79,020
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	1,153
H.R. 3666, conference report	20,260	18,013
Adjustment to conform mandatory programs with Budget Resolution assumptions	−406	381
Subtotal mandatory	19,854	19,547
Adjusted bill total	84,262	98,692
Senate Subcommittee 602(b) allocation:		
Defense discretionary	129	129
Nondefense discretionary	64,325	79,048
Violent crime reduction trust fund	.....	.....
Mandatory	19,854	19,547
Total allocation	84,308	98,724
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−3	−4
Nondefense discretionary	−43	−28
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−46	−32

Note: Details may not add to totals due to rounding. Totals adjusting for consistency with current scorekeeping conventions. Prepared by SBC Majority Staff, Sept. 24, 1996.

SECTION 8 MULTIFAMILY HOUSING PORTFOLIO DEMONSTRATION

Mr. BOND. Mr. President, a number of my colleagues have questions concerning the implementation of the section 8 multifamily housing portfolio demonstration—Section 8 mark-to-market—which was adopted as part of the conference report to H.R. 3666, the VA/HUD fiscal year 1997 Appropriations Act. The purpose of this statement is to clarify these questions for my colleagues, as well as for HUD. The conference report adopts a bipartisan strategy to build on the section 8 multifamily housing portfolio restructuring demonstration which was adopted as part of the HUD fiscal year 1996 appropriations bill, H.R. 3019, a further downpayment toward a balanced budget.

The conference report establishes a revised demonstration program to emphasize that portfolio restructuring needs to be undertaken to reform and improve the FHA multifamily housing programs from a financial and operating perspective, but not to abandon the long-term commitment to resident protection and ongoing low-income affordability. The revised demonstration, therefore, continues to give HUD a

number of flexible tools for restructuring section 8 assisted, FHA-insured projects, while emphasizing the preservation of the existing stock as low-income housing by generally restructuring these FHA-insured mortgages and reducing the cost of renewing the section 8 contracts. I emphasize that this demonstration, including the concept of reasonable offer, is intended to preserve affordable low-income housing, prevent the dislocation of current residents, preserve the rights of current owners who have complied with program requirements, and to not create any significant exposure of tax liability to owners.

The section 8 mark-to-market inventory covers some 8,500 projects with almost one million units that are both FHA-insured and whose debt service is almost totally dependent on rental assistance payments made under section 8 project-based contracts. Most of these projects serve very low-income families, with approximately 37 percent of the stock serving elderly families. Many of these projects are oversubsidized and, without the renewal of expiring section 8 contracts, are at risk of mortgage default. This raises concerns of owner disinvestment, resident displacement, and government ownership, management and disposition of this housing inventory. While continuing the existing subsidy arrangements would be very popular to both owners and tenants, the combination of the Federal Government overpaying for the value of this low-income housing resource as well as the growing tide of discretionary budget cuts require new policies and reforms to these programs.

The cost of renewing the section 8 project-based contracts on this multifamily housing inventory emphasizes the many difficult budget and policy issues which need to be addressed as Congress reevaluates Federal housing policy. In particular, according to HUD estimates, the cost of all section 8 contract renewals, both tenant-based and project-based, will require appropriations of about $3.8 billion in fiscal year 1997, $10 billion in fiscal year 1998, and over $16 billion in fiscal year 2000. In addition, the cost of renewing the section 8 project-based contracts will grow from $1.2 billion in fiscal year 1997 to almost $4 billion in fiscal year 2000, and to some $8 billion in 10 years. Moreover, the unpaid principal balance [UPB] on the mortgages associated with this FHA-insured housing inventory represents a contingent liability of some $17 billion to HUD and the Federal Government.

The section 8 multifamily housing portfolio restructuring demonstration is designed as an interim strategy and as a stepping stone for more comprehensive legislation by the authorizing committees as well as consideration of associated tax issues by the tax committees. This demonstration will require HUD to renew for up to 1 year all section 8 contracts with rents at or below 120 percent of the fair market rent for an area. In addition, project owners with expiring contracts above 120 percent of fair market rent may opt to have their section 8 contracts renewed at 120 percent of the fair market rent. This safe harbor will cover many of the 240,000 units which are supported by expiring section 8 contracts in fiscal year 1997, and will provide HUD with the administrative ability to focus on those FHA-insured multifamily housing projects with significantly oversubsidized rents. The projects with units which do not qualify for the contract renewal safe harbor will be eligible to participate in the section 8 multifamily mortgage restructuring portfolio demonstration and, at a minimum, will be renewed at budget-based rents.

The demonstration would encourage HUD to enter into contracts with qualified State housing finance agencies, local housing agencies, and nonprofits either as a partner or as designee to administer the program for HUD. The conference report reflects the belief that balancing the fiscal goals of reducing costs with the public policy goals of preserving and maintaining affordable low-income housing requires an intermediary which is accountable to the public interest. Because of the Department's capacity and management problems as documented by the Inspector General and the General Accounting Office, the demonstration reflects the understanding that capable public entities and certain qualified nonprofits should be accorded an opportunity to restructure mortgages on behalf of the Federal Government. I believe that many State housing finance agencies [HFA's], local HFA's, and other State and local housing and community development entities have the requisite capacity and expertise to implement the mortgage restructuring demonstration program and that developing this capacity and expertise will be important in the future for further establishing and building on both new and existing public and private partnerships for the development of affordable housing. I emphasize that nonprofits must be financially sound and have a demonstrated record in the area of affordable housing issues. I warn HUD to be very careful that sham nonprofits are not to be included, especially where a nonprofit is determined to be acting as a tool for the interests of some other entity.

It also is expected that HUD and these public purpose designees will contract and subcontract with other entities, including private entities such as financial institutions and mortgage bankers and servicers, to enhance the expertise and capacity necessary to ensure that mortgaging restructurings are handled to the best advantage of the Federal Government, the project, the community, and the residents. It is hoped that these partnerships can be used to crossfertilize public and private approaches to low-income housing to create new strategies and leverage new funds for the preservation and creation of low-income affordable housing resources.

The multifamily housing portfolio restructuring demonstration will provide HUD and the public agencies, and nonprofits, with a number of tools to restructure the FHA-insured mortgages and reduce the cost of section 8 project-based housing assistance. These tools include broad authority to restructure mortgages, including the forgiveness of mortgage indebtedness. For example, HUD could restructure a project mortgage so that a first mortgage would reflect the market value of a project while HUD holds a soft second on the remainder of the project debt. This would preserve the low-income character of the housing while reducing both the cost of the section 8 assistance and the risk of foreclosure. In exchange for mortgage restructuring, project owners would have to agree to preserve the housing as affordable for low-income families in accordance with requirements established by the Department or a designee. These requirements shall be balanced to ensure the long-term economic viability of the housing.

The demonstration also allows HUD to implement budget-based rents to squeeze out any inflated profits while covering the debt service, operating costs and a reasonable return to the owners of these federally assisted projects. The use of budget-based rents are intended to be flexible enough to ensure the preservation of unique and critically needed low-income housing projects, such as elderly projects in rural areas, projects designed to house large families, projects in localities with low vacancy rates, and projects with operating costs which exceed any comparable market rents. I emphasize that the Department should exercise a special sensitivity to certain projects, such as elderly projects in rural areas, that house a special population, especially where the availability of other affordable housing is questionable.

The conference report has elected to focus the restructuring demonstration on projects with contract rents above 120 percent of the fair market rents. According to recent HUD estimates, section 8 contracts affecting approximately 35,000 project-based assisted units will expire in fiscal year 1997. Of this amount, about 12,000 are assisted by HUD's section 8 new construction and substantial rehabilitation [NC/SR] programs. The program expects HUD to focus most of its mortgage restructuring efforts on the NC/SR assisted, or newer assisted portfolio since the costs of section 8 rental assistance attached to these properties are much greater than those assisted by HUD's section 8 loan management set aside [LMSA] program and the budgetary costs to maintain this inventory is greater. Therefore, the conference believes that greater budgetary savings will be realized on restructuring the newer assisted stock.

Further, unlike rents on the newer assisted stock, section 8 contract rents on the older assisted stock are regulated on a budget-based process. As such, the rents are supposed to be set already at the minimum level necessary to meet operating and debt service expenses. Contract rents on the newer assisted stock also are higher than prevailing market rates due to the initial construction costs and automatic rent increases that have been provided during the term of the assistance contract regardless of operating needs. Finally, restructuring the debt on the older assisted portfolio would likely achieve only minimal section 8 subsidy savings since the UPB on the remaining mortgage is smaller than the UPB on the newer stock. For example, older assisted properties have an average UPB of $14,000 per unit compared to an average UPB of $35,000 per unit for newer assisted properties. Therefore, focusing on the older assisted properties for debt restructuring likely would not necessarily be cost-beneficial especially when considering the time and transaction costs of such a process.

The conference bill also requires at least 75 percent of mortgages be restructured with FHA insurance. It is my belief that FHA mortgage insurance and other forms of credit enhancement are necessary for debt financing considering the short terms of section 8 contract renewals that are being provided in recent appropriation acts. Without long-term section 8 contracts, debt financing likely is to be difficult for restructured projects. If no insurance is provided when mortgages are restructured, debt restructuring costs also will be likely be higher, or mortgage debt discount deeper, than if the mortgages were restructured with insurance because private lenders would set the terms of the loans to reflect the risk of default. These projects could not have been built or financed without the original FHA mortgage insurance due to the inherent risks in developing low-income housing and the areas that these projects were built in.

Nevertheless, I emphasize that the use of FHA mortgage insurance and other forms of credit enhancement should be explored carefully to minimize the default risk to the Federal Government. In some cases, mortgage insurance may not be necessary when owners can obtain reasonable financing without insurance. As a result, the demonstration program allows some discretion in exploring and creating new forms of credit enhancement that would reduce the default risk and credit subsidy costs to the Federal Government. The demonstration also includes the use of mortgage insurance under risk-sharing arrangements currently practiced under the mortgage risk-sharing programs enacted under the Housing and Community Development Act of 1992. Mortgage insurance under these risk-sharing arrangements would be encouraged by not applying the current statutory limitations on the number of units that can be made available for mortgage insurance under this program.

There is also concern about the Department's plans to sell its benefits and burdens, including rights and obligations, under the FHA mortgage insurance program to public agencies as well as private entities. The demonstration permits HUD to sell to private entities the benefits and burdens of FHA multifamily mortgage insurance on up to 5,000 units. While it is important to test various restructuring strategies under the demonstration, the Department needs to ensure that the housing be preserved as low income, with residents and owners not displaced because of any risks associated with this mortgage refinancing strategy.

The demonstration also allows HUD to test the use of vouchers on up to 10 percent of the units in the demonstration so long as the owner agrees and the residents are consulted. As a further protection for residents, this strategy may only be implemented where it is determined that residents will be able to use successfully vouchers to obtain decent, safe, and sanitary housing.

Finally, this demonstration is an interim step to a more comprehensive long-term solution to the preservation of section 8 assisted housing. It is expected that the authorizing committee, consistent with hearings held by both the House and Senate authorizing committess, will consider reform of the section 8 mark-to-market inventory a priority for legislation during the next Congress.

MARK-TO-MARKET DEMONSTRATION

Mr. MACK. Mr. President, I would like to commend Senator BOND for addressing the expiration of thousands of section 8 housing assistance contracts by including a FHA multifamily demonstration program in the VA–HUD appropriations bill. This demonstration program incorporates many of the major principles of S. 2042, the Multifamily Assisted Housing Reform and Affordability Act of 1996, which I introduced last month along with Senators BOND, D'AMATO, and BENNETT. However, the success of the demonstration program depends on HUD's implementation. I would like to ask Senator BOND a few questions to clarify the intent of the legislation.

First, the demonstration program would allow the Secretary to use nonprofit entities as ''designees'' to carry out the functions and responsibilities of portfolio restructuring. Athough I believe that there are legitimate and qualified nonprofits who could be used as restructuring entities, I am concerned about the use of nonprofits that do not have the support of the local community or residents. How does the demonstration program address ''sham'' nonprofits?

Mr. BOND. I share the Senator's concern and believe that the demonstration authority does address ''sham'' nonprofits. Specifically, the demonstration requires the Secretary to select only these entities that have a long-term record of service in providing low-income housing and meet standards of fiscal responsibility. I expect HUD to issue detailed guidelines on what would constitute a qualified ''designee'' whether it is a nonprofit or public entity.

Mr. MACK. My second concern is about the Department's capacity to restructure up to 50,000 units in the demonstration program. Numerous studies by the HUD IG and GAO and statements by HUD officials themselves have indicated that there are serious capacity problems in the multifamily housing area at HUD. HUD's response to these problems is to liquidate the inventory through sales of HUD-held and guaranteed mortgages to Wall Street investors. S. 2042, however, would protect the Federal Government's affordable housing investment by transferring the portfolio management responsibilities to publicly accountable entities such as State and local housing finance agencies. How does the demonstration program address these issues?

Mr. BOND. The demonstration program is significantly based on S. 2042. Like S. 2042, the demonstration program addresses the Department's capacity constraints by requiring HUD to form arrangements with qualified third party public entities. The demonstration program assumes that the participation of public entities such as State and local housing finance agencies will be encouraged and utilized to the fullest extent possible by HUD. In response to the Senator's concern about HUD's liquidation policy, the demonstration does allow HUD to transfer or sell up to 5,000 units of HUD mortgages to private sector parties. This provision is not intended to be used as means of liquidating the housing stock. Instead, the intent is to test the efficiency and effectiveness of using private sector entities to preserve the affordable housing stock at the lowest possible cost to the American taxpayer while recognizing the impact on communities and owners.

Mr. MACK. Thank you again for your work and dedication to this issue and for considering the views of the authorizing committee in the demonstration program.

Mr. BOND. I appreciate the Senator's support and work on this issue, and I look forward to our continued cooperative effort to develop a comprehensive portfolio restructuring program early next year.

SECTION 8 CONTRACT RENEWALS

Mr. GREGG. I have a question for the chairman Senator BOND. I congratulate him for tackling the difficult problem of renewal of section 8 contracts in a comprehensive manner, providing for renewal of all contracts with rents less than 120 percent of fair market rent at the existing contract rent and permitting FHA-insured projects with rents

over 120 percent of fair market rents either to accept rents at 120 percent of fair market rents, or to enter the demonstration. The Senator also permits projects financed or insured by State or local agencies, or under section 202, 811, and 515, to be renewed at current rents. However, there is an omission, with regard to conventionally financed contracts with rents over 120 percent of fair market rent, which are not explicitly covered by the legislation.

Many of these projects, including some in New Hampshire, were developed in the early years of section 8, and I assume that the conferees did not intend to exclude them.

Mr. BOND. The Senator is correct. Under present law, namely section 405(a) of the Balanced Budget Down Payments Act I, HUD has the authority to renew conventionally-financed section 8 contracts at up to 120 percent of fair market rents. Indeed, in August HUD sent out a memorandum stating that it would renew such contracts at rents not in excess of 120 percent of Fair Market Rent. Nothing in this year's appropriations bill withdraws HUD's authority under section 405(a) to renew such contracts. I ask unanimous consent to have printed in the RECORD the legal opinion by Judge Diaz, the General Counsel for HUD, which confirms this analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 24, 1996.

Memorandum to: Nicolas P. Retsinas, Assistant Secretary for Housing—FEA Commissioner.

From: Nelson A. Diaz, General Counsel.

Subject: Expiring project-based section 8 contracts on noninsured multifamily housing projects.

This memorandum is in response to your request for an opinion from the Office of General Counsel (OGC) regarding the legal authority to renew expiring project-based section 8 contracts on noninsured multifamily projects which have rents greater than 120% of the fair market rent.

Under Section 408(a) of the Balanced Budget Downpayment Act I, HUD has the authority to renew conventionally-financed section 9 contracts at up to 120% of the fair market rents. This position was set forth in HUD Notice H 96–74, entitled Project-Based section 8 Contracts Expiring in Fiscal Year 1997, issued on August 28, 1996. As it is currently composed in the draft before us on September 23, 1996, it is OGC's opinion that nothing in this year's proposed appropriation bill withdraws HUD's authority under 405(a) to enter into project-based maintenance contracts on those non-FHA insured projects whose expiring contract rents exceed 120% of the fair market rents for the market area in which the projects are located.

SECTION 8 RENTS

Mr. LAUTENBERG. Mr. President, I am concerned that this legislation does not adequately address the circumstances faced by certain unique properties. Specifically, I am worried about situations where the current section 8 rents exceed the fair market rents set by HUD by more than 120 percent, but are below the comparable market rents. If HUD cannot renew these contracts at current rents, the low and moderate-income residents of these properties may quickly find themselves without a decent place to live, especially in tight housing market such as we have in northern New Jersey. In this situation, I fear that an owner may have little choice other than to terminate the leases and rent the property to people who are willing to pay the real market rent. I do not believe that we have provided any sort of inducement for the owner of this type of property to continue to house low and moderate income people, many of whom may be elderly. Sticky vouchers would have been a very good solution to this problem. However, I have been advised by staff that the budget-based rent provisions under the demonstration address my concerns. I would like to be assured that this is, in fact, the case.

Mr. BOND. I would like to assure my colleague that the budget-based rent provisions can be used to address the concerns you raise. Under the budget-based rent provisions, the owner of unique property located in a tight housing market which houses elderly families and where the market rates are greater than the current contract rents and the rents are in excess of 120 percent of the FMR, could be provided with a contract renewal at the current contract rent level for 1 year. Also, Congress should look at the use of sticky vouchers in the future.

Mr. LAUTENBURG. So the budget-based rent provision is not limited to properties where the operating costs exceed comparable market rents?

Mr. BOND. That is correct. Properties where the operating costs exceed the comparable market rents are eligible for the budget-based rent provisions, but eligibility for budget-based rents is not limited to such properties. I emphasize that the mark-to-market demonstration is designed to ensure that HUD is particularly sensitive to the need to preserve existing low-income housing for the elderly and disabled.

Mr. LAUTENBURG. What would induce an owner of the type of property I described to continue to keep the property as an affordable housing resource?

Mr. BOND. The owner could be induced to continue to keep the property as an affordable housing resource by allowing the owner an adequate return on equity.

Mr. LAUTENBERG. Would the calculation of an adequate return on equity take into account the true market value of the property in unique circumstances such as the one I have described?

Mr. BOND. The Secretary would have the discretion to determine an adequate return on equity in this way if he so chose.

SECTION 8 HOUSING FOR THE ELDERLY

Mr. KERREY. I am very concerned that in Nebraska and its neighboring States, section 8 projects for the elderly will be disadvantaged under the language in the conference report, unless a special effort is made to preserve them. Fair market rents in these areas for zero and 1-bedroom apartments are low which cause high rents necessary to sustain section 8 projects with appropriate services for the elderly. These projects often have elevators, additional facilities for food, recreation and services, and extra management services such as 24-hour-in-house staff. They are above the 120 percent of FMR threshold for renewal at current rents. In order to bring these project rents down to FMR, all or most of the debt services would have to be eliminated. Debt reduction of this magnitude would most certainly give rise to significant tax liabilities. Is it your intent that debt restructuring occur?

Mr. BOND. The legislation is intended to preserve section 8 housing for the elderly and special populations. While debt restructuring may be unnecessary in most cases, it may be advantageous in some. Therefore, the chairman's intent is for HUD to review carefully each case and limit the use of debt restructuring to those rare cases where it is most advantageous. Furthermore, in any calculation HUD uses in determining the market rent for these projects, HUD must include compensation to cover services that meet the unique needs of the elderly and special populations.

Mr. HARKIN. I would ask that the chairman clarify his intentions on the limitations placed on HUD when considering debt restructuring.

Mr. BOND. HUD is instructed to use a three-pronged approach in determining whether the debt should be restructured. First, no tenants should be displaced. Second, the owners should not be forced to sell the project. Third, owners should not be subject to significant tax liability.

Mr. KERREY. I thank the chairman and look forward to assisting in the oversight of the implementation of these legislative provisions.

Mr. HARKIN. I would also like to thank the chairman. It is increasingly important that we preserve these projects for the elderly, especially in rural areas.

SECTION 8 CONTRACT RENEWALS

Ms. SNOWE. Mr. President, Senator COHEN and I have been working extensively with the U.S. Department of Housing and Urban Development and the Maine State Housing Authority to clarify the status and handling of contracts for 17 housing projects in Maine that were originally subsidized under section 23 and were later converted to section 8. We would like to confirm that these housing projects meet the definition of ''project-based'' as defined under paragraph (5), section 21 of the housing appropriations bill.

Mr. BOND. Mr. President, that is correct.

Mr. COHEN. Mr. President, of these housing projects, all of which receive

project-based assistance from the Department of Housing and Urban Development, 14 are financed through the Maine State Housing Authority. None of them are FHA-insured. We would like to further confirm our understanding that the project-based contracts for these particular housing projects will be renewed for 1-year at the current rent level under the terms and conditions of paragraph (2), section 211 of the housing appropriations bill.

Mr. BOND. Mr. President, the senior Senator from Maine is absolutely right.

Mr. MACK. Mr. President, I want to commend the chairman of the subcommittee, Senator BOND, for incorporating report language clarifying that Congress does not intend for the Fair Housing Act to apply to property insurance. HUD's assertion of authority over the conduct of the property insurance market overreaches, and in fact contradicts, congressional intent as reflected in the plain language and legislative history of the Fair Housing Act.

HUD's attempt to regulate the business of insurance, notwithstanding the lack of any reference to property insurance in the Fair Housing Act or its legislative history, also contradicts the statutory mandate of the McCarran-Ferguson Act of 1945, which requires that, unless a Federal law ''specifically relates to the business of insurance,'' that law shall not apply where it would ''invalidate, impair or supersede'' State law. HUD's assumption of authority to regulate property insurance has the practical effect of invalidating, impairing and superseding the State laws which prohibit unfair discrimination by insurers, and it is the type of duplicative regulation which Congress sought to avoid through McCarran-Ferguson.

We should not tolerate illegal discriminatory practices by anyone involved in the real estate market. However, every State provides recourse for addressing complaints of unfair discrimination by insurers. There is no need for HUD, which currently has difficulty meeting its statutory mandates, to step into the shoes of State regulators to create a Federal regulatory regime without clear justification or authority.

PROPERTY INSURANCE REGULATION

Mr. BOND. Mr. President, I want to make it clear that I am fundamentally and adamantly opposed to discrimination in any form, including discrimination in the provision of property insurance. Nevertheless, I believe that HUD has no authority under the Fair Housing Act to regulate the practices of the insurance industry, including practices related to the provision of property insurance. Moreover, HUD does not have the capacity or ability to address discrimination issues in the practices of the insurance industry, and any attempts to establish and enforce standards are likely to result in confusion and questionable actions.

The purpose of both the Senate and House committee reports to the VA/HUD fiscal year 1997 appropriations bill is to ask HUD to focus its fair housing resources of $30 million toward activities designed to fight discrimination in the sale, rental, and financing of housing.

These are limited resources and the committee report language in both House and Senate reports is designed to ensure that this funding is used in a comprehensive and focused manner to fight housing discrimination.

Furthermore, while the courts have not always been consistent in the application of the Fair Housing Act, I believe Congress has made it clear that the regulation of property insurance is outside the scope of the Fair Housing Act and is contrary to the intent of the MacCarran-Ferguson Act which states that the responsibility for insurance matters, including property insurance, is the responsibility of the States. The Fair Housing Act says nothing about Federal action with regard to discrimination in the provision of property insurance.

In fact, the legislative history of the Fair Housing Act indicates that the Fair Housing Act does not apply to insurance. Notably, in the Senate floor debate on the 1980 amendments to the Fair Housing Act, Senator HEFLIN stated that it was * * *

> * * *the decision of the Subcommittee on the Constitution, acquiesced in by the full Senate Judiciary Committee, to leave the regulation and oversight of the property insurance business to the States and to reject extension of [the Fair Housing Act] to that business.

HUD's property insurance activities are wholly unwarranted. Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance. We need to avoid duplication of effort and also avoid the risk of creating new and different standards that will be confusing and administratively burdensome. The House and Senate reports to the VA/HUD fiscal year 1997 Appropriations Act are identical on the issue of fair housing and property insurance, and are designed to state the understanding of the House and Senate that HUD should not intrude upon the responsibilities of the States with regard to the regulation of insurance, including property insurance.

Mr. SHELBY. Mr. President, on September 5, 1996, several senators expressed concern about language regarding property insurance activities by HUD's Office of Fair Housing and Equal Opportunity contained in the committee report accompanying the VA, HUD, and independent agencies appropriation bill.

For some time now, HUD has claimed it has jurisdiction under the Fair Housing Act to investigate complaints about alleged insurance redlining practices. Statements have been made that the committee report language is an effort to somehow exempt the insurance industry from civil rights enforcement. Nothing could be further from the truth. This is not about civil rights. It is about regulation.

Congress never intended to apply the Fair Housing Act to property insurance for the simple reason that the insurance industry is subject to State regulation under the McCarran-Ferguson Act. It is for this reason that the Congress chose specifically not to include the sale or underwriting of insurance under the Fair Housing Act.

HUD's enforcement and regulatory activities regarding property insurance is clearly a waste of resources because it duplicates State laws and regulations. Virtually every State and the District of Columbia have laws or regulations governing unfair discriminatory practices by insurance companies. States are actively investigating and addressing discrimination where it is found to occur. HUD is just adding another wasteful and unnecessary layer of bureaucracy.

Congress faces many hard choices in working to fulfill its commitment to eliminate unnecessary Federal spending and red tape. With respect to HUD, Congress must determine how to preserve essential programs while creating a more efficient Federal Government and reduce the budget deficit. If there is one area of Federal spending where Congress need not struggle to determine whether cutbacks are appropriate, it is HUD's activities regarding property insurance.

Mr. FAIRCLOTH. Mr. President, I rise today to speak about HUD's attempts over the past few years to regulate property insurance under the Fair Housing Act. Let me state for the record that I am committed to strict enforcement of the Fair Housing Act and its prohibitions against discrimination in housing.

The Fair Housing Act is one of the basic tenets of our country's civil rights laws. Where outright discrimination in housing is found, enforcement must be swift and strong.

However, my concerns stem from two issues. First, HUD lacks the authority to regulate property insurance. Second, regulation of property insurance is already being done by the States.

The Fair Housing Act makes it unlawful ''to discriminate against any person in the terms, conditions, or privileges of sale or rental of a home . . . Because of race.'' The language goes on to refer to the services provided by mortgage bankers and real estate brokers. Nowhere in the language does the act refer to property insurance. The Fair Housing Act does not specifically relate to the business of insurance. Courts have held that Congress never intended the Fair Housing Act to apply to insurance. HUD is clearly overstepping its authority by pursuing any regulation in this area. In fact, it spent hundreds of thousands of dollars on outside legal help to write this regulation because the legal basis for doing so was so tenuous.

By pursuing this issue, HUD is assuming that States have not been doing anything in this area. That assumption is wrong. All 50 States and the District of Columbia have enacted statutes or regulations, or both, that address unfair discrimination in insurance practices, violations of civil rights or which permit insurance departments to investigate unfair trade practices. I will submit for the record a compilation of some of these State statutes or regulations governing unfair discrimination in insurance. States are active in investigating discrimination. There is strong protection against illegal discrimination. HUD's actions only add another unnecessary layer of Federal bureaucracy.

This is just another example of HUD trying to assert more Federal power and more Federal control in an area traditionally under the domain of the States. HUD has shown, over the more than 30 years that the department has been in existence, that it cannot perform well those programs that are under its administration. What case can be made for HUD to take on yet another program. HUD is a failure. Regulation of property insurance is not within HUD's authority, and every effort should be made to keep HUD out of this area.

I ask unanimous consent that a representative sample of State statutes or regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE LAWS GOVERNING UNFAIR DISCRIMINATION IN INSURANCE

[Below is a compilation of laws and regulations in the 50 states and the District of Columbia which address unfair discrimination in insurance practices, violations of civil rights, or which permit insurance departments to investigate unfair trade practices. All 50 states and the District of Columbia have enacted statutes or regulations, or both, to address these issues. Except where otherwise indicated, all citations are to insurance codes or regulations]

State: Citation and chapter/section heading	Relevant text
Alabama:	
Trade Practices Law: § 27–12–2; § 27–12–21	No person shall engage in this state in any trade practice which is . . . determined [by the Commissioner] to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.
Rates and Rate Organizations: § 27–13–1; § 27–13–65	Every rating organization and every insurer which makes its own rates shall make rates that are not unreasonably high or inadequate for the safety and soundness of the insurer and which do not unfairly discriminate between risks in this state . . .
Arkansas:	
Trade Practices: § 23–66–205; § 23–66–206(7)	Prohibited unfair competition or unfair or deceptive acts or practices include the following: (C) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk, unless: (i) The refusal, cancellation, or limitation is for a business purpose which is not a mere pretext for unfair discrimination; or (ii) The refusal, cancellation, or limitation is required by law or regulatory mandate. (D) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk or on the personal property contained therein because of the age of the residential property, unless: (i) The refusal, cancellation, or limitation is for a business purpose which is not a mere pretext for unfair discrimination; or (ii) The refusal, cancellation, or limitation is required by law or regulatory mandate.
Rates and Rating Organizations: § 23–67–201; § 23–67–208	(a) [Insurance] rates shall not be excessive, inadequate, or unfairly discriminatory.
California:	
Prohibition of Discriminatory Practices by Certain Admitted Insurers: § 679.71	No admitted insurer shall fail or refuse to accept an application for, or to issue a policy to an applicant, or cancel insurance, under conditions less favorable to the insured than in other comparable cases, except for reasons applicable alike to persons of every marital status, sex, race, color, religion, national origin, or ancestry; nor shall sex, race, color, religion, national origin, or ancestry itself constitute a condition or risk for which a higher rate, premium, or charge may be required of the insured for such insurance.
CA Code of Regulations (CCR): § 2646.6	Requires insurers to collect and submit comprehensive insurance premium/exposure, marketing and customer demographic data by geographical area on an annual basis to the Department of Insurance.
District of Columbia:	
Fire, Casualty, and Marine Insurance: § 35–1533	Discrimination between individual risks of the same class or hazard in the amount of premiums or rates charged for any policy, or in the benefits or amount of insurance payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever, is prohibited, and the Superintendent is empowered after investigation to order removed at such time and in such manner as he shall specify any such discrimination which his investigation may reveal.
Regulation of Casualty and Other Insurance Rates: § 35–1703	(a) Rates for insurance within the scope of this chapter shall not be excessive, inadequate, or unfairly discriminatory.
Georgia:	
Unfair Trade Practices: § 33–6–3; § 33–6–4(b)(A)(iii)	Prohibited unfair methods of competition and unfair and deceptive acts or practices in the business of insurance include the following: (A)(iii) Making or permitting any unfair discrimination in the issuance, renewal, or cancellation of any policy or contract of insurance against direct loss to residual property and the contents thereof, in the amount of premium, policy fees, or rates charged for the policies or contracts when the discrimination is solely based upon the age or geographical location of the property within a rated fire without regard to objective loss experience relating thereto.
Regulation of Rates, Underwriting Rules, and Related Organizations: § 33–9–1; § 33–9–4.	(1) [Insurance] rates shall not be excessive or inadequate, as defined in this Code section, nor shall they be unfairly discriminatory.
GA Regulations: 120–2–65; 120–2–66	Prohibitive underwriting guidelines for automobile insurance. Prohibitive underwriting guidelines for property insurance.
Illinois:	
Unfair Methods of Competition and Unfair and Deceptive Acts and Practices: 215 ILCS 5/423; 215 ILCS 5/424; 215 ILCS 5/155.22.	Prohibited unfair methods of competition or unfair and deceptive acts or practices include the following: (3) Making or permitting, in the case of insurance of the types enumerated in classes 2 and 3 of section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion or national origin of such insurance risks or applicant. No company authorized to transact in this State the kinds of business described in Classes 2 and 3 of Section 4,[1] and no officer, director, agent, clerk, employee or broker of such company shall upon proper application refuse to provide insurance solely on the basis of the specific geographic location of the risk sought to be insured unless such refusal is for a business purpose which is not a mere pretext for unfair discrimination.
Louisiana:	
Unfair Trade Practices: § 22.1213; § 22:1214(7)	Prohibited unfair methods of competition in the business of insurance include the following: (7)(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazard by refusing to insure, refusing to renew, cancelling, or limiting the amount of insurance coverage on a property or casualty risk solely because of the geographic location of the risk, unless such action is a result of the application of sound underwriting and actuarial principles related to actual or reasonably anticipated loss experience; (e) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to insure, refusing to renew, canceling, or limiting the amount of insurance coverage on the residential property risk, or the personal property contained therein, solely because of the age of the residential property; (f) Refusing to insure, refusing to continue to insure or limiting the amount of coverage available to an individual solely because of the sex, marital status, race, religion, or national origin of the individual. However, nothing in this Subsection shall prohibit an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits. Nothing in this Section shall prohibit or limit the operation of fraternal benefit societies.
§ 22:652	No insurer shall make or permit any unfair discrimination in favor of particular individuals or persons, or between insureds or subjects of insurance having substantially like insuring risk and exposure factors, or expense elements, in the terms or conditions of any insurance contract, or in the rate of amount of premium charged therefor, or in the benefits payable or in any other rights or privileges accruing thereunder . . .
Loisiana Insurance Rating Commission and Rate Regulation: § 1402; § 1404	(2) [Insurance] rates shall not be excessive, inadequate or unfairly discriminatory.
New York:	
Unfair Claim Settlement Practices; Other Misconduct; Discrimination: § 2606	(a) . . . no individual or entity subject to the supervision of the superintendent shall because of race, color, creed or national origin: (1) Make any distinction or discrimination between persons as to the premiums or rates charged for insurance policies or in any other manner whatever. (2) Demand or require a greater premium from any persons than it requires at that time from others in similar cases. (b) . . . no individual or entity subject to the superintendent's supervision shall solely because of the applicant's race, color, creed or national origin: (1) Reject any application for a policy of insurance issued and/or sold by it. (2) Refuse to issue, renew or sell such policy after appropriate application therefor.
§ 2607	No individual or entity shall refuse to issue any policy of insurance, or cancel or decline to renew such policy because of the sex or marital status of the applicant or policyholder.
Property/Casualty Insurance Rates: § 2301; § 2303	Rates shall not be excessive, inadequate, unfairly discriminatory, destructive of competition or detrimental to the solvency of insurers.
North Carolina:	
Unfair Trade Practices: § 58–63–10; § 58–63–15(7)	Prohibited acts of unfair discrimination include: (7)c. Making or permitting any unfair discrimination between or among individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk, unless: 1. The refusal or limitation is for the purpose of preserving the solvency of the insurer and is not a mere pretext for unfair discrimination or 2. The refusal, cancellation, or limitation is required by law. d. Making or permitting any unfair discrimination between or among individuals or risks of the same class and of essentially the same hazard by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property, unless: 1. The refusal or limitation is for the purpose of preserving the solvency of the insurer and is not a mere pretext for unfair discrimination, or 2. The refusal, cancellation, or limitation is required by law.

STATE LAWS GOVERNING UNFAIR DISCRIMINATION IN INSURANCE—Continued

[Below is a compilation of laws and regulations in the 50 states and the District of Columbia which address unfair discrimination in insurance practices, violations of civil rights, or which permit insurance departments to investigate unfair trade practices. All 50 states and the District of Columbia have enacted statutes or regulations, or both, to address these issues. Except where otherwise indicated, all citations are to insurance codes or regulations]

State: Citation and chapter/section heading	Relevant text
Regulation of Insurance Rates: § 58–40–1; § 58–40–20	(a) In order to serve the public interest, rates shall not be excessive, inadequate or unfairly discriminatory.
Texas:	
Misrepresentation and Discrimination: Art. 21.21 sec. 3; Art. 21.21 sec. 4	Prohibited acts of unfair discrimination include: (7)(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to renew, canceling or limiting the amount of coverage on a policy of insurance covered by Subchapter C, Chapter 4, of this code because of the geographic location of the risk unless: (1) the refusal, cancellation or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or (2) the refusal, cancellation or limitation is required by law or regulatory mandate.
Casualty Insurance and Fidelity, Guaranty and Surety Bonds: Art. 5.14	(3) Rates shall be reasonable, adequate, not unfairly discriminatory.

[1] 215 ILCS 5/4.

FAIR HOUSING INITIATIVE PROGRAM

Mr. BURNS. Mr. President, during consideration of the VA, HUD, and independent agencies appropriations bill on September 5, 1996, several of my colleagues made statements about language contained in the report accompanying the bill that directs HUD to expend the limited funds available for the Fair Housing Initiative Program [FHIP] only on such forms of discrimination as are explicitly identified under title VIII of the Civil Rights Act.

The Fair Housing Act makes no mention of property insurance. A reading of the legislative history of the act will disclose that Congress intentionally left out property insurance because insurance is a State regulated activity. Since the States regulate property insurance and have laws and regulations addressing unfair discrimination in property insurance, it was our conclusion that this is one area where HUD does not need to expend its resources.

Moreover, the report language was included in response to testimony from the Department of Housing and Urban Development stating it had limited resources available for the FHIP Program. It was our thought that HUD should use its limited resources to address only those areas specifically mentioned in the law that include the sale, rental, and financing of housing and in the provision of brokerage services.

Throughout all of its efforts and funding of outside groups to investigate insurance practices, it is interesting that neither HUD nor the private groups it funds with public money have been able to produce one individual who has failed to purchase a home because insurance was denied to that person. So much for ''no insurance, no loan, no house.''

In a statement released September 11, 1995, Max Boozell, the Illinois director of insurance, stated,

> I am very disturbed by the contention that major homeowner insurance companies are redlining in Chicago. To the contrary, our 1994 study of homeowners insurance not only reflects a healthy, viable urban insurance market in Illinois, but provides no hard evidence of institutional redlining by any Illinois insurer.

Nor is this a civil rights debate as many would have us believe. Activities of the Justice Department under the Fair Housing Act have not been curtailed, nor does the inclusion of this report language impact the application to property insurance practices of section 1981 of the U.S. Code, which prohibits racial discrimination in the provision of insurance and other services under contract.

Nowhere in the Fair Housing Act is property insurance mentioned. More than 50 years ago, Congress wisely decided that, in the area of insurance regulation, the States should be spared Federal interference. Under the McCarran-Ferguson Act of 1945, Congress explicitly provided that, unless a Federal law ''specifically relates to the business of insurance,'' that law shall not be deemed applicable to insurance practices. By applying the Fair Housing Act to insurance, HUD simply disregards the fact that the law does not ''specifically relate to the business of insurance.''

Mr. President, the courts are divided on this issue. It was disappointing that the Supreme Court failed to grant certiorari in the case of Nationwide Mutual versus Cisneros. The Court could have resolved the conflict that now exists in 2 circuits out of our 13 Federal circuit courts. The two courts that have found that the Fair Housing Act applies to property insurance practices have relied on HUD's regulations, which, without any statutory authority, refer to discrimination in property insurance. In other words, HUD did not have a law, so the bureaucrats got to work and created one through regulations.

There is simply no justification for HUD continuing to expend funds for insurance regulatory activities that duplicate comprehensive State regulation at the expense of the American taxpayer. HUD would do better to work within the framework of the law with its limited resources.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

Mr. BOND. Mr. President, the conference report to H.R. 3666, the VA/HUD Fiscal Year 1997 Appropriations Act, included an amendment by Senator BENNETT, that requires GAO to audit the operations of the Office of Federal Housing Enterprise Oversight [OFHEO] concerning staff organization, expertise, capacity, and contracting authority to ensure that the resources are adequate and that they are being used appropriately to ensure that Fannie Mae and Freddie Mac are adequately capitalized and operating safely. As Senator BENNETT previously advised, OFHEO is over 2 years behind in developing risk-based capital standards which are intended to ensure the financial safety and soundness of these Government-sponsored entities. Senator BENNETT further advised that OFHEO needs to refocus its activities, away from such activities as trips abroad, to ensure that these critically needed risk-based capital standards are developed and operative.

I also am very concerned over OFHEO's lapse in its responsibility for the timely development of these risk-based capital standards, and I urge OFHEO to expedite these necessary rulemaking requirements. I also advise that the Housing and Community Development Act of 1992 established OFHEO as an independent office in HUD and not as a new Federal agency. Nevertheless, in a time of Government downsizing, OFHEO continues to request additional staff and funding, while focusing on activities other than its primary responsibility to promulgate financial safety and soundness rules.

The 1992 housing bill, which I worked on, intended OFHEO, as a practical matter, to be a tripwire to alert Congress and the Nation to any significant financial risks that may be confronting Fannie Mae and Freddie Mac. This is a critically important function and OFHEO's primary function—I do not think that anyone intends or expects OFHEO to become a new agency or act as a political entity. I expect the GAO audit to lend some perspective to OFHEO's purpose, its ability to perform its purpose, and recommend ways to streamline and ensure OFHEO's capacity and expertise will meet its rulemaking and regulatory functions.

DRINKING WATER HEALTH EFFECTS RESEARCH

Mr. BOND. Mr. President, since completion of the VA-HUD conference, some confusion has arisen as to funding of drinking water health effects research. First, let me state unequivocally that I strongly support funding for drinking water health effects research to ensure that rules governing drinking water quality are based on the best science and result in cost-effective protection of public health. As a member of the Environment and Public Works Committee, I advocated amending the Safe Drinking Water Act to change the standard setting process and improve the scientific basis for regulations.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I have worked to fund fully the new State revolving fund program for the construction of drinking water plants. The conference report before us includes $1.275 billion—$550 million as requested by the President, and

an additional $725 million to restore funds previously appropriated for this program but released last month for clean water SRF's.

Unfortunately, delays in enactment of the Safe Drinking Water Act amendments precluded in VA–HUD subcommittee's consideration of the many additional funding requirements associated with implementation of this legislation.

However, the conference agreement acknowledges that the new legislation will require resources, and states ''the conferees expect EPA to address any funding requirements for implementation of [this] important statute, such as drinking water health effects research, in the agency's operating plan.''

Funding for drinking water health effects research—outside of the amounts included in the science and technology account—was not in either House or Senate version of the VA-HUD bill, and hence was not an issue in conference. While I object to off-the-top setasides from State revolving funds, I fully support funding for health effects research from the science and technology account, which funds all of EPA's research activities. Should EPA propose to increase the relative priority for health effects research as part of its operating plan, and request additional funding for such research within the $542 million appropriated for science and technology, it is my expectation that this would be favorably received.

In conclusion, I encourage EPA to consider carefully the funding requirements associated with this new legislation, and propose a redirection of funds for these important activities within the $6.7 billion fiscal year 1997 appropriation.

COORDINATED TRIBAL WATER QUALITY PROGRAM

Mrs. MURRAY. Mr. President, I want to thank the subcommittee for its hard and diligent work on this bill. In particular, I appreciate the earmark of $500,000 for the Coordinated Tribal Water Quality Program for fiscal year 1997.

This program began in 1990 when the 26 tribes and tribal organizations in Washington State came together with a cooperative intergovernmental strategy to accomplish national clean water goals. As a result of Federal court decisions, the State of Washington has recognized the tribes as comanagers of water quality in the State. This program has been an effective tool for leveraging scarce public funds to create viable, watershed-based water quality protection plans.

It is my understanding that the $500,000 earmark in the committee report is not intended to preclude the Coordinated Tribal Water Quality Program from receiving the needed additional $2 million from the Environmental Protection Agency's existing funds under section 104(b)3 of the Clean Water Act.

Mr. BOND. Mr. President, the Senator from Washington is correct. The earmark is intended to be a floor from which the EPA may supplement the Coordinated Tribal Water Quality Program. The additional funding will allow the tribes to fulfill their roles as comanagers of water quality in Washington State.

Mrs. MURRAY. I thank the distinguished Chairman for this clarification.

The PRESIDING OFFICER. Pursuant to the previous order, the conference report accompanying H.R. 3666, the VA–HUD appropriations bill, having been received, the conference report is agreed to, and the motion to reconsider is tabled.

The conference report was agreed to.

Mr. GORTON. 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. KENNEDY. 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. KENNEDY. I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING THE FAMILY AND MEDICAL LEAVE ACT

Mr. KENNEDY. Mr. President, passage of the Family and Medical Leave Act in 1993 was a true landmark for America's families. For the first time, millions of working men and women were freed from the threat of job loss if they needed time off for the birth of a child or to care for a sick family member.

The act has worked well—for employees and for their employers. Employees are now able to take a leave of absence to be with their children or with a sick relative at a crucial time for the family, so that they can provide the special care and compassion which are the glue that binds a family together. In the 3 years since its enactment, it has already helped millions of American families.

For seriously ill children it is particularly important. Having the emotional support of close family members can be a crucial element in their recovery. Allowing a parent the time to be with his or her child under these circumstances can truly make a difference.

The impact on employers has been negligible. A research survey commissioned by the Bureau of Labor Statistics found that 93 percent of businesses incurred little or no additional cost due to the Family and Medical Leave Act. There was no noticeable effect on productivity, profitability, and growth resulting from the new law, according to 87 percent of the businesses surveyed.

In light of these facts, it is particularly shocking that Bob Dole would attack the Family and Medical Leave Act as he did the other day. He criticized the Family and Medical Leave Act as an example of ''the long arm of the Federal Government'' interfering with the rights of business owners. As he stated, ''My view is, why should the Federal Government be getting into family leave? * * * the Federal Government ought to be out of it.''

Bob Dole is wrong about family and medical leave and many other issues. In more and more American homes today, both parents must have jobs in order to support their families. A substantial majority of children live in families where neither parent is at home during the day because of their jobs. If we value families—if we are serious about helping parents meet the needs of their children—then family medical leave is essential. Family members must be allowed time off from work to care for a newborn infant, to nurse a sick child back to health, or to be with a sick parent or spouse in a time of medical crisis.

The price of meeting these family responsibilities should not be losing your job. That is why family and medical leave is essential. Bob Dole may not understand this, but American people, by an overwhelming majority, do understand it.

The current law has made a dramatic difference for working families. But, it does not address another very important issue for such families—the need for a brief break in the workday to meet the more routine, but still very important, demands of raising children. At a time when more children than ever are growing up in one parent homes or in families where both parents work outside the home, this flexibility is becoming more and more essential.

Every working parent has experienced the strain of being torn between the demands of their job and the needs of their children. Taking a child to the pediatrician, meeting with a teacher to discuss a problem at school, accompanying a child to a school event, watching a child perform in a special recital or in the big game—all of these often require time off from work. No parent should have to choose between alienating the boss and neglecting the child.

Many employers understand this, and allow their workers to take time for family responsibilities. But many other companies refuse to accommodate their workers in this way. The ability of parents to meet these family obligations should not be dependent on the whim of their employer. In a society that genuinely values families, it should be a matter of right.

Under proposed Democratic amendments to the Family and Medical Leave Act, working parents would be entitled to 4 hours of unpaid leave a month, up to a total of 24 hours of leave a year, to participate in their child's school and community activities or to take that child to the doctor.

Employers would have to receive at least 7 days advance notice of each absence, so that employers will have ample opportunity to arrange work schedules around the brief absence of the employee.

Clearly, this legislation is needed. A recent survey of 30,000 PTA leaders found that 89 percent of parents cannot be as involved in their children's education as they would like because of job demands. A Radcliffe Public Policy Institute study completed last year found that the total time that parents spend with their children has dropped by a third in the past 30 years. This disturbing trend must be reversed.

Greater involvement of parents in their children's education can make a vital difference in their learning experience. A big part of that involvement is more regular contact between parent and teacher, and more regular participation by parents in their children's school activities.

Many of those meetings and activities are scheduled during the workday. As a result, millions of parents are unable to participate because their employers refuse to allow time off. Permitting a modest adjustment in a parent's workday can greatly enrich a child's schoolday. All children will benefit from this kind of parental support and encouragement, and so will the country.

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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIFE AND CHILD ABUSERS CAN STILL OWN GUNS

Mr. LAUTENBERG. Mr. President, on September 12, the U.S. Senate, by a vote of 97 to 2, approved an amendment that I sponsored to ban wife beaters and child abusers from having guns. Last night, I learned something about this place that shocks me, and I am here now for 14 years. I learned that even a mandate, voted on 97 to 2, can be dispensed with by a wink of the eye and a nod of the head, with the Rifle Association looking over Members' shoulders. I was told last night that, behind closed doors, the Republican leadership has decided to entirely gut this legislation and say that someone who beats his wife and beats his child ought to be able to own a gun. In other words, the gun is more valuable than the life that may be in jeopardy.

According to the information I received, the continuing resolution now will contain language that seems to have been drafted directly by the National Rifle Association. This new language would allow child abusers to have guns. It also lets off the hook all wife beaters who are convicted in a bench trial, that is, as opposed to a jury trial, just a judge sitting there. And it contains special notification requirements that will allow many wife beaters to hold on to their guns, and that will say to these wife beaters: For you, unlike for everyone else in our society, ignorance of the law is an appropriate excuse.

Mr. President, perhaps it is obvious, but I am absolutely outraged by this proposal, and I hope Americans across our Nation will be outraged, particularly those who have a sister, a mother, a daughter, those who care about what happens with women in our society. It represents a complete cave-in to the most radical fringe of the gun lobby. It will jeopardize the lives of thousands of battered women and children around our Nation.

I am especially outraged because the language approved by the Senate had won such broad, bipartisan support. Among those who approved this legislation were Senator CRAIG, Senator LOTT, the distinguished majority leader, and Senator HUTCHISON from Texas. They all agreed to this. That is why my amendment passed this body by a vote of 97 to 2.

Unfortunately, the gun lobby is now intruding in the legislative process and emasculating this legislation. The NRA language, apparently being placed in the CR, would completely gut the protections in our amendment. It would put guns directly in the hands of people who have beaten their wives or abused their kids. The end result, without any question, would be more shootings, more injuries, and more death.

Mr. President, this new language has several flaws, and I want to take a moment to explain them. First of all, this amendment would completely exempt child abusers from the ban on firearm possession. OK, you can beat your kid, you can still have your gun. Is that the kind of society that we want? I don't think so.

As I have explained, my proposal, as approved by the Senate, applies both to those who abuse their spouses and those who abuse their children. The new language in the Republican bill stands for the proposition that child abusers may continue to possess their guns.

Mr. President, that is absurd, it is outrageous, infuriating, and it is an insult to women in our society. It is an insult to men who think positively about the females in their lives. If someone assaults his own child and is convicted for it, that abuser, in my legislation, has sacrificed any claim to a gun. That is the way I think it ought to be, and 97 Senators agreed with me. That was the second vote, by the way, on my legislation. One time it was unanimous, by a voice vote, with not one objection. More importantly, the child needs protection, and he or she deserves it.

If we can't protect the most vulnerable among us, our abused children, what does that say about us? What does it say about this cowardly Congress? What does it say about the power the National Rifle Association has over our entire society?

Mr. President, excluding child abusers from this ban would be reason enough to defeat this amendment. But there is more. This amendment would also allow many wife beaters to continue to possess firearms. The amendment would entirely exempt from the ban anyone who has been convicted in a trial that was heard solely by a judge. Only convictions from a jury trial would be subject to this watered-down ban.

Mr. President, I can tell you that many wife abusers in my State of New Jersey are convicted in a bench trial. They are brought before the judge and he renders a verdict. These convictions are entirely valid. They can send someone to jail or declare it a misdemeanor. There is no basis for excluding those charged and convicted by a judge—excluding them from the prohibition.

Mr. President, States vary considerably with respect to the types of crimes for which a jury trial is required. In some States, jury trials are used in most domestic violence cases. But in others, judges handle many of these cases.

So the effect of this amendment would be to exclude from the ban a large number of wife beaters, who happen to beat their wives in a State that has a bench trial rather than a jury trial. These wife beaters may have been just as violent as those in other States, where other abusers would be tried by a jury. But under this new language, these wife beaters would have a special exemption. They would be off the hook. ''Aha, you didn't try me by a jury, so I want my gun while I beat my wife.'' Meanwhile, the wives and kids will remain unprotected from gun violence and, for some, that will mean, very simply, they are going to die. The difference often between the beating and a murder is the presence of a gun. Mr. President, it is wrong.

It is time to establish a very clear rule. If you are convicted of beating your wife or your child, you lose your gun. If you are convicted of abusing your child, you lose your gun, no ifs, ands, or buts.

Mr. President, another problematic provision in the new CR language—the continuing resolution is going to determine how we finance most of Government, and I want everybody to understand that, starting with the fiscal year, October 1. That is how we are going to finance Government. In that is this language that gives special exemption to wife beaters. The new language says to wife beaters: We are going to create a special exemption for you if you have been convicted by a judge.

In general, as most Americans know, ignorance of the law is no excuse. But, here, there is another out for the wife beater. For some reason or other, under this amendment, wife beaters would not be subjected to this rule. This amendment says that a wife beater must explicitly be given notice of the firearm ban at the time he is charged or notified of the complaint. Otherwise, if the notice is not given at the time of complaint or charging, the wife beater will be entirely free to have the gun. In other words, ''Aha, I wasn't told that if I beat my wife, I might lose my gun, so therefore, it is my gun and my wife, and if I want to beat her, I will beat her.'' That is what they are saying.

Now, Mr. President, I am all for telling wife beaters they can't have a gun at any time. That is the best way, and it ought to be. It should not be a prerequisite for a ban. After all, it is not a prerequisite for anyone also. Felons are prohibited from having guns, regardless of whether they have ever been officially given notice. For them, ignorance of the law is no excuse. But under this amendment, it would be an excuse for a wife beater.

In fact, this amendment is constructed so poorly, that it would even allow wife beaters to get guns if they did get notice, if the notice wasn't at the time of the complaint or charging. In other words, if someone is only given notice about the ban when they're convicted, they could still possess guns.

Another effect of this language, Mr. President, is that it would completely exempt from the ban anyone who beat their wife, and was convicted, before the CR gets enacted, if they want to make it easy for these wife beaters to escape. This means that huge numbers of battered wives and abused children will remain vulnerable to firearm violence.

Mr. President, the bottom line is that the provision apparently to be included in the CR is not serious legislation even though Speaker GINGRICH said on a Sunday show that was witnessed by millions of Americans when he said he would accept this proposition, this legislation that I put forward. He promised he would do it. But once the NRA got hold of him and pulled on his coat a little bit he said, ''Well, OK. Maybe we will just water it down a little bit.'' The same thing happened on the floor of this body.

It's little more than a sham. It claims to establish a gun ban for those committing domestic violence. But it's been drafted cleverly by the gun lobby. And, not surprisingly, it's got loopholes large enough to drive a truck of wife beaters through.

Mr. President, the problems with this amendment go on and on. And that's because this is not a serious amendment. It's a sham. It is a dodge. It is a shame.

It's a desperate attempt to let wife beaters and child abusers keep their guns. And nobody should be fooled into believing otherwise.

Mr. President, I know the NRA has a lot of power around here. We see it exhibited all the time—raw power. I do not know how many members they have. It is estimated, as I understand it, at 3 million but they have 260 million other Americans in the grip of their hands. But isn't there some point at which we draw the line? Isn't their some point at which we draw the line? Isn't their some point where we say enough is enough? Isn't their some point where they want to protect their own wives, or their own children? Isn't there some point when we can stand behind a 97 to 2 amendment approved in the U.S. Senate and say, ''Yes, we meant it?'' Or did we say in some cases we meant it until we got into the darkness of a closed room and then we made our deal, and in the light before the public? Oh, no. We are good guys. We do not want those wife beaters to have guns, those child abusers to have guns. But in the secret of a dark room they said ''Yes. The guy ought to have a gun. What the heck. He only beat his wife.'' If he beat the wife next door he would be in jail for 5 years; or, if he abused the child next door he would be in jail 5 years, or maybe in some States they want child abusers to be in jail for life. But if it is your own kid, if it is your own wife, it is like that is chattel property, you know. Just do as you please.

Mr. President, I hope my colleagues will keep something in mind when they think about this provision. This is nothing short of a matter of life and death.

Somewhere out there, there are thousands of battered wives and abused children. Thousands of innocent Americans who are virtually helpless against their abusers.

Mr. President, every year, there are about 2 million reported cases of domestic violence. Very few of them get prosecuted because they are convinced or frightened by the abuser that it would be tough. He wants to be forgiven. In approximately 100,000 of these cases a gun is involved—some put this figure at 150,000. In other words, an argument ensues, a gun is held, aimed and pointed to the head of the woman, and he says, ''If you do not do this I am going to blow your head off.'' And the child witnessing that carries that trauma for life.

There is no question that the presence of a gun dramatically increases the likelihood that domestic violence will escalate into murder. According to one study, for example, in households with a history of battering, the presence of a gun increases the likelihood that a woman will be killed threefold.

As Senator WELLSTONE put it so beautifully and succinctly on the floor one day, all too often, the difference between a battered woman and a dead woman is the presence of a gun.

Mr. President, it is not an exaggeration to say that for many women and children, we have their lives in our hands.

We can save their lives by enacting the Senate proposal, and keeping guns away from their abusers. Or we can cave in gutlessly to the NRA. And they will die. And they will be buried in their communities. But some of the grief has to extend to this place.

Mr. President, my message is simple. Wife beaters should not have guns, and child abusers should not have guns. And I urge my colleagues to stand up for the victims of domestic violence, to reject this sham legislation, and to enact meaningful law to keep guns away from wife beaters and child abusers.

And if the NRA and their supporters insist on pushing a sham ban, I want to put everyone on notice that I intend to fight this every step of the way with all the tools at my disposal.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

VOTE TO OVERRIDE THE PRESIDENT'S VETO OF H.R. 1833

Mr. THURMOND. Mr. President, I rise today to speak on the President's veto of legislation to ban partial-birth abortions.

The President should have signed this legislation and helped us ban the shocking procedure known as partial-birth abortions. Instead, he ignored the overwhelming evidence that compels the need for this legislation to become law. I heard testimony on this matter from doctors before the Judiciary Committee and without any doubt, the availability of this procedure is indefensible.

The former Surgeon General, C. Everett Koop, stated, and I quote, ''In no way can I twist my mind to see that partial-birth —and then destruction of the unborn child before the head is born—is a medical necessity for the mother.''

Mr. President, one important issue that must be addressed here is the constitutionality of the partial-birth abortion ban. I believe that based on Supreme Court rulings in this area, the Partial-Birth Abortion Ban Act of 1995 would survive a constitutional challenge. In fact, in Planned Parenthood of Southeastern Pennsylvania versus Casey the Supreme Court stated, ''The woman's liberty is not so unlimited * * * that from the outset the State cannot show its concern for the life of the unborn, and at a later point in fetal development the State's interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted.''

The Casey decision established the undue burden test with the threshold question being whether the abortion-related statute imposes an undue burden on a mother's right to choose to have an abortion.

Mr. President, I believe that the Partial-Birth Abortion Ban Act of 1995

would survive constitutional challenge and would be subject to the rational basis scrutiny because it does not impose an undue burden on the mother's right to choose to have an abortion. The legislation is constitutionally sound, serves a legitimate governmental interest, and should become law.

The House recently voted to override the President's veto of this important bill and we should join them when the Senate votes on Thursday. I urge my colleagues to override the President's misguided veto of the Partial-Birth Abortion Ban Act of 1995.

I wish to thank the able Senator from North Dakota for allowing me to speak at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUES IMPORTANT TO THE AMERICAN PEOPLE

Mr. DORGAN. Mr. President, earlier this morning, as is often the case, in the Senate we had a number of Senators come to the Senate floor with a message that essentially the folks who sit on the Democratic side of the aisle have not been very constructive in their legislative approach, and the Republican legislators have been carrying the issues that were important to the American people. They take on the President, and they take on the Democratic leader of the Senate. We have to come to the floor occasionally to respond to these, and I do so again today.

It is interesting. Today we were told that the Democratic leader of the Senate, Senator DASCHLE, was wrong in his assessment of the 104th Congress. They said he didn't know what he was talking about with respect to the 104th Congress. Why, this was a wonderful Congress. What a productive Congress it was.

I would like to talk a little about that because at the first part of this Congress I recall seeing someone stand on the other side of the floor and offer a message to the American people, saying we ought to be ashamed of the last 50 years; what an awful place this country has become—50 years downhill for America. Who caused it? The Democrats, of course, according to that speaker. I rose that day, and I said we must be living in different countries.

Let me stand up and say I am proud of the last half century in this country. I am proud of what we have done. In fact, some of the same people who tell us that this country has gone to hell in a handbasket, they would say, are suggesting that we build a fence to keep immigrants out.

Why would someone suggest we need to build a fence around this country to keep people out if it is such an awful place? This country is a strong, resourceful, wonderful country that a lot of the people in the rest of the world want to come to because it is a beacon of hope and opportunity.

The fact is this Congress is a very unusual Congress. At the start of this Congress, Republicans were elected to control the House and the Senate. The American people made that choice, and I respect that choice. But they came to town, elected a new Speaker of the House of Representatives, and they had a victory lap like peacocks in full mating season. It was almost like a coronation at the start of this Congress. And full of themselves, they proposed a range of issues. They said, look, the first thing let's do, let's invite the polluters into the U.S. Capitol in something called project relief. We will tell those corporations in America who are disadvantaged by the clean air and the clean water laws: Come in. Help us to rewrite the clean air and clean water laws to make it a little easier for polluters. A couple hundred representatives of industries that pollute in America were told by the majority: We would like to make it easier for you.

Now, the background here is that in the last 20 years our country has doubled its use of energy. But in 20 years, while we doubled the use of energy, we also have cleaner air and cleaner water. Why would that be the case? Because the American people decided and Congress responded to say to those who are polluting: You must stop polluting, and if you do not, there will be severe penalties. Regulations requiring clean air and clean water have cleaned up America's airshed and cleaned America's waters—not perfect, but it is on the road to substantial improvement even though we have doubled our use of energy.

The majority party said, by the way, we will make available some office space for you. You all come in and tell us how we can back away from clean air and clean water regulations. A significant calculation, but that was just the tip of the iceberg. They seemed to think that their mandate was this country would want more pollution and less education and more defense but less health care; proposals that said let us provide a very significant tax break that will provide a $30,000 tax refund if you happen to be making $300,000 a year. Smile all the way to the bank. And in order to pay for that, we are going to tell little children in school: If you are a poor kid going to school, in the middle of the day you no longer have entitlement to a hot lunch. Or say to people who are disabled: We are going to make sure that you no longer have an entitlement to health care if you are disabled.

You think that was not the case. It was. One hundred proposals in the first 100 days, some of them so bizarre, so extreme, so far off the chart that I think the American people took a look at this and said: That is not what we wanted. We want good Government. Not more Government, we want good Government. But we do not want people taking Government apart in circumstances where it is important to help the lives of the American people. We want better schools. We want police protection. We want a good Defense Department. We also want to care about the disabled. We want to care about poor kids in school who are hungry in the middle of the day.

That is what this has been about.

The manifestation of all of this was that some of us said we will not agree to cutting Medicare $270 billion so that you can have a tax cut of $245 billion, the majority of which will go to the upper income folks. We will not agree to that. We will not agree to saying to poor kids in school that you no longer can get a hot lunch. We will not agree to stripping the entitlement for health care for the disabled.

What happened as a result of that? As a result of that, we had a pique of anger, a fit of anger, and the Government was closed down twice. We will just close it down, they said. We do not care about Government anyway. Just close it down. And they closed it down.

The American people said: What kind of behavior is this? Do they need adult supervision? What kind of behavior is this in this Congress?

They quickly turned against the majority in this Congress.

It is interesting; the second half of this Congress has been markedly different. It is exactly as the Democratic leader portrayed it. The second half we have accomplished some things which largely represent the agenda of those of us who fought for constructive changes. We have said there are health care changes that we ought to make, and initially it was blocked and then embraced by the majority party, and we passed the health care reform bill. We said we ought to have an adjustment in the minimum wage; it has been 7 years. Initially, it was blocked and then embraced by the majority party, and we passed a bipartisan minimum wage bill.

There are a number of steps which have occurred that represent bipartisan achievements finally in the latter stages of this session. And now this session limps to a close. We have not yet enacted five of the appropriations bills so we will have those put into what is called a continuing resolution.

I think the record of this Congress is going to provide some of the most remarkable reading for historians a century from now. They will look at this and they will scratch their head and say: What on Earth happened in 1995 and 1996? They will see two different Congresses, one confrontational, belligerent, give no quarter, extreme, pushing and pushing and pushing for a philosophy which believes that America is helped if you somehow put something in at the top and let it all drip down and filter down and trickle down to the rest, fought tooth and nail by others

who believe that America's economic engine is represented by the folks on the foundation at the bottom who are working every day, working hard to try and make do for themselves and their families. We call that the percolate up belief in this economy. Hubert Humphrey used to say trickle down, percolate up. He said trickle down, now that is the theory where if you feed the horse some hay, later on the birds will have something to eat. Anyone who has been around horses knows what all that means. That is trickle down. Supply-side economics, some call it. Supply-side, that is when the other side gets all the supplies. That is pretty easy to understand.

My only point today is to say those who characterize this Congress as a Congress constructive only by the majority party over the objections of the minority misconstrue the record of this Congress. This Congress started in a set of circumstances that represented the most extreme proposals, including finally Government shutdowns because we would not go along, and then Congress changed and the second half of this Congress has been more productive because it has been bipartisan and because we have seen the embracing of some of the constructive things that we think, policies that we think will make life better in this country for the American people.

My point is this. This Congress does not work, cannot work, and will never work with one party trying to make it work. Congress will always work and work best if you find bipartisan consensus. The fact is, Senator Dole sat over there during his Senate career. I have said before and I will say again that Senator Dole is a wonderful American who has provided enormous service to this country, and I deeply admire him. He served here many, many years. While I might disagree with him on some policies, he, I think, was a remarkable Senator. I have said before and let me say again, I would not trade Senator Dole for all 73 freshmen House Republicans who came here bragging they had no experience, and quickly showed it. The fact is, there are people serving in this Congress, Republicans and Democrats, for whom I have the most enormous respect, who have the kind of experience which can provide solid, stable leadership for this country, who will help this country advance and grow, help our economy produce new opportunities, help maintain this country's leadership in the rest of the world. We can, it seems to me, and should, it seems to me, in the 105th Congress not talk about just what we do right and the other party does wrong. We should talk about what we can do together. And part of the demonstration of that is in what we have done toward the end of the 104th Congress.

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

WHITEWATER PARDONS

Mr. FAIRCLOTH. Mr. President, I rise to speak on what I consider a travesty that I believe to be imminent. Mr. President, yesterday a number of newspapers reported that President Clinton refused to rule out a pardon for his Whitewater business partners James and Susan McDougal and former Gov. Jim Guy Tucker. He would not rule it out, and, Mr. President, I believe that he has ruled it in.

The President said that such pardons would be handled in a routine fashion. I do not see how he can think about handling the McDougals and Governor Tucker in a routine fashion. That is absurd.

His statements should serve as a warning to voters of what to expect after the election. It is very possible that there will be pardons for all those involved in Whitewater, and the significance of this outrage should not be lost on the public. The President was sending a strong message to the McDougals and their friends. Susan McDougal is in jail for contempt of court because she refuses to answer legitimate questions before a duly constituted Federal grand jury that is attempting to investigate Whitewater. Her defiance is a challenge to the foundation of our judicial system, and, Mr. President, her attempt to politicize her criminal convictions, handed down by a jury of fellow Arkansans, is outrageous.

She clearly got the message yesterday, however, when she read the headlines. Essentially, the message was, ''Hang in Susan. The cavalry is coming. Don't break down and cooperate. The pardon is on the way after the election.''

The same message went to her former husband, Jim McDougal. He is facing 84 years in prison for his conviction last May, and he is supposedly cooperating with the Independent Counsel in an attempt to reduce his prison sentence. Nonetheless, the President comes forth and says, ''Jim, I'm raising the bid. I am offering a better deal. Don't cooperate with the prosecutors and I will reduce your sentence to nothing because I will pardon you even before you start serving time.''

How can the prosecutor attempt to compete with a complete pardon from the President? The message also went out to Jim Guy Tucker. Now, Mr. Tucker received a light sentence that included no jail time, but he potentially faces other charges that Mr. Starr could bring. In exchange for dropping those charges, Mr. Tucker could cooperate more fully than he has. But now he has gotten the President's message: Hold tight, sit still, the election will be over in November and win, lose, or draw, you will be pardoned.

Mr. President, I would remind people that 12 fellow Arkansans convicted the McDougals and Jim Guy Tucker. They were convicted of misusing taxpayers' money. Mrs. McDougal used a $300,000 Government loan intended for disadvantaged people to increase her real estate holdings and to redecorate her home. Who is going to pay for the $300,000 loss? The hard-working taxpayers in this country. The McDougals ran a savings and loan into the ground and into bankruptcy. That cost the American taxpayers $68 million. Today, on the Senate floor, we will very likely consider legislation to address the problems of funding the savings and loan crisis. It is still with us. Banks and savings and loans that had nothing to do with creating the crisis are going to be taxed to pay billions of dollars more to help end this and solve the problem.

You can rest assured that there are job losses in this country, and many of them, because of the billions that the banking industry will have to pay back to further solve the savings and loan crisis. But I have not heard anybody complaining about the job losses. Yet, you see a nightly sympathetic portrayal of the position of Susan McDougal, who contributed to the losses significantly, and about the plight of her life now that she has been caught and convicted.

Mr. President, I hope the American people would not be fooled by President Clinton's action. I can only conclude, and I do not think anybody can conclude otherwise, that he intends a full pardon, which would amount to a full-blown coverup of Whitewater, between November and his exit from the Presidency, in January. He just needs to keep everyone tight-lipped until the November election and then he will eliminate Whitewater as an issue altogether.

Can you imagine what would have happened, how changed things would have been, if Richard Nixon had been so bold? What if he had simply pardoned all Watergate burglars immediately after his election? If he had, Watergate would not be in the vernacular of politics today and he never would have been forced into a resignation.

Mr. President, the American people need to be forewarned and alerted. If reelected, or not reelected, I believe that Bill Clinton has every intention of pardoning his friends in the Whitewater case. What does this say about his supposed innocence in the affair?

Many people would like to suggest that Whitewater is not a story, that it is old news, that it has no relevance for today. They are wrong. Today's headlines, ''Whitewater Pardons Possible'' speaks volumes about this administration and its integrity. This can be applied to a whole host of issues that have come before this administration, and it is a good glimpse into how Mr. Clinton would conduct the Presidency if he were to be elected for 4 more years.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the Senator from Nevada

has 15 minutes under a unanimous consent as agreement?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that Senator FEINGOLD be allowed to speak for up to 10 minutes as in morning business.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not believe I will object but I would like, for clarification purposes—I intended to speak right after the Senator from Nevada. Would the 10 minutes be included as part of his 15 minutes?

Mr. REID. No. The unanimous consent was to give him 10 minutes. I did not say when it would be, but it would be as in morning business.

Mr. INHOFE. I would not object if I would be allowed to speak for 5 minutes prior to that.

Mr. REID. I ask that be part of the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING FIREFIGHTERS

Mr. REID. Mr. President, as I indicated last week, one of my concerns is how people feel about Government. We hear so much negativism that it seems that nothing good ever happens in Government. Whenever I return to Nevada, and especially when I go to the elementary and secondary schools, and universities, I always tell those young people that Government has done good things for people and continues to do good things for people.

What I want to do is, certainly, not whitewash what Government has done or is doing, because we all know we can do better and could have done better in the past. What I want to do, on a periodic basis, is talk about some of the things that are happening in Government that are good.

Every summer, communities up and down the east coast keep a wary eye out for the hurricane season and the havoc that hurricanes wreak. It is hard for me to comprehend the devastation that has taken place in the State of Florida, as an example.

Here in Washington, we only have to look back a few weeks to the chaos caused by Hurricane Fran. But just getting a little bit of that vicious storm, the Potomac overflowed its banks, we have roads that were washed out, and people all across Virginia have soaked basements. Commuting became very difficult.

Out in the western part of the United States, we have problems that are also created by nature. It happens almost on a yearly basis, and that, Mr. President, is the calamity of wildfires. I am sure people from the East have difficulty understanding how these fires will rage over thousands and sometimes millions of acres of land. They are very difficult to stop. The dry hot weather, mixed with the brittle underbrush, makes millions of acres nothing more than tinderboxes waiting for a flash of lightning, or a careless act by a human being.

So far this year in 1996, almost 6 million acres have been consumed by fires across the United States. About 90,000 fires have started. Firefighters have managed to quell most all the fires. Those they have been unable to defeat are in the hundreds.

The manpower required to battle Mother Nature is mindboggling. Mr. President, 25,000 firefighters worked this summer to save communities from these wild raging fires. On August 30, it reached its peak; that is, the battle of man against nature, when 22,000 men and women in 1 day were on the fire lines trying to control these fires.

The efforts of these firefighters are coordinated through a Government agency called the National Interagency Fire Center, which is based in Boise, ID. This agency was established 31 years ago as a cooperative project with the Bureau of Land Management and the Forest Service.

When a fire breaks out, local firefighters usually can handle it, but if they cannot, it is then that they call the National Interagency Fire Center, in effect, asking for help. Then the Fire Center calls in resources from the Bureau of Land Management, Fish and Wildlife Service, National Park Service, Forest Service, and the Bureau of Indian Affairs, or any combination thereof. As ground and air crews battle these fires, the National Interagency Fire Center—experts in fire ecology, fire behavior—work with the National Weather Service personnel to plan strategies for fighting these raging fires while keeping an eye, of course, on changing weather patterns. These fires become so intense, Mr. President, that they, on occasion, create their own weather.

As we all know, firefighting is a dangerous and unglamorous business. But fighting wildfires is more grueling than most can imagine.

There are different types of firefighters. There are the major league firefighters and there are firefighters who are referred to as type 2 crews.

What are type 1 crews? They consist, first of all, of smokejumpers. When the fire breaks out and the National Interagency Fire Center is called, usually who they send in first are these very courageous, well-trained men and women who are smokejumpers.

There are only 400 of them in the United States, but they do so much. They are chosen for their incredible physical and mental stamina. These elite crews parachute into areas that are otherwise inaccessible. They carry with them packs that can weigh over 80 pounds. They jump from these airplanes with packs, as I indicated, weighing over 80 pounds. In the packs, they have firefighting equipment, and they have food and water, enough to last them for up to 3 days.

They are the first line of defense most of the time in stopping one of these fires. When they are in the middle of one of these infernos, they push on and go for as many as 3 days without sleeping.

We also have as first line fire crews people who rappel into an area off helicopters. Helicopter firefighting is something that is relatively new, but these helicopters also take these people into very remote areas. Once they have reached their destination, these brave people rappel down to the fire and begin their work.

They, too, carry huge packs. There are 400 smokejumpers. There are only 200 of these so-called heli-rappellers working for the Forest Service.

Hotshots are also part of the type 1 crews. These firefighters, part of an elite ground crew, are working the front lines of fires that have raged out of control. Many times we have the smokejumpers come in, we have the heli-rappellers come in and then if a fire cannot be contained, you have these hotshots come in and work the front lines of fires that have raged out of control.

Mr. President, very recently, I called a man at one of the hospitals in Nevada. He was at the university medical center. He was there because it is the best and perhaps the only intensive care facility for people who are badly burned in all of the State of Nevada. He was transported about 400 miles from a fire that he had been fighting. He had to be transported because Dave Webb, the man who I called on the telephone, had been badly burned in a fire near Winnemucca, NV. He had second- and third-degree burns on his face, hands, and legs.

When I called, he was not able to handle the telephone. Someone had to handle the telephone for him. He is one of the very brave men who every summer endanger their own lives to go into these areas where it is difficult to comprehend people would be willing to go into.

I talked with him about what had happened, and he explained it to me, with a lot of humility, embarrassed that the fire had gotten to him and burned him so badly. He felt that he had been a failure. Of course, he had not been a failure. He had worked in many of these fires.

This happens every summer. He was one of the lucky ones. He was not killed.

These type 1 crews, like Dave Webb, have worked together for many years. They know each other. They are, in effect, the Green Berets of the firefighters. I extend my appreciation to the type 1 firefighting crews, those who jump out of airplanes, climb out of helicopters, who work the front lines.

Mr. President, there are others, though, thousands and thousands of others who do not jump out of airplanes or helicopters or are not trained to be hotshots, but are extremely important. These are the type 2 crews.

They come in, they fight fires. They watch fires after they have been put out, because one of the real dangers we have with fires is they appear to be out, but some of the worst forest fires we have had have been initiated after the fire has been put out, when people thought the fires died down.

Over 3,000 fires in the Great Basin alone burned almost 2 million acres this summer, and communities across the State of Nevada were witness to the dramas that played out in the hills and mountains above their homes.

Driving just 2 miles out of Reno on Highway 80 going to the west, you see the results of one fire they had there this summer. There in the Belli Ranch area, 7,000 acres were consumed by a fire that is suspected to have been caused by an arsonist. This cost the taxpayers at least $2 million.

As you go past the Belli Ranch area and drive into the community, you are confronted by really a breathtaking scene.

You can see the black sweep of the fires that rolled up and down hill after hill. Then, almost magically, the black gives way to the beautiful green of the sage and other brush and grasses. This green is the buttress of only about 10 or 20 feet from the homes. The fire got within 10 to 20 feet of the homes. Saved and intact, the homes in the community are alive with the daily hustle and bustle of life, having come so close to having been consumed, as other homes in Nevada and the West were consumed this summer.

So people in Nevada and other parts of the West are grateful to the men and women who put their lives on the line to stop the fires before communities were swallowed up, just like the homes that were saved in the Belli Ranch fire.

This fire season is drawing to a close, Mr. President, and we in the West breathe a sigh of relief that we have been able to endure again the wrath of mother nature, or sometimes an act of malice, or carelessness by man.

We say thanks to the 22,000 firefighters that have been employed by the Federal Government during this fire season. To the pilots who fly into the face of these fires, the crews that jump out of these airplanes, out of these helicopters, the ground crews that struggle against the infernos that threaten communities, to the people of the National Interagency Fire Center who coordinate so well so much of the battle, I say thank you. And to my fellow Americans, Mr. President, I say, that is how Government works for you. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to extend my 5 minutes to not to exceed 10 minutes.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to add to that unanimous-consent request that at the conclusion of the Senator's remarks, I be allowed to speak for 15 minutes for purposes of introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Thank you, Mr. President. I will be very happy to accommodate the distinguished Senator from Florida with his request.

SETTING THE RECORD STRAIGHT

Mr. INHOFE. Mr. President, I happened to be presiding this morning when the very distinguished senior Senator from Massachusetts, Senator KENNEDY, made a number of comments. I know that he would not intentionally say anything that is not totally accurate in reflecting upon the positions and past performances of Senator Bob Dole, but I think inadvertently he misrepresented his stand on a number of issues. I would like to just briefly go over a couple of these.

First of all, it seems as if it has been over a year now since the demagoging of Medicare has taken place on this floor. I was very pleased a year ago today, I believe it was, to read an editorial in the Washington Post. And, Mr. President, I do not think anyone has ever accused the Washington Post of being a Republican publication.

So, finally, I feel that they looked at this and thought this is such a serious thing, that the Republicans had a program to save Medicare, and that by the admission of the board of trustees that was appointed by President Clinton, if we did not do something, Medicare would have gone broke by the year 2002, then that was updated a year later and they said it really would be 2001, and the Republicans had a program to control growth, not cut—there has never been any intention to cut benefits of Medicare to the American people—but have controlled growth, do away with waste and fraud and abuse and install some other things that would make it a viable program.

So, finally, the editorial boards around the country, that are normally not sensitive to Republican causes, rallied and said, we are going to have to do something about it.

I would like to read the last two sentences of an editorial found in the Washington Post a year ago, just about now. I believe it was a year ago today. It was called ''Medagogues, Cont'd.'' This is the second one. A week before that they had one where they demonstrated very clearly and very persuasively that what the Republicans were trying to do was to save Medicare. The last two sentences are:

> The Democrats have fabricated the Medicare-tax cut connection because it is useful politically. It allows them to attack and to duck responsibility, both at the same time. We think it's wrong.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the editorial entitled ''Medagogues, Cont'd'' from the Washington Post be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Mr. President, the second attack on Senator Bob Dole by the distinguished Senator from Massachusetts had to do with the Kennedy-Kassebaum bill, implying that Bob Dole was opposed and had been opposed to the Kennedy-Kassebaum bill. I would suggest to you, Mr. President, that one thing that Bob Dole was opposed to was a single payer Government-run system which the President had advocated earlier in his administration. In other words, socializing medicine, taking about 12 percent of the economy of this country and putting it in the hands of Government because they can do it so much better than the private sector can do it.

That is what Senator Dole was opposed to. He was not opposed to some of the reforms that were found in the Kennedy-Kassebaum bill. There were a couple of reforms that he wanted that ended up being in the bill. In fact, the President said that if the MSA's, medical savings accounts, were added to the Kennedy-Kassebaum bill, at one point he said he would veto it. Many of those on the other side of the aisle said that if the MSA's are in, it would be vetoed.

Why were people concerned about the MSA's? They were concerned about them because those people who would want to have a socialized approach to health care delivery in this country know that once we have MSA's, we will never go back to that system.

What do MSA's do? They merely allow the choice of individuals so that if an individual wants to shop around for his health delivery services, and he can save money doing so, then he can benefit and have the rewards of what he has saved. I think that our health delivery in America is the only product or service known that actually has a built-in disincentive to save. And I am guilty like everyone else. You know, if I have my deductible and I go ahead and pay that, then I am inclined to go and get any kind of medical or health service that is out there because it no longer costs me any more money. That is human nature.

We finally got a modified medical savings account system put into the Kennedy-Kassebaum bill. I say ''modified.'' It is only on a trial basis. It is going to prove itself. I heard estimates that we could actually reduce the total cost of health care in this country by as much as 50 percent just by having MSA's.

Mr. President, there is another thing we need to do that is not in this bill, and that is to have some kind of medical malpractice so we do not have such a high defensive cost. But anyway, the fact that MSA's are in there now—the President had said he would veto it if they were in there. He did not veto it. I am glad he did not veto it. But certainly it was never Bob Dole's intention to oppose the Kennedy-Kassebaum bill with the reforms in it that he felt

were in the best interests of the American people.

The third thing that Senator KENNEDY said about Senator Dole that I think was misleading, and it was a misrepresentation of his position, was in reference to tax cuts. It is true that Senator Dole, if elected President, wants to come to Congress, which I believe will still be controlled by the Republicans, and come with tax cuts.

He outlined five major tax cuts. I am very supportive of all five of those tax cuts. People ask, how are you going to pay for them? I think people forget about the fact that three decades in the last 100 years Presidents have decided to have tax cuts, and in all three decades it has dramatically increased the revenues.

It is ironic that Senator KENNEDY would be talking about tax cuts and all the damage that is being done when it was John Kennedy in 1962, when he was President of the United States, who said, and I quote:

> In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low. And the soundest way to raise the revenues in the long run is to cut rates now. The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which can bring a budget surplus.

That was what President Kennedy said in 1962. And that is exactly what happened during the 1960's with the massive tax reductions, and we were able to have revenue increases—revenue increases.

Look what happened. The marginal rates of our tax system in 1980 produced $244 billion. In 1990, it almost doubled to $466 billion, and that was during a 10-year period when we had the most massive cuts in our tax revenues.

So I think that it would be good to go back and look at history and see that this country, when it has been overtaxed in the past, that they reduced taxes and had the result of increasing revenues. Certainly, we are in an overtaxed posture right now.

I have often said there are three things that make this country nonproductive, on a global basis, and noncompetitive: One is our high tax rates; one is overregulation; the other is our tort laws. There is not time in this brief time to cover that.

I conclude, Mr. President, by saying when Senator KENNEDY assailed Senator Dole for talking about tax cuts, that he start realizing those individuals—those of us who want to have tax reductions—are the same ones that were trying to stop the 1993 tax increase. In 1993, when President Clinton had control of both the House and the Senate, he passed a tax increase that was characterized not by Republicans but by the chairman of the Senate Finance Committee, which was Senator MOYNIHAN, who said it was the largest single tax increase in the history of public finance in America or any place in the world.

I think, essentially, what we—what Senator Dole, and what the Republicans and the conservatives in this body and in the other body—want to do is merely undo the damage that was done by that massive tax increase and actually repeal the taxes that were increased in 1993. Essentially, that is what Senator Dole wants to do. I believe that is an accurate characterization of his program.

EXHIBIT 1

[From the Washington Post, Sept. 5, 1996]

MEDAGOGUES

We print today a letter from House minority leader Richard Gephardt, taking exception to an editorial that accused the Democrats of demagoguing on Medicare. The letter itself seems to us to be more of the same. It tells you just about everything the Democrats think about Medicare except how to cut the cost. That aspect of the subject it puts largely out of bounds, on grounds that Medicare is "an insurance program, not a welfare program," and "to slash the program to balance the budget" or presumably for any purpose other than to shore up the trust fund is "not just a threat to . . . seniors, families, hospitals" etc. but "a violation of a sacred trust."

That's bullfeathers, and Mr. Gephardt knows it. Congress has been sticking the budget knife to Medicare on a regular basis for years. Billions of dollars have been cut from the program; both parties have voted for the cutting. Most years the cuts have had nothing to do with the trust funds, which, despite all the rhetoric, both parties understand to be little more than accounting devices and possible warning lights as to program costs. Rather, the goal has been to reduce the deficit. It made sense to turn to Medicare because Medicare is a major part of the problem. It and Medicaid together are now a sixth of the budget and a fourth of all spending for other than interest and defense. If nothing is done those shares are going to rise, particularly as the baby-boomers begin to retire early in the next century.

There are only four choices, none of them pleasant. Congress can let the health care programs continue to drive up the deficit, or it can let them continue to crowd out other programs or it can pay for them with higher taxes. Or it can cut them back.

The Republicans want to cut Medicare. It is a gutsy step. This is not just a middle-class entitlement; the entire society looks to the program, and earlier in the year a lot of the smart money said the Republicans would never take it on. They have. Mr. Gephardt is right that a lot of their plan is still gauzy. It is not year clear how tough it will finally be; on alternate days you hear it criticized on grounds that it seeks to cut too much from the program and on grounds that it won't cut all it seeks. Maybe both will turn out to be true; we have no doubt the plan will turn out to have other flaws as well.

They have nonetheless—in our judgement—stepped up to the issue. They have taken a huge political risk just in calling for the cuts they have. What the Democrats have done in turn is confirm the risk. The Republicans are going to take away your Medicare. That's their only message. They have no plan. Mr. Gephardt says they can't offer one because the Republicans would simply pocket the money to finance their tax cut. It's the perfect defense; the Democrats can't do the right thing because the Republicans would then do the wrong one. It's absolutely the case that there ought not be a tax cut, and certainly not the indiscriminate cut the Republicans propose. But that has nothing to do with Medicare. The Democrats have fabricated the Medicare-tax cut connection because it is useful politically. It allows them to attack and to duck responsibility, both at the same time. We think it's wrong.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I ask unanimous consent I be allowed to speak for up to 10 minutes in morning business, and following my remarks, that Senator GRAHAM of Florida be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES POLICY TOWARD INDONESIA

Mr. FEINGOLD. Thank you, Mr. President. I rise today to make a few brief remarks about United States policy in Indonesia.

I am deeply concerned about some of the views being expressed by some members of the Clinton administration, and am particularly concerned because the administration has been quite culpable in the past with regard to aspects of our Indonesia policy. Despite a violent crackdown in Jakarta on July 27—not quite 2 months ago—this administration says it still intends to go forward with the sale of nine F–16 fighter jets to Indonesia.

Mr. President, the administration had fully intended to send up notification of this sale earlier this month. Fortunately, objections from myself and many of my colleagues convinced the administration that now was not the right time to announce officially the intention to sell fighter jets to Indonesia.

I am pleased that—for the time being—this sale cannot move forward, at least until Congress reconvenes in January.

But what concerns me today, Mr. President, are recent statements that suggest that the administration necessarily will attempt to notify Congress again in January—apparently without conditioning this move on any actions by the Indonesian authorities either in the past or in the coming months.

Given the history of human right abuses in Indonesia, as well as the events of July 27, I find this attitude difficult to accept.

Last week, the Senate Foreign Relations Committee held a hearing on United States policy toward Indonesia. We heard from two very capable administration witnesses and four distinguished private panelists, including a political science professor from the University of Wisconsin, Madison.

As one of the witnesses commented, this may have been the first hearing in many years to look at the full scope of American ties to Indonesia.

Mr. President, I recognize that Indonesia is an important country and a valuable ally. It is the largest country in Southeast Asia, and its population

of more than 200 million people is the fourth largest in the world. It plays a significant role in Asian affairs, and has been instrumental in conflict resolution efforts in the region. It also has been an important ally of the United States in international forums, such as the United Nations.

I also salute Indonesia's economic success, and believe there are many valuable lessons in Indonesia's experience which can be applied to other developing countries across the world.

Mr. President, these achievements cannot—and do not—excuse Indonesia's consistently dismal record on human rights and its continuous assault on democratic freedoms.

Mr. President, I am particularly concerned about the massive human rights abuses that continue in East Timor.

As we all know, Indonesia has sustained a brutal military occupation of East Timor since 1975. Human rights organizations from around the world, as well as our own State Department, continue to report substantial human rights violations by the Indonesian military—including arbitrary arrests and detentions, curbs on freedom of expression and association, and the use of torture and summary killings of civilians.

More recently, we have heard reports of the Indonesian military conducting systematic training of East Timorese youth to take part in local militia groups. We also have heard disturbing reports of increasing religious and ethnic tension in East Timor, which at times is exacerbated by government inaction.

On top of the ongoing pattern in East Timor, the July 27 events in Jakarta reinforce my perception of an Indonesian regime that squashes alternative political discourse.

On that day, hundreds of people rioted after President Soeharto attempted to oust Megawati Sukarnoputri, a popular opposition leader, from her position as chair of the Indonesian Democratic Party, or PDI.

During the riot, arson-led fires caused considerable property damage. At least five people were killed, at least 149 injured, and hundreds arrested. But, as Human Rights Watch reports, many of those arrested did not appear to be responsible for initiating the riot. Instead, most were linked, or accused of being linked, to the reform movement or specifically to the Megawati camp.

Mr. President, I ask unanimous consent to have printed in the RECORD a September 20, 1996, article from the Washington Post which describes how difficult it is for Megawati to operate as an opposition candidate after government officials ousted her as party leader, threatened to shut down party headquarters, and arrested many of her supporters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 20, 1996]

INDONESIAN SAYS SLOW APPROACH AVOIDS A TRAP

(By Keith B. Richburg)

JAKARTA, INDONESIA, Sept. 19—Police are still hauling in her supporters for questioning. Already more than 100 languish in jail, and dozens others are missing. A member of parliament, she has been left off the list of candidates for next year's parliamentary elections, meaning she may lose her only official platform for challenging the government. Now the police say they will shut down her new headquarters because it violates local zoning laws.

These are trying times for Indonesia's premier opposition leader, Megawati Sukarnoputri. Just a few months after she emerged from virtual obscurity to become the first real rallying point for opposition to President Suharto's 30-year rule, Sukarnoputri finds herself besieged, harassed, called in for questioning like a common criminal, facing the likelihood of being sidelined from her country's tightly controlled political process—and grappling with the mounting impatience of her own supporters.

But even with these pressures weighing on her, Sukarnoputri remains surprisingly sanguine, unhurried, almost eerily serene. She is not out on the streets, not leading rallies, not exhorting her followers. This morning, she is seated at the dining room table of her spacious house in Jakarta's south suburbs, taking a Spanish lesson from her regular tutor.

What has learning Spanish got to do with leading a ''people power'' movement against Asia's longest-serving and most durable leader?

''I think it will be easier for me to communicate with Latin American people,''; Sukarnoputri explains later, after the tutor has left for the day. ''And also Spanish is more important in the United States,'' she adds, citing the increasing Hispanic population there.

Sukarnoputri clearly has her own agenda. And while her backers and sympathizers may be growing frustrated, she is determined to proceed at her own slow and steady pace, careful not to engage the government in direct confrontation and not be goaded by her more radical followers.

''They want me to do something more concrete, like have a rally,'' she said. ''But at the moment, I think that is not a good tactic, because so many people are still intimidated.''

She said the political situation remains tense after a July 27 riot—prompted by a government raid—in which five people were killed and several banks and government offices gutted by fire. The government used the riot as a pretext to launch a widespread crackdown on opposition organizers, labor leaders, human rights activists and anyone else suspected of links to the long-dormant and outlawed Indonesian Communist Party, which tried to foment revolution here three decades ago.

The most serious anti-government outburst in recent memory, the July riot erupted after police backed by army troops raided the old headquarters of the officially sanctioned Indonesian Democratic Party, or PDI, to oust a group of Sukarnoputri supporters who had occupied the building in protest of a government-orchestrated party coup that replaced her as party leader. The government apparently feared that Sukarnoputri, the daughter of Indonesia's charismatic first president, Sukarno, could become a potent challenger to the incumbent Suharto.

Sukarnoputri said today that she did not believe her supporters were involved in the rioting, but that the violence was sparked by government agents who wanted to discredit her movement and use the unrest as the pretext for the wider crackdown that followed.

''It could not have been common people,'' she said. ''It must have been professionals. . . . I think there was some engineering. How could common people burn so many high buildings in such a short time? I think they wanted to make a trigger, a trap, for people who are pro-democracy.''

Sukarnoputri said her go slowly, softly approach—for example, not calling any new street protests and, thus, not defying a government ban on rallies—is to avoid falling into another ''trap.'' She said: ''So many people try to make moves, to push, to push PDI to use violence or hard action. But if we do, they will trap us, just like that riot.''

Some observers here—Western diplomats, journalists, academics—say Sukarnoputri may be correct, that moving too quickly with mass actions will expose more of her supporters to arrest, prison, or worse.

But many also say that with her quiet approach, Sukarnoputri may have let her moment pass, that the momentum and publicity generated by the government's heavy-handed takeover of party headquarters may already be lost.

''I don't think she's in an enviable position,'' a Western diplomat said. ''She can maintain her status as a symbol of opposition, but without doing anything, that fades.''

The other legal challenges and obstacles Sukarnoputri faces may prove even more damaging to her long-term ability to mount a credible challenge to the regime.

On Monday, the day for filing candidate lists for next June's parliamentary elections, the anti-Sukarnoputri faction of the Democratic Party showed up early in the morning at the National Election Commission offices with a list of names that did not include Sukarnoputri or any of her supporters. When a Sukarnoputri deputy came that afternoon with a separate ''Megawati slate,'' election officials refused to accept it.

Sukarnoputri is challenging her ouster as party leader in Indonesian courts, and she said she also will file suit to have her candidates' list accepted. If she is not a candidate next year, she will lose her seat and whatever slim chance she may have had of running against Suharto for the presidency in the next election in two years. (The Indonesian president is not directly elected but voted on by a people's assembly.) Under Indonesia's restricted political system, if Sukarnoputri loses her current parliamentary seat, she will be unable to gather supporters, make speeches or call political rallies.

But Sukarnoputri is undeterred. She said she insists on exhausting all legal remedies first, mainly as a way to test the independence of the country's judiciary. If she is prevented from running for office next year, she said, her exclusion will serve to point out flaws in the electoral process.

''It will be a big problem for the government,'' she said. ''There are already so many people protesting to the government [about] why I, a popular and sympathetic person in the country, am not on the national list. People will see the election is not free and fair.''

But even if she loses, Sukarnoputri disagrees with the analysis that her stature will fade.

In our culture, there is not only a formal leader. There is also an informal leader,'' she said. ''Sometimes the informal leader can be more powerful than the formal leader. You can see how my father, even though he has already passed away, in spirit still lives inside the Indonesian people.''

She added, ''I'm sure about that.''

Mr. FEINGOLD. The climate described in the article clearly is not one that supports freedom of expression, freedom of the press or freedom of association.

The events of July 27 underscore the Government's intention to foster a repressive climate in the months leading up to the 1997 parliamentary elections.

As the New York Times declared in a recent editorial, ''This is no time to be selling high-performance warplanes to Indonesia.''

The administration says its policy is ''to make available to Indonesia military equipment that will support legitimate external defense needs.'' At the same time, the United States will not export or transfer to Indonesia small arms, crowd control equipment or armored personnel carriers until we have seen significant improvement in human rights in the country, particularly in East Timor.

Mr. President, I am pleased that the Congress and the administration have worked together to develop a policy linking the sale of small arms to Indonesia to its human rights record. This policy evolved from an amendment that I offered to the foreign aid appropriations bill several years ago.

But I believe that we are missing an important opportunity to apply pressure to the Indonesian regime by failing to impose comparable conditions on the F–16 sale. In fact, in public statements since congressional notification was delayed, the administration has not even mentioned human rights or democratic values in connection with the sale.

Instead, it continues to state publicly that it intends to go through with the sale as early as January.

I believe official advocacy of the F–16 sale sends the wrong message to the Indonesian military. It sends the message that—despite our concerns about the lack of respect for human rights in East Timor and despite the continued failure of the Indonesian military to respond substantively to these concerns—the United States will continue to supply substantial amounts of lethal military equipment to Indonesia.

If the events of July 27 tell us nothing else, they should signal to us that Indonesia still has a long way to go in terms of respect for human rights and democratic values.

I believe that we should support progress in these areas—only when real progress actually is achieved. Instead, within weeks of a major crackdown by the Indonesian authorities, the administration persists in its plans to provide Indonesia with nine advanced military planes.

I do not think now is the time to be rewarding Indonesia with nine planes. Only when we see some improvement in Indonesia's conduct should we be elevating the level of our military ties to the country.

In sum, I continue to believe that—in Indonesia, as elsewhere—we must consider a military's human rights record as one of the determining factors in deciding whether or not the U.S. Government should license or facilitate a foreign arms sale.

As a result, I oppose the administration's plans to allow the transfer of the F–16's to Indonesia at this time, or in the near future, and I intend to work with a number of other Members of the Senate who share that view to persuade the administration that a change in policy is warranted here.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2121 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

HONORING THE ZOLLER'S ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Bill and Mable Zoller of Billings, MO, who on September 22, 1996 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Bill and Mable's commitment to the principles and values of their marriage deserves to be saluted and recognized.

RETIREMENT OF SENATOR BENNETT JOHNSTON

Mr. CONRAD. Mr. President, with the scheduled adjournment of the 104th Congress quickly approaching, I wanted to say a few words about a very accomplished legislator who, unfortunately, will not be returning to this body next January: Senator BENNETT JOHNSTON.

I was saddened to hear of his decision to retire at the conclusion of this Congress, and I know he will be missed by his colleagues as well as his constituents in Louisiana. Senator JOHNSTON does not depart, however, without leaving a significant legacy of accomplishment. He is a skilled negotiator, and has demonstrated a tremendous ability to navigate the tumultuous legislative waters, even when faced with the most difficult obstacles.

I had the privilege of working closely with Senator JOHNSTON while I served on the Energy and Natural Resources Committee with him during my first term as a Senator. As chairman of the Energy Committee, and now ranking member, Senator JOHNSTON has been a leading advocate of a comprehensive national energy strategy. Under his leadership, Congress passed the landmark 1992 Energy Policy Act, which promoted increased conservation, increased competition in the wholesale electricity markets, and encouraged additional development of domestic sources of energy. With this country now importing more than 50 percent of the oil we consume every year, Senator JOHNSTON has been fully committed to developing new domestic sources of energy to help reduce our dependence on foreign oil.

Senator JOHNSTON has also addressed a myriad of other energy-related issues during his distinguished Senate career. He shepherded deregulation of the natural gas industry through the Congress; he helped defeat the ill-conceived Btu tax; and he has been a leading advocate of maintaining our Strategic Petroleum Reserve, an important investment in protecting our Nation's energy supply from disruption.

Senator JOHNSTON's work in the Senate has not been limited to energy issues. I have also had the privilege of serving with the Senator on the Budget Committee, where he has served with great distinction. As the past chairman, and now ranking member, of the Energy and Water Development Appropriations Subcommittee, Senator JOHNSTON has demonstrated a strong commitment to developing and maintaining our Nation's water resources, an issue of great importance to Western States like North Dakota. Senator JOHNSTON has also been a leading advocate of maintaining an adequate B–52 bomber fleet, our most cost-effective, reliable, and only battle-tested bomber.

Mr. President, Senator JOHNSTON will be long-remembered as an extremely capable and responsible public servant, who addressed issues with a zeal few can bring to this body. All in public life owe Senator JOHNSTON a debt of gratitude for his tremendous contributions, and I wish the senior Senator from Louisiana all the best in his future endeavors, no matter what path he chooses to follow upon departing this body.

HONORING WALTER DROSKIE

Mr. PRYOR. Mr. President, last Wednesday night, as I looked around the Russell Caucus Room at the many wonderful people that have served on my staff these past 18 years, I was filled with pride. I will always remember the loyalty and hard work of my staff—the greatest in the Senate. Today I would like to honor one such staffer, Walter Edwin Droskie.

Walter Droskie is retiring at the end of the 104th Congress after 35 years as a Senate employee, serving 6 senators over the years. In 1962, Senator Patrick McNamara from Michigan, was the

first senator to realize Walter s potential. Hired as a data entry operator, Walter started off on his long journey of service to his home State of Michigan and eventually the States of Texas and Arkansas. In 1966, Walter continued working for the State of Michigan by joining the staff of Senator Robert Griffin and spent 13 years there. By now Walter was developing a reputation for his expertise as mailroom manager. In 1979 Senator John Tower from Texas heard about Walter and offered him his next job. He continued this pattern of invaluable service to the State of Texas by going to work for Senator Lloyd Bentsen in 1984. When Bob Krueger filled Lloyd Bentsen's seat in 1992, Walter was wisely kept on staff.

In 1993, I was fortunate enough to finally get Walter Droskie on my staff. We had been hoping to catch him between Senators for a long time—he was always in demand. Walter has brought so much to my office. The mailroom has never run smoother, and Walter's wonderful disposition has won him the friendship of everyone on my staff—past and present. As he retires this year, I hope Walter Droskie realizes how much he has contributed not only to my office, but all the offices he has worked for during these past 35 years. His dedication and tireless hard work have won him the respect and gratitude of all he has known. I wish him the best during his retirement. The U.S. Senate will surely miss the many contributions of this fine man.

COMMENDING CHARLES N. QUIGLEY

Mrs. BOXER. Mr. President, I am proud to recognize Charles N. Quigley, who participated in CIVITAS at Bosnia-Herzegovina, an intensive program from July 17–27, 1996, to train local teachers in education for democracy. Mr. Quigley was part of a team of 18 American educators and 15 teachers from the Council of Europe who were assigned to key cities throughout the Federation of Bosnia-Herzegovina.

The summer training program was developed by the Center for Civic Education as part of a major education initiative in Bosnia-Herzegovina supported by the United States Information Agency and the United States Department of Education. The goals of the program are to help prepare students and their communities to participate in elections and other aspects of poltical life in emerging democracies. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance, and support for democracy and human rights in war torn areas.

I am also pleased to announce that the curricular materials used for the program in Bosnia-Herzegovina have been adapted from the ''We the People . . . the Citizen and the Constitution'' and the ''We the People . . . Project Citizen'' programs, as well as other programs supported by the Congress which are used in schools throughout the United States. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia-Herzegovina.

Mr. Quigley is the executive director of the Center for Civic Education which is located in Calabasas, CA. Mr. Quigley has traveled on four different occasions to Bosnia-Herzegovina to promote education for democracy efforts in the schools of that country.

Mr. President, I wish to commend Charles Quigley for his dedication and commitment during the CIVITAS at Bosnia-Herzegovina summer training program. His work is helping to achieve the overall objective of building support for democracy on Bosnia-Herzegovina.

TRIBUTE TO SENATOR PAUL SIMON

Mr. CONRAD. Mr. President, before the end of the 104th Congress, I wanted to take a moment to pay tribute to Senator PAUL SIMON of Illinois, who is retiring this year. PAUL SIMON is quite simply one of the most respected and honorable Members of the U.S. Senate.

Senator SIMON has been a dedicated public servant for more than 40 years. He has served in the Illinois House and Senate, as Lieutenant Governor of the State of Illinois, and in the U.S. House and Senate.

Even as he tirelessly served in public office, PAUL SIMON also found ways to pursue his second career—that of a distinguished and thoughtful writer. A former newspaperman, SIMON has written numerous books on our political process and democratic values. He still types his manuscripts out on an old manual typewriter.

Senator SIMON's top legislative priority for years has been passage of a balanced budget amendment to the Constitution. PAUL SIMON understands that the greatest threat to future generations is the Federal budget deficit and our enormous national debt. Eliminating our budget deficit is the most important thing we can do for our Nation and PAUL SIMON pursued this goal with steadfast tenacity.

I have had the privilege of serving with Senator SIMON on the Budget Committee since 1987. PAUL SIMON will be most remembered there for his efforts to restore equity between defense and nondefense spending. Senator SIMON and I also joined together last year in offering an alternative budget reconciliation measure. I was proud of that effort.

PAUL SIMON will also be remembered as a staunch supporter of education and an advocate for people with disabilities. While serving in the Illinois Legislature, he was among the first to introduce legislation to provide public education for children with disabilities. Years later he was one of the original sponsors of Public Law 94–142, the first Federal law to ensure that all children with disabilities would receive free and appropriate public education. This landmark legislation was signed in 1975.

Because of SIMON's devotion and perseverance, Congress passed the National Literacy Act, to create literacy centers and to authorize funding for adult education and literacy programs. SIMON also championed the direct college loan program, originally passed in 1991 and expanded in 1993, which made fundamental changes in our Nation's student loan program.

Although some may remember SIMON for his bowties, I will always remember his simple honesty, integrity, and character. PAUL SIMON not only remembered the bipartisanship and comity that used to be standard operating procedure in the Senate, but he continued to serve in that tradition, even as Congress changed around him.

I know Senator SIMON will be happy to return to his home in southern Illinois. He'll be heading up the Simon Public Policy Institute at southern Illinois University at Carbondale. He'll have more time for his grandchildren, more time to write. But he'll be missed in the U.S. Senate, by the people he represented and by those who knew him.

CUTTING TAXES AND BALANCING THE BUDGET—THE POSSIBLE DREAM

Mr. ABRAHAM. Mr. President, as the Presidential campaign heats up, it is clear that a central issue will be economic growth. Despite recent positive economic news, the long-term outlook is not good. Growth is slow and family incomes are down. At the same time, the tax burden on Americans is at an all-time high, squeezing families while discouraging savings and investment.

In response to this disturbing trend, Bob Dole has proposed an aggressive plan to both cut taxes and balance the budget by the year 2002. The goal of the plan is to spur economic growth by reducing both the size and tax burden of the Federal Government. Its centerpiece is a 15-percent, across-the-board income-tax cut designed to lower taxes on families and small businesses while spurring job creation and investment. The Dole plan would also provide families with a $500 per child tax credit, improved IRA's, and lower taxes on capital gains. For a typical family earning $30,000, his plan would allow them to keep an additional $1,261 per year, enough to pay tuition to a private school, move into a better neighborhood, or save for an early retirement.

People like the idea of a tax cut, but they wonder how it can be done without increasing the Federal budget deficit or gutting essential Federal programs. In a recent radio address, President Clinton sounded that theme, attacking Bob Dole's plan by arguing that the tax cut is too big and asserting that Dole has failed to explain how

we can pass them without ballooning the deficit. Neither claim is accurate.

First, Bob Dole's tax cuts are an appropriate and necessary response to the record tax burdens American families currently face. Following President Clinton's World's Largest Tax Increase of 1993, the Federal tax burden has risen to 20.5 percent of GDP—its second highest level ever. Meanwhile, the combination of Federal, State, and local taxes now consumes more than 38 cents out of every dollar the family earns.

The Dole tax cut would help relieve this burden by reducing taxes across the board while targeting additional tax relief toward families with children. Fully implemented, the Dole tax cut would reduce the tax burden back to where it was before Bill Clinton began raising taxes in 1993. That's hardly an excessive goal.

The second objection to Bob Dole's tax cut proposal is that it will cause the deficit to balloon. That is the issue upon which I want to focus today. Far from being vague and irresponsible, the Dole tax cuts are in fact both detailed and well within the ability of Congress to carry out.

Under the Dole plan, cutting taxes on families and small businesses would reduce Federal revenues by $548 billion over the next 6 years. How does the Dole plan offset these cuts while balancing the budget? First, it slows the growth of the Federal Government over the next 6 years. Second, it encourages economic growth to help offset a portion of these tax cuts.

Let me begin with slowing the growth of Government. The Dole plan builds upon the comprehensive balanced budget resolution Congress adopted in June. That resolution calls for reducing the growth of spending by $393 billion over the next 6 years, including the phase-out of farm support payments, welfare overhaul, and Federal prison reform.

On top of the balanced budget resolution, the Dole plan proposes savings of an additional $217 billion over 6 years, targeting wasteful programs like the departments of Commerce and Energy and reducing Government overhead.

Mr. President, there has been much criticism and misinformation regarding these proposed savings. I have seen reports from several outside groups, both conservative and liberal, who claim these savings would literally gut whole portions of the Federal Government. This is completely false.

First of all, in the spending restraints assumed in the Dole plan beyond those contained in the balanced budget resolution, Bob Dole has made it clear that they will not come from reductions to Social Security, Medicare, or Defense. Those programs are off-limits. Under the Dole plan, Medicare spending would increase by 44 percent between 1996 and 2002—a 6.2 percent growth rate, or more than two times the rate of inflation. Spending would increase from $5,200 per beneficiary in 1996 to $7,000 in 2002.

Subtracting Social Security, Medicare, Defense, and interest expenses from total Federal spending over the next 6 years leaves $3.9 trillion eligible for savings under the Dole plan. Contrary to those groups that have portrayed this proposal as unreasonable, the Dole plan proposes to reduce this amount by just 5 percent—5 cents on the dollar.

Let's look at it on a year-by-year basis. Projected Federal spending next year is $1642 billion—or $70 billion more than we expect to spend this year. Under the Dole plan, Government spending would continue to grow, but by $37 billion instead.

Let's compare the Dole plan to President Clinton's own recommendation. Whereas President Clinton would allow Government spending to grow by 20 percent over the next 6 years, the Dole plan would hold spending growth to 14 percent—or about 2 percent per year. In other words, limiting spending growth to 2 percent per year will produce the savings necessary to cut taxes and balance the budget.

Is holding the growth of Government spending to 2 percent per year reasonable? Absolutely.

Under Republican leadership—and with no help from congressional Democrats or President Clinton—Congress has successfully reduced the growth of Federal spending over the last 2 years by $53 billion, or about $26 billion per year. Moreover, just this summer, we enacted a comprehensive welfare reform measure. In other words Mr. President, in response to those who claim the Dole economic plan's spending savings are too severe, I would point out that we have already succeeded in reducing the growth of Government by similar amounts. The Earth didn't stop rotating. The Sun hasn't stopped shining. And in the process, we have made the Government more efficient and more responsive to the wishes of the American voters.

In addition to slowing the growth of government, the Dole plan also assumes that his pro-growth tax cuts will produce enough extra economic activity to offset 27 percent of their cost—$147 billion over 6 years. And just as we have seen with the budget savings, this assumption has been the focus of numerous criticisms from various groups. Mr. President, contrary to what some have said, assuming additional revenues from economic growth—or revenue feedback as it is called—has a long and credible history on both sides of the political aisle.

In 1982, the Congressional Budget Office found that ''between roughly one-tenth and two-tenths of the static revenue loss'' from an across the board tax cut would be recouped through revenue feedback during the first year. In later years, the CBO estimated that between one-third and one-half would be recouped in later years.

More recently, Clinton's Trade Representative Mickey Kantor told the House Ways and Means Committee that reductions in American tariffs would more than pay for themselves through increased exports and jobs.

And just this summer, Lawrence Chimerine, chief economist for the liberal Economic Strategy Institute argued in the Washington Post that ''credible evidence overwhelmingly indicates that revenue feedback from tax cuts'' could be as high as 35 percent.

For those who are unimpressed with the estimates of economists and accountants, let me give two examples of how this feedback effect puts real dollars in the pockets of both American families and Uncle Sam. In 1981, the tax burden was at a similar record high as it is today. In response, newly elected President Ronald Reagan cut tax rates across the board by 25 percent. Mr Reagan could have cut taxes in any number of ways, but he chose reducing marginal rates because he understood—as does Bob Dole—that cutting marginal rates encourages people to work harder, save more, and invest in economic growth and job creation.

The Reagan tax cut worked. In 1984, real GDP growth reached 6.8 percent—the highest single year growth since 1951. In President Reagan's second term, growth averaged 3.4 percent per year—well above the anemic 2.5 percent growth we have seen under President Clinton.

How did these tax cuts affect families. In addition to lowering their overall tax burden, the tax cuts of 1981 helped save family incomes from declining, as they had under President Carter. Instead, median family incomes grew 1.7 percent per year under Reagan, putting an additional $4,000 in the typical families pockets every year.

Mr. Reagan was not the only President to recognize the growth potential of reducing marginal tax rates. In 1962, John Kennedy was also adamant about cutting marginal tax rates. When he announced his tax cut plan in 1962, he explained his thinking with the following words: ''I am not talking about a 'quickie' or a temporary tax cut, which would be more appropriate if a recession were imminent. . . . I am talking about the accumulated evidence of the last 5 years that our present tax system, developed as it was, during World War II to restrain growth, exerts too heavy a drag on growth in peacetime; that it reduces the financial incentives for personal effort, investment, and risk-taking.''

The Kennedy tax rate cut proved to be one for the greatest economic successes of the postwar era. Real GDP growth jumped to 5.8 percent in 1964 and to 6.4 percent in 1965 and 1966. Today, the media calls growth rates half that size a surge.

Clearly there is a consensus that a tax cut like Bob Dole's will partially pay for itself through income revenue growth. As Nobel laureate Professor

Gary Becker put it, the revenue feedback effect is ''basically Econ. 101. Investors and workers in the economy respond in an important way to incentives, including tax incentives.'' Becker then points out that, if the Dole plan increases GDP growth from its current 2.3 to 3.5 percent over 6 years, the income growth effect will be ''far in excess of $147 billion. It would be more like $200 billion.''

Mr. President, I have a list of over 100 prominent economists, including four Nobel Laureates, who share Dr. Becker's support of cutting taxes and balancing the budget. These economists are from all over the country, but they have one thing in common—faith in the American family and the ability of the American economy to grow faster than 2 percent per year. By cutting marginal tax rates and allowing families to keep more of what they earn—so they can spend it on their priorities rather than Congresses—the Dole plan will help the economy grow faster, resulting in more jobs, more opportunity, and a higher standard of living for everyone.

How do we offset the tax cuts? We restrain the growth of Government. By limiting the future growth of Federal spending to 2 percent per year, we can reduce income tax rates by 15 percent for every taxpayer, provide a $500 per child tax credit for middle-class families, and cut the capital gains tax rate in half—all while balancing the budget in 2002. The Dole plan is the possible dream that will result in a smaller, more efficient Government that allows families to keep more of what they earn, so they can spend it on their priorities rather than Washington's.

Mr. President, I ask unanimous consent that the list of economists be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF BOB DOLE'S PLAN FOR ECONOMIC GROWTH

''This is an excellent economic program.''—Milton Friedman, Nobel Laureate.

''The Dole Economic Growth Plan is much superior to the Clinton do-nothing alternative.''—James M. Buchanan, Nobel Laureate.

''Senator Dole's plan . . . can raise the growth rate of the economy to well over 3 percent per year.''—Gary Becker, Nobel Laureate.

''The Dole-Kemp program makes real economic sense at this time.''—Merton H. Miller, Nobel Laureate.

Slow economic growth is America's number one economic problem. Bob Dole's plan for Economic Growth, ''Restoring the American Dream,'' is a bold, doable plan that addresses this problem. By lowering marginal income tax rates and reducing disincentives to save and invest—first steps to a fundamentally lower, flatter, simpler and more savings-encouraging tax system, balancing the budget through a reduction in the growth of government spending, reforming our education and job training system, and cutting back government regulation and eliminating litigation excesses,

the plan will significantly increase economic growth, raise real wages, and provide greater opportunities for all Americans.

The numbers in Bob Dole's year-by-year strategy to both reduce taxes and balance the budget are credible, including: the baseline revenue projections; the income growth effect, a simple implication of elementary economics through which the economic growth plan changes incentives, raises taxable income, and thereby offsets part of the revenue loss of the tax cuts as described by the plan; the planned budgetary savings achieved by reducing the growth of government spending.

Bob Dole's plan is far superior to the approach of the Clinton Administration, during which productivity growth has slowed to a historic low and real wages have stagnated.

Signed,

Annelise Anderson, Hoover Institution; Martin Anderson, Hoover Institution; Wayne Angell, Bear Stearns, Fmr Governor of Federal Reserve Board.

Bruce Bartlett, National Center for Policy Analysis; Ben Bernanke, Princeton University; Michael Boskin, Stanford University, Fmr Chair, Council of Econ Advisers; David Bradford, Princeton University; Stuart Butler, Heritage Foundation; Richard C.K. Burdekin, Claremont McKenna College.

Phillip D. Cagan, Columbia University; W. Glenn Campbell, Hoover Institution; John Cogan, Hoover Institution.

Carl Dahlman, Rand Corporation; Michael Darby, University of California at Los Angeles; Christopher DeMuh, American Enterprise Institute; Rimmer de Bries, J.P. Morgan; Thomas DiLorenzo, Loyola College in Maryland.

Martin Eichenbaum, Northwestern University; Stephen Entin, Former Deputy Assistant, Secretary of Treasury; Paul Evans, Ohio State University.

David Fand, George Mason University; Martin Feldstein, Harvard University, Former Chair, Council Econ Advisers; Diana Furchtgott-Roth, American Enterprise Institute.

Lowell Gallaway, Ohio University; Robert Genetski, Chicago Capital, Inc. John Goodman, National Center for Policy Analysts; Wendy Lee Gramm, Former Chair of the Commodity, Futures Trading Commission.

Robert Hahn, American Enterprise Institute; C. Lowell Harriss, Columbia University; H. Robert Heller, Fair, Isaac and Co., Fmr. Governor of Federal Reserve Board; David Henderson, Naval Post-Graduate School; Jack Hirshleifer, University of California at Los Angeles; Lee Hoskins, Huntington Nat. Bank, Fmr. President of the Federal Reserve, Cleveland; R. Glenn Hubbard, Columbia University; Lawrence Hunter, Empower America.

Manual H. Johnson, Johnson-Smick International, Fmr. Vice Chair of the Federal Reserve.

Raymond Keating, Small Business Survival Committee; Robert Keleher, Johnson-Smick International; Michael Keran, Sea Bridge Capital Management; Robert G. King, University of Virginia; Michael M. Knetter, Dartmouth College; Melvyn B. Krauss, New York University; Anne Krueger, Stanford University.

Lawrence Lau, Stanford University; Edward Leazar, Stanford University; James R. Lothian, Fordham University; Mickey D. Levy, NationsBanc Capital Markets.

Paul MacAvoy, Yale University; John Makin, American Enterprise Institute; Burton Malkiel, Princeton University; David Malpass, Bear Stearns; N. Gregory Mankiw, Harvard University; Dee T. Martin, Eastern New Mexico University; Bennett McCallum, Carnegie-Mellon University; Paul McCracken, University of Michigan, Fmr. Vice Chair, Council Econ Advisers; David Meiselman, Virginia Polytechnic Institute; Allan Meltzner, Carnegie-Mellon University; Michael Melvin, Arizona State University; Daniel J. Mitchell, Heritage Foundation; Thomas G. Moore, Hoover Institute; David Mullins, Long-Term Capital Management, Fmr. Vice Chair, Federal Reserve.

Charles Nelson, University of Washington; Charles Plosser, University of Rochester; Steve Pejovich, Texas A&M University; William Poole, Brown University.

Richard Rahn, Novecorr; John Raisan, Hoover Institute; Ralph Reiland, Robert Morris College; Alan Reynolds, Hudson Institute; Morgan O. Reynolds, Texas A&M University; Rita Ricardo-Campbell, Hoover Institute; Richard Roll, University of California at Los Angeles; Robert Rosanna, Wayne State University; Harvey Rosen, Princeton University; Sherwin Rosen, University of Chicago; Timothy Roth, University of Texas at El Paso.

Thomas Saving, University Texas at A&M University; Anna J. Schwartz, National Bureau of Economic Research; John J. Seater, North Carolina State University; Judy Shelton, Empower America; Myron Scholes, Long-term Capital Management; George Schultz, Fmr. Secretary of State, Treasury and Labor, Former Director of OMB; John Silvia, Zurich Kemper Investments; Clifford Smith, University Rochester; Vernon L. Smith, University of Rochester; Ezra Solomon, Stanford University; Beryl W. Sprinkel, Fmr. Chair, Council Economic Advisors; Alan Stockman, University of Rochester; Richard Stroup, Montana University; W.C. Stubblebine, Claremont McKenna College; James Sweeney, Stanford University.

John B. Taylor, Stanford University; Robert Tollison, George Mason University; Gordon Tullock, University of Arizona; Norman Ture, Inst. for Research on Economics and Taxation.

Ronald Utt, Heritage Foundation.

Richard Vedder, Ohio University; Karen Vaughn, George Mason University; J. Antonio Villanio, The Washington Economics Group.

W. Allen Wallis, University of Rochester; Murray Weidenbaum, Fmr. Chair, Council of Econ. Advisers; Charles Wolf, Rand Graduate School.

SENATOR CLAIBORNE PELL

Mr. CONRAD. Mr. President, with the adjournment of the 104th Congress, the Senate will lose one of its most respected and accomplished members, Senator CLAIBORNE PELL.

For a period that spans more than three decades, Senator PELL has served Rhode Islanders and the Nation in the finest tradition of our elected civil servants. His accomplishments since coming to the Senate in 1961 are extraordinary; particularly in the areas of the arts and humanities, environmental protection, foreign affairs, human rights, and education. He has without question touched and improved the lives of every American family.

Early in his Senate career, Senator PELL was the principal architect of the 1965 law establishing the National Endowment for the Arts and the National Endowment for the Humanities. One year later, he authored the National Sea Grant College Act, legislation to encourage the careful use of our resources from the sea, and to establish marine sciences programs at universities across the country.

Unquestionably, Senator PELL's most significant contribution in education has been his effort to ensure that every student has the opportunity to pursue education and training beyond the high school level—financial barriers should not prevent a student from continuing education. In pursuit of this goal, Senator PELL introduced legislation to establish the Basic Educational Opportunity Grant, a program later named the PELL Grant Program in 1980. Last year alone, more than 3.6 million Pell grants were awarded to students attending institutions of higher education. Since 1973, when the first Pell Grants were awarded, more than 60 million grants have enabled students to meet their educational goals through this student financial assistance program.

Mr. President, Senator PELL's remarkable record in the Senate has not been limited to education and the arts. Over the years, and through his leadership in foreign affairs as chairman of the Senate Foreign Relations Committee, Senator PELL has worked tirelessly on behalf of refugees, against human rights abuses, and to reduce the threats from weapons of mass destruction. As a result of these efforts, treaties have been ratified that reduce nuclear weapons, prohibit the emplacement of weapons of mass destruction on the seabed, and the use of environmental modification techniques as weapons of war.

Mr. President, Senator PELL's legacy is one of hope, opportunity, and integrity. For those of us who remain in the Senate, we are challenged to continue his important work on behalf of peace, and to ensure that our children can realize their fullest potential through the widest possible educational opportunities. We have all been enriched by Senator PELL's service in the Senate, and are deeply grateful for his immeasurable contributions to the Nation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 24, the Federal debt stood at $5,195,854,879,174.22.

Five years ago, September 24, 1991, the Federal debt stood at $3,629,138,000,000.

Ten years ago, September 24, 1986, the Federal debt stood at $2,107,495,000,000.

Fifteen years ago, September 24, 1981, the Federal debt stood at $979,131,000,000.

Twenty-five years ago, September 24, 1971, the Federal debt stood at $415,688,000,000. This reflects an increase of more than $4 trillion ($4,780,166,879,174.22) during the 25 years from 1971 to 1996.

REPORT BY SENATOR PELL

Mr. THOMAS. Mr President, over the weekend I had the opportunity to read a report to the Foreign Relations Committee prepared by the distinguished ranking minority member of the Committee, Senator CLAIBORNE PELL.

The report, entitled ''Democracy: An Emerging Asian Value,'' details the Senator from Rhode Island's recent trip to Asia. I was very interested in the report because the countries Senator PELL visited—Taiwan, Vietnam, and Indonesia—fall within the jurisdiction of the subcommittee I chair, the Subcommittee on East Asian and Pacific Affairs. In fact, all three have been of special interest to me and have been the subject of several hearings in the subcommittee.

I found the distinguished Senator's observations about this dynamic region to be particularly cogent, and believe that our colleagues—and the public at large—would benefit from having those observations accessible to them in the RECORD. However, since the report is somewhat lengthy in terms of it being reproduced in the RECORD, I am going to treat one country at a time; today, Mr. President, I would direct the Senate's atttention to the portion of the report on Indonesia.

So, Mr. President, I ask unanimous consent that pages 9 to 17 of S. Prt. 104–45, the section on Indonesia, be printed in the RECORD at the conclusion of my remarks.

PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THOMAS. In closing, I must say that it has been a unique pleasure and honor to serve on the committee with its former Chairman, Senator PELL. I appreciate his views and opinions, as well as his frequent participation in the work of my subcommittee. His departure from the Senate is a loss both to the committee and to the whole institution; he will be missed.

EXCERPT FROM SENATE PRINT 104–45

INDONESIA

A. INTRODUCTION

Indonesia is a vast, dynamic and complicated country. It has the fourth largest population in the world and the largest Muslim population in the world; yet it remains strongly secular. The government is an authoritarian one, led and dominated by President Soeharto, a small number of his advisors and the military. There is no apparent successor to Soeharto and no tested process in place for a transition of power. The economy is increasingly open and deregulated, but subject to widespread corruption and influence peddling.

There are a number of issues of interest to the United States in Indonesia. Indonesia has had an impressive economic development and an impressive increase in the average life expectancy. There is a developing middle class. The government has developed and implemented a model population control program. The focus of my trip, however, was a visit to East Timor. When I was in Indonesia in 1992, President Soeharto refused my request to visit East Timor because it was not convenient at that time. I appreciate his willingness to allow me to visit during this trip.

It is important to note that there are other human rights problems in Indonesia aside from those in East Timor. Many independent human rights observer groups criticize government policies in Ache and Irian Jaya. Issues such as freedom of the press, freedom of speech, the right to form political parties and the development of the rule of law are all of substantial concern in Indonesia today.

In response to a request by the UN, Indonesia establishes a National Commission on Human Rights to investigate human rights issues country-wide. I met with several representatives from the Commission in Jakarta and was impressed with their dedication to improving the lives of ordinary Indonesians. Their investigations are hampered, however, by a lack of funding and staff. Still, they seem to be operating truly independent of the government and I commend their efforts.

That our delegation did not focus on human rights issues outside of East Timor does not mean they are unimportant or that they are unworthy of international attention. The broader spectrum of human rights concerns will likely continue to be an issue for U.S.-Indonesian relations for the foreseeable future. Time limitations of our trip caused us to focus our scrutiny primarily on East Timor.

B. EAST TIMOR

In December 1975, Indonesia invaded East Timor, a former Portuguese colony, during a period of great political upheaval in Lisbon, which meant that Portugal was in no position to resist. The Indonesian military has committed widespread and well-documented human rights abuses in the 20 years since the invasion. The number of East Timorese who have died from violence, abuse or starvation in these 21 years will probably never be known, but there are credible estimates that they could number as many as 200,000. A particularly egregious incident took place on November 12, 1991, when the Indonesian military shot and killed over 200 people (by most credible estimates, although the actual total will likely never be known), during a peaceful demonstration. By all accounts, the protesters were unarmed. This became known alternatively as the Dili or Santa Cruz Massacre. While no events on this scale have been reported since then, widespread reports of abuse continue, including arbitrary arrest, torture, disappearances and killings. I heard several credible reports of these types of abuses while I was there.

Since I have been back in the U.S., there has been yet another conflict between Indonesian troops and East Timorese youth. The most recent disturbance took place in Baucau, a small city on the northern coast, to the east of Dili. Early news reports indicated that Catholic East Timorese had taken to the streets to protest reports that Muslim Indonesians had torn a picture of the Virgin Mary. The U.S. State Department reported that roughly 80 were arrested and that the International Committee of the Red Cross (ICRC) had been given access to all of them. There were additional press reports quoting East Timorese leaders saying that some of those arrested had been mistreated.

Indonesia and Portugal have not had diplomatic relations since the takeover. Since 1992, the foreign ministers of each country have held talks under the auspices of the UN Secretary General on East Timor, but these talks have produced little. I met with Indonesian Foreign Minister Ali Alatas in Jakarta and was particularly pleased to hear him speak highly of Portugal's relatively-new Foreign Minister Jaime Gama. For my part I attended the inauguration of Portugal's new President, Jorge Sampaio, in April and was struck by the new Government's interest in seeking some accommodation with the Indonesians.

Alatas felt that Gama showed a new willingness to listen to Indonesia's views, in contrast to his predecessor. I, too, am impressed

with Gama and know his personal sense that the issue of East Timor should be resolved. Alatas told me that they could work toward a solution that would satisfy both countries and the international community as long as both sides were ''realistic'' in their position.

Sadly, Alatas did not mention the need to satisfy the wishes of the people of East Timor, although, when I raised it, he agreed it was important. I encourage continued talks between Portugal and Indonesia and welcome positive movements toward a solution. But I believe that any solution which does not make the desires of the East Timorese as a paramount concern will ultimately fail.

One of the most obvious issues for most East Timorese is the strong presence of Indonesian military (ABRI) troops stationed there. Government officials in East Timor, including Governor Abilio Soares and Colonel Mahidin Simbolon, the military commander, told me that Indonesia stations in East Timor 15,403 troops (including police who, in Indonesia, are a branch of the military). Government officials in East Timor and in Jakarta said that there were two primary reasons why such a force was needed in East Timor.

First, they are said to be required to keep the peace threatened by rebels, known as FRETILIN, of whom, according to Colonel Simbolon, there are 188, armed with 88 weapons.

Second, the military force is needed to perform public works projects such as building bridges, roads and houses. The military commander told me that not only were ABRI troops the only ones willing to go into remote villages to do such work, but that when the government did pull some troops last year, local leaders and villagers protested. He argued that it was much less expensive to have military troops do these projects than to have civilians do then.

I should note that East Timorese not in the government strongly and repeatedly disputed the claims that only the military can perform these tasks and that locals would protest the removal of troops.

The vast majority of these ABRI troops are not East Timorese. When asked why so few East Timorese held high level positions in the military, Colonel Simbolon argued that not enough East Timorese had gone through the military academy. He told us only eleven East Timorese had graduated from Indonesia's military academy and, of those eleven, one is a first lieutenant and two are second lieutenants. These are the highest-ranking East Timorese officers in ABRI. On the police side, the highest-ranking East Timorese is a Major, who is a traffic chief. Again, Simbolon made the argument that the East Timorese were not qualified enough.

The presence of this armed, uniformed, non-Timorese force in East Timor causes immense friction and conflict. The East Timorese are ethnically different in culture and appearance from other Indonesian ethnic groups. I was repeatedly told that Indonesian military and police routinely treat the East Timorese with disdain and even contempt. Simply put, the people of East Timor feel they are subjected by a foreign army of occupation.

I firmly believe that a tremendous amount of the tension and conflict which exists in East Timor could be relieved if Indonesia were to slash its troop levels there and turn over authority at all levels to East Timorese citizens. Governor Soares and Colonel Simbolon agreed that this could help the situation, but offered no ideas on how such a change could come about.

Governor Soares and Armindo Mariano, head of the Golkar Party in East Timor, are both East Timorese and both stressed in our meetings that they were working to improve the ''Timorization'' of the local government. Mariano has been a participant in the All-Timorese dialogue, a forum sponsored by the UN Secretary General for East Timor—current residents and those in exile—to explore practical measures to improve the situation there. It is not a forum for discussing East Timor's political status.

Both Soares and Mariano are firm in their conviction that East Timor will develop and prosper only as a part of Indonesia. When asked how many East Timorese supported integration with Indonesia, both said the majority did.

But East Timorese who are not a part of the government and other observers living in East Timor quickly and insistently contradict this. When asked how a plebiscite on the issue of independence versus integration would turn out, I was told that over 90% of the people would choose independence and that number would include some who formerly supported integration.

The personification of East Timorese resistance to Indonesia's occupation of the territory is Commander Xanana Gusmao, who, at the time he was captured in 1992, was the leader of the armed resistance. He remains the titular head of the East Timor-based National Council of Maubere Resistance (CNRM), which he founded in 1988 to unify East Timor's various political and armed resistance groups.

Since his arrest and trial he has been imprisoned in Jakarta where, he is visited regularly by the ICRC and by all accounts is treated in accordance with international norms. Xanana, as he is commonly known, has attained a status for East Timorese similar to that which Nelson Mandela had for black South Africans while he was in prison.

I was eager to meet with him while I was in Jakarta both to get to know a person who has such a reputation in East Timor and to learn his current thinking on the possibilities for a political settlement of the East Timor situation.

Through I made a request of the Indonesian government for permission to visit Xanana before I left the U.S. and repeated the request in each of the meetings I had in Jakarta, I did not receive permission to see him.

From East Timor I wrote him a letter inquiring about the conditions of his imprisonment and his views on East Timor's future. (A copy is printed at the conclusion of this report.) I then request the letter be delivered to him, but that request was refused. The Indonesian Correctional Authorities deemed my message to Xanana ''political'' and therefore prohibited.

Whenever the possible independence of East Timor is discussed, talk quickly turns to its potential economic viability. The territory has few natural resources, but advocates of independence point out that many independent Pacific island nations also have few or no resources. One person questioned what economic independence meant in an era of increasing international economic interdependence.

Florentino Sarmento, the head of East Timor's largest non-governmental organization, Etadep, and a delegate to the All-Timorese dialogue, acknowledged that going it alone would be difficult, but was convinced that a solution could be found especially with consultation with political leaders abroad.

In regard to natural resources, East Timor's most valuable crop is coffee. I was able to visit a coffee cooperative started last year and funded by USAID. The cooperative, carried out by the National Cooperative Business Association, started with only 700 farming families and $7 million in USAID seed money. It now boasts 6,700 families and expects to turn a profit as early as the end of this year. Project director Sam Filiaci stressed he is not there for charity; he is developing a money-making organization that will provide lasting economic advantage to all involved, and especially to East Timorese coffee growers.

On the day I visited one of their processing plants in a remote mountain location, farmers from miles around gathered. Proud of their skill and of their new facilities, these people also told stories of harassment by the military and police (who turned out in a large force for my visit) and of insistent pressure on the farmers to move out of the mountains and down to the more populous areas on the coast.

C. THE CHURCH'S VIEW

East Timor is an overwhelmingly Catholic entity. More than 90% of the population is Catholic and the Church occupies a critical role in the lives of its citizens. The Church also plays a large role in the communication between East Timorese and those in the United States who are interested in the fate of this land. A number of Portuguese priests previously stationed in East Timor, along with a number of Timorese priests, now live in the U.S.

I had hoped to meet with the Bishop of East Timor, Msgr. Carlos Filipe Ximenes Belo. Bishop Belo is widely admired for his forthright objections to Indonesian human rights abuses and is a vital leader of his people. Regrettably, he was away from East Timor during my visit, through we were able to talk by phone.

I was able to meet with eleven priests from a variety of East Timorese parishes in what was by far the most fruitful and dramatic meeting of my trip. Sitting in a large room with open windows, using a microphone to be heard and taping the conversation, these priests gradually and fearlessly opened up to me and told me what they had seen and heard in their parishes over the last 20 years.

They spoke of military harassment of the Church that varies from obstructing their ability to meet with their parishioners to trying to create mistrust among the people of the Church. One priest told me ABRI tries to reinterpret his interest in the welfare of his parishioners as political opposition to Indonesia and integration. No one at the meeting had ever been arrested by the Indonesian authorities, but several had been detained and interrogated by them, for up to ten hours at a time. One told me of receiving a letter signed by the police insisting that he leave town for a month, although he proudly said he never left. The worst of these interrogations took place in 1991 and 1992, in the aftermath of the Santa Cruz massacre.

None of the priests had been present at the 1991 massacre but one told us, with great emotion, of his experiences that day and in the months afterwards. His home is near the Santa Cruz cemetery where the massacre occurred. He had heard the shots that morning, but thought at first they were the rumblings of a storm. When he went out later, he heard from people what had happened and he went to the cemetery and tried to give last rites to those who were dying or dead. The military would not let him approach and tried to make him leave. He stayed anyway and soon saw three large military trucks approach and be loaded with corpses. Then he saw other trucks come that were filled with water and he watched them spray the blood off the ground where the killings had taken place.

The wounded were all taken to military hospitals, he said. He then proceeded, without prompting, to confirm the stories I had read and been told earlier, that no one was

allowed to visit these wounded in the hospitals, not even the priests. Again, he was unable to give last rites to the dying. He estimated that in the month following the massacre as many people died in the hospitals, either from poor treatment or from torture, as had been killed in the cemetery. He told of hearing eyewitness accounts of mass graves holding as many as 100 corpses in one pit. He said the month following the massacre came to be know as ''The Second Massacre.''

When asked about the type of human rights abuses that occur today, the priests argued that the fundamental human right of any people is that of self-determination. The people of East Timor have been denied that right for over 20 years and all other rights abuses follow from that fact. They asked me how far the U.S. government and the U.S. people were willing to go in helping East Timor in its struggle for self determination? They asked why, if the U.S. government says it cares about human rights and cares about human rights abuses in East Timor, it still continues to support the government of Indonesia on its occupation of East Timor?

Emotions around the room continued to rise, both from those telling the stories and those of us listening to them. I was struck by the knowledge that 5 years previously this group would have risked the sudden intrusion of armed ABRI officials, as the priests systematically contradicted everything Indonesian government officials in Jakarta and in Dili had said, the people of East Timor resist integration into Indonesia as strongly now as they did 20 years ago. There is an ''ebb and flow'' quality to the resistance; the Indonesians gain the upper hand [through various forms of intimidation] and the East Timorese temporarily retreat. When Indonesia seems to lighten up a bit, and the East Timorese ''have the courage to shout,'' the resistance pushes back, but ABRI always comes back again, in a ''continuous game.'' They provided a document listing the exact type and number of troops located throughout East Timor (a translated copy of this document is attached as an appendix to this report) to show us how pervasive and strong the military is there. When asked about Indonesia's argument that it has poured more economic investment into East Timor than into any other province in Indonesia, they responded disdainfully that ''the people are not willing to sell their liberty for all the gold in the world.''

Finally, I asked the fundamental question I had asked in all the meetings: if it were possible to hold a plebiscite in East Timor, offering a choice of political arrangements from autonomy to integration, how would the people vote? This classical political science-approach to finding a solution was met with hard nosed realism: how can you even hold out this approach to a people who have suffered so much for 20 years? More importantly—and fundamentally—after over 20 years of continued resistance in the face of abuse, even torture and death, have not the people of East Timor already made their preference clear? Does not their resistance itself constitute a referendum? What more proof do you need that the people of East Timor want independence from Indonesia?

To confirm this message, the acting rector of the University of East Timor, handed me a letter at the airport as we were leaving Dili, in full view of my ever-present official escort. By all accounts I have heard, I believe he was probably questioned after we left; one only hopes that his position will protect him from rougher treatment. The letter was written and signed by five university students, and asks the U.S. Congress to support East Timor in its struggle for independence from Indonesia. (A copy of the letter is printed as an annex to this report.) The end of the letter was particularly moving, as it thanked me for coming and hoped that my visit was ''independent,'' because they were concerned that Indonesia sponsored the visits of other delegations in order to ''shut their mouth and close their eyes.''

D. CONCLUSION AND RECOMMENDATION

By the time of my departure, it was clear to me that the people of East Timor continue to resist the often heavy handed occupation of their island by Indonesia. The resistance takes many forms and, while armed resistance and physical resistance may have diminished, it was evident that the people of East Timor practice an emotional and intellectual resistance that no amount of military pressure will ever be able to suppress.

Yet it was also evident that Indonesia will not, in the foreseeable future, grant East Timor either the autonomy it clearly wants or a process for determining its own future. How, then, can U.S. policy bridge the gulf?

The U.N. can both help and hurt. The U.N. sponsored talks between Portuguese Foreign Minister Gama and Indonesian Foreign Minister Alatas can bring positive results. But these talks run a serious risk of ignoring the views and wishes of the East Timorese themselves. The All-Timorese dialogue offers more hope, although for the moment the political status of East Timor is not on the table for discussion. The best outcome of these two series of talks would be the implementation of confidence-building measures such as some form of autonomy for East Timor; a reduction in Indonesian troop strength; and an increase in the number of East Timorese in leadership positions in Dili.

Progress in any of these areas would, I believe, be welcome in East Timor and would ease some of the stark anti-Indonesian sentiment there. Passions could calm and economic initiatives, such as the coffee project, could develop. Then a compromise solution between the East Timorese and the Indonesians might be found. The key is that the East Timorese themselves must be a part of the solution from the beginning. A deal struck between Portugal and Indonesia or between Alatas and Boutros Ghali, or between Jakarta and Washington will not provide the solution. No true and lasting solution can come without East Timorese input; no solution that is seen as being imposed from above will work.

Indonesia is one of the most important countries in the region and will grow increasingly important. It is evident that the U.S. should have close relations with Indonesia. Both countries have mutual strategic, economic and environmental interests and would benefit from increased cooperation in those areas.

But Indonesia also has serious shortcomings in the way it treats the East Timorese and others of its citizens and it is important that, in our dealings with Indonesia, we not ignore or downplay the fact of these serious human rights problems.

When we have an important bilateral relationship with a country in which there are human rights problems, there are those who argue that we should downplay the human rights concerns and focus, instead, on those areas of mutual interest, such as strategic or economic, which can strengthen the relationship. Their theory is that a stronger relationship might encourage more progress on human rights. I do not agree with that approach.

U.S. support for human rights in other countries does matter. All the East Timorese I met told me that foreign pressure, and especially U.S. pressure, had succeeded in moving the Indonesian government. Our ability to effect changes in the human rights politics of Indonesia and other countries may be limited, but it is important for our nation to make every effort to do so.

I believe we could have a better and closer relationship with Indonesia if the government would take what seem to me to be relatively easy steps. If, for example, they would switch from a ''heavy'' hand to a ''light'' hand in East Timor, they would gain improved relations with the U.S. and other countries and would, in my view, lose little.

Quite aside from its policies toward East Timor, Indonesia is quickly approaching a critical point in its political development. President Soeharto's sixth 5-year term in office will end in 1998. While he has been quoted in the press as saying he will not run for a seventh term, most political analysts fully expect him to be in office for life. There is no chosen successor nor established process for succession.

Indonesian citizens cannot change the government by democratic means. The government is still heavily dominated by GOLKAR, the President's party. The government appoints half the members of the People's Consultative Assembly, theoretically the highest authority of the state, and the Assembly in turn elects the President and Vice-President. The military is automatically given 15% of the seats in the National Parliament and while 80% of the Parliament is elected, there are only three legal political parties. Civil liberties, such as freedom of speech and assembly or freedom of the press, are severely restricted.

Indonesia has actively worked to open its economy while keeping its political system relatively closed. Deregulation and moving away from central control has brought tremendous growth and development, of which the Indonesian government is rightfully proud. Could not the same be done in the political sphere?

Indonesia has the potential to be a great nation with world-wide influence. But it will never reach that goal with the anachronistic, authoritarian style of government it currently has. There are limited signs that this system may be loosening. The Court system has taken steps toward functioning independently, but it is not yet truly independent. There are some non-government organizations that criticize government policies, but they still operate in an atmosphere of surveillance and fear of retaliation.

Indonesia should follow the example of Taiwan in the late 1980s and 1990s and take strong steps toward a true democratic system. One important change it could make now would be to legalize the formation of other political parties. The region and even the world has much to gain from a democratic Indonesia. The U.S. should offer assistance and encouragement where ever possible and adopt policies that will help move Indonesia toward that goal.

I hope that Jakarta will take seriously the recommendations in this report, work for a solution that is acceptable to all parties, put the issue of East Timor behind them, move toward democracy, and become the important international power it is meant to be.

RETIREMENT OF SENATOR WILLIAM S. COHEN

Mr. CONRAD. Mr. President, Senator BILL COHEN's decision not to seek reelection at the end of the 104th Congress deprives the U.S. Senate of one of its most respected Members.

Senator COHEN leaves behind a long and impressive career of public service for the people of Maine. With his election to the U.S. House of Representatives in 1973, Senator COHEN represented his constituents from Maine

diligently, and continued his efforts upon his election to the U.S. Senate in 1978.

Mr. President, Senator COHEN has remained a moderate and thoughtful voice in a Senate that is increasingly marked by strident and partisan debate. Senator COHEN has attempted to rise above partisan politics to accomplish what is best for the people of Maine and the Nation. In 1991, Senator COHEN voted to override a veto of an extension of unemployment benefits, at a time when America's families were beginning to feel the effects of an economic recession. In the 103d Congress, Senator COHEN participated in a bipartisan coalition that attempted to overhaul the U.S. health care system, after the administration's efforts were not successful.

During the 104th Congress, I have had the distinct pleasure of working with Senator COHEN in the Centrist Coalition. A group of about 20 Senators, the Centrist Coalition worked to reach agreement on a comprehensive budget alternative to those put forward by President Clinton and the Republican leadership. The plan we developed built upon the suggestions of the National Governors' Association with respect to the Medicaid and welfare programs. It also built in needed flexibility for States, while preserving the social safety net for our Nation's most vulnerable populations. It was the only bipartisan budget alternative that received significant support in the 104th Congress, and I am proud to have been part of that effort.

Mr. President, throughout his political career Senator COHEN has held government officials accountable to the high ethical standards that people expect of their elected leaders, regardless of party affiliation. This was evident during courageous votes he made during Watergate and the investigation of the Iran Contra affair.

Senator COHEN also helped create the independent counsel law, which mandates the appointment of an independent counsel to probe allegations against certain high executive branch officials. Further, Senator COHEN sponsored legislation to require that contacts between lobbyists and Members of Congress are officially reported.

Mr. President, we are all grateful for Senator COHEN's dedicated service and tireless efforts in the U.S. Senate. Senator COHEN's distinguished Senate career is a testament to his hard work on behalf of the people of Maine and the Nation. His insightful approach to the challenges we face as a nation will be greatly missed.

FAREWELL ADDRESS TO AMERICA

Mr. HEFLIN. Mr. President, all Members of the Senate are faced with difficult decisions almost on a daily basis. The day of my announcement not to seek a fourth term in the Senate—March 29, 1995—was one of the most difficult of my life. By that day, I had been wrestling with this decision for some time. There had been some health problems, but I was fully confident of running for and winning a fourth term. I have always loved campaigning, and getting back on the trail was a powerful temptation. The reality was, however, that another term would have taken me well beyond the normal age for retirement. I am 75 and would have been 81 by the end of another term. Ultimately, the decision was that the time had come to pass the torch to another generation.

Anyone who has ever held a Senate seat understands the magnitude of this great constitutional responsibility. The Senate is an awesome institution, and the opportunity to serve there is one of the highest honors that can be bestowed upon any individual. For anyone in public life who has attained the confidence of the people to carry out such a responsibility, the decision to leave voluntarily is a difficult one, even when we know that it is best for ourselves, our State, and our Nation. It is a bittersweet decision that stems from a solemn responsibility. Those returning to the 105th Congress already know this; those who will be joining that Congress in the coming days will soon come to that realization.

As Senators, we have to be students of the issues. It is important to be impartial, fair-minded, and willing to listen to opposing views. My decisions and votes have been based upon conscientious beliefs motivated by what I thought was in the best interests of my State and Nation, but sometimes tempered by the views of a sizable portion of my constituency. No doubt, Alabamians and my party were confounded at times, but hopefully, they understood that my positions were based on what I believed to be right.

One of our responsibilities as Senators is to sometimes take stands and positions with which the majority of citizens in our States do not agree. The difficulty of taking such unpopular stands and decisions cannot be overestimated. It can be a wrenching experience, as was the vote on the 1993 budget reconciliation legislation which raised taxes—even though primarily on a small number of wealthy individuals—but which also headed us in the right direction in terms of deficit reduction. This 1993 budget reconciliation bill had been grossly distorted and mischaracterized by its opponents almost beyond recognition. Several courageous Members of Congress who supported it were defeated in the next election. Since then, the economic and budgetary figures and forecasts show that supporting that bill was the right thing for the Nation.

In any case, since our first duty under the Constitution is to our country as a whole, these times and politically difficult situations will inevitably arise. Rather than running away from these stands, Senators have to meet them directly, stand firm, and explain to our constituents why we believe we are right. Although they might never agree with us, over time, they will understand and respect us for assuming responsibility. This will be even more true in the new Congress, the Congress whose leaders, along with the President sworn in on January 20, 1997, will take the country right into the new century and millennium.

As a member of the Judiciary Committee, I have had to oppose Supreme Court nominees I thought to be ill-suited by temperament or background to serve on the Nation's highest court. On other occasions, I have supported nominees whom I knew not to be popular among my constituents, but who deserved my support.

Despite criticism that the Senate is no longer the great forum for debate and policymaking established by the Founders, there have been many examples of such debate during my tenure. These are times when the Senate as an institution soars, when Members are the statesmen they are elected to be.

One such time was the debate on the resolution authorizing military action in the Persian Gulf in early 1991. It was one of those rare moments when each and every Member had to look deep within his or her soul and go on record telling the American people either why they would allow young men and women to be sent into harm's way without a declaration of war, or why they could oppose the President of the United States and an entire world coalition poised to thwart aggression. As each Senator spoke, you could see and feel the deep emotion that seemed to emanate from the very heart of each speaker. Each decision, each vote, was profoundly personal. Many of us had served in the military and knew something of the horrors of military operations, even if those operations were successful. I know of no one who did not understand the gravity of what we were deciding.

Ultimately, the Senate voted narrowly, 52 to 47, to authorize the use of force to eject Saddam Hussein's army from Kuwait. Despite reservations and uncertainty, I was one of a few from my party who supported the authorization. All we could draw from in making this decision was our own experience and knowledge, our faith in the American Armed Forces, and the collective will of the civilian and military leaders to ensure victory. I would venture that most of us said a private prayer before casting our votes, hoping that we were doing the right thing and that events would vindicate us. I was struck at the sincerity and emotion surrounding this debate, and, as a Senator, was proud to have taken part. I thought to myself that this was the kind of debate the Founders envisioned.

Another one of these dramatic and emotional debates took place on the Senate floor on July 22, 1993. One Senator had offered an amendment to pending legislation to grant an extension of the United Daughters of the Confederacy patent outside the normal

process established by the Patent and Trademark Office. Only a very small number of organizations had ever been granted patents by the Senate, with the United Daughters of the Confederacy being one of those. This extension by the Senate would place that body's stamp of approval on the group's patent. Part of its insignia is a Confederate national flag.

Freshman Senator CAROL MOSELEY-BRAUN of Illinois, the only black Member of the Senate and the first-ever female black Member in all its history, came to the floor to oppose the amendment. She spoke eloquently on the floor of the issue of race, of symbolism, of division, and of intolerance. Her passion, candor, spirit, emotion, and determination moved the Chamber in a way that I have rarely witnessed. One by one, Members began articulating very personal statements about their feelings on race relations in this country and the lingering symbolism and emotions that complicate those relations.

As I listened to the debate, I felt a deep personal conflict as to how I should vote on this amendment. I was torn between my love for my native South and the racial conflicts which remain in America today.

I come from an ancestral background deeply rooted in the Old Confederacy. One of my great-grandfathers was one of the signers of the Ordinance of Secession by which the State of Alabama seceded from the Union in 1860. My paternal grandfather was a surgeon in the Confederate Army. History always provides perspectives on a particular time in the life of a nation, and I have always had a firm belief with regard to my family's background that they did what they thought was right at that time and in those circumstances. I have always revered my family and respected those who thought what they were doing at that particular time in our history was morally correct.

Ultimately, it became clear that the issue was primarily one of symbolism. By adopting this amendment, which would put the Senate's stamp of approval on an insignia carrying the Confederate flag in a very special and honorific manner, we would not serve the causes of advancing race relations or healing wounds. It would not be a step forward. I felt that if my ancestors were alive today and witnessing that debate, they would stand for what is right and honorable and would want to take a symbolic step forward.

In this case, one Senator, acting upon the courage of her convictions and her unique perspectives as an African-American, helped reverse a decision of the Senate. I thought again about how the Senate as an institution was fulfilling the promise of the Founders. New and returning Members of this body, as well as the House of Representatives, will no doubt face similar debates and issues which will test and challenge the Congress.

Despite these proud moments in the life of the Senate and Congress, there is still the perception among the vast majority of Americans that the system as a whole does not work as it should. They feel strongly that government does not respond to their needs. In many cases, they view it as being totally irrelevant to their daily lives and experiences. Ironically, as more and more information about government has become available over the last decade, the alienation of the citizenry has increased. Despite the C-Span cameras, the proliferation of constituent-service staff, and the plethora of news, both written and broadcast, people still feel that they are somehow cut out of the political process. This is one of the gravest problems the new Congress and administration will face as they approach the next century, since it undermines the very legitimacy of our democratic form of government.

There are any number of reasons for this ongoing alienation. Gridlock between the two Houses of Congress, between the political parties, and between the Congress and White House is most often cited as the primary reason for the public's disgust. A certain amount of what is called gridlock, however, is built into the system by the Constitution. Congress is, by design, an institution which moves rather slowly in making law. This is especially true of the Senate, where the wishes of a cohesive minority hold considerable sway. This is so the passions of the moment are allowed to cool before laws are passed. Careful deliberation, analysis, and long-range thinking were important to the Founders, and these are usually necessary ingredients in legislating. If anything, the Congress which will be sworn in shortly will not have enough of these ingredients. Few in their right mind will argue that it suffers from too much deliberation, analysis, or thought. In fact, it will need more.

If we look back over the last few years and compare passed conditions with those in mid-1996, we see that we have made tremendous strides. We won the cold war; our economy is healthy; we have the lowest combined rates of unemployment and inflation in 27 years; the budget deficit is decreasing even faster than rosy projections earlier predicted; and our national defense and international diplomatic structure are strong. Millions of new jobs in basic industries like automobiles and construction have been created and for 3 years in a row, we have had a record number of new businesses started in our country. More and more businesses are making capital investments, a strong sign of economic prosperity. The rate of violent crime is coming down all across America, although we still have a long way to go to make our streets safe. Race relations are still not anywhere near what they should be, but civil rights laws have helped secure the promise of America for more of our citizens than ever. The road toward equal opportunity for all persons, regardless of race, color, gender, creed, or other station in life has many miles to go, but we should be proud of the progress we have made and build upon it for the future.

In terms of the institution of Congress itself, there is no doubt that it has made great strides in terms of ethics and behavioral standards. People might not want to hear it or believe it, but the people we have serving in Congress today are the most ethical and least corrupt of any in its history. I served on the Senate Ethics Committee for a total of 13 years as either chairman or vice chairman, and can say definitively that the vast majority of Members tried their best to comply with ethical standards and rules. The perception that they are here to enrich themselves at taxpayers' expense is simply false. Senators were always coming to the Ethics Committee trying to comply with the rules, not to get around them. Of course, there are inevitable lapses, as would be the case with any large organization made up of people from all over the country and from all kinds of backgrounds, some of low standards of integrity. From the perspective of ''how it used to be,'' the taxpayers are vastly better off now than in decades passed, regardless of the perceptions and media distortions.

We have accomplished a great deal and have made tangible progress. Why don't people recognize these areas of progress? Part of the answer undoubtedly lies in the fact that we no longer have a common, external enemy at which to direct our considerable energies. For the first 40 or so years after World War II, communism was our greatest threat. It caused the Government and the public to rally together toward its ultimate defeat. In the early 1990's, as that promise was realized, people seemed to turn toward one another and ask ''What now?''

As I watched in amazement as the Berlin Wall fell in 1989, I couldn't help but feel that somehow, many Americans were missing the event's true significance. Our victory in the cold war did not seem to have the resonance around the country that one would expect. For decades, our entire defense and foreign policy had been formulated around the goal of fighting communism. It was truly astounding that our resources could now be channeled elsewhere. And yet, the passion, the excitement, the relief just didn't seem to be there. Almost immediately, a sizable segment of the population seemed to begin searching for another enemy. Unfortunately, there are those whose primary motivation is the hatred of an enemy. There was talk of a peace dividend. Various special interest groups staked their claims to pieces of that dividend, while others wanted to substantially reduce taxes. New enemies were found within our own borders as the competition arose for still-scarce resources.

As the cold war ended, the mounting budget deficit and national debt became a policy issue. There would really

not be a peace dividend, as such, since our fiscal house was not in order. I had long supported a constitutional amendment requiring a balanced budget, but by the mid-1990's, it had gained broad public support and majority support in Congress, but still not the two-thirds needed to send it to the States for ratification.

Sadly, what brought us to such a serious budgetary state was a failure on the part of our Government to address our fiscal problems before they nearly spiralled out of control. It was the fault of the political parties, the Congress, and the President. But it was also the fault of the public for expecting and demanding so much, much of it contradictory to the long-term health of our economy. Government leaders should have had the courage to say no much more often than they did. We all have to accept responsibility for our mistakes if we are to move forward and continue to bring down the deficit. It does no good to blame each other; it does profound good to acknowledge mistakes and collectively dedicate ourselves to fiscal discipline and the modest sacrifice it requires.

Regardless of the legitimacy of public perceptions, the alienation and frustration with our Government are real threats to the stability of our Nation. Unless they feel like they are a part of the process and able to influence its outcome, the alienation and frustration will only grow and intensify.

For much of our history, our national leaders and political parties adopted mainstream, centrist policies aimed at securing economic security and promoting opportunity. Of course, there are times when this has not been the case, but Government has worked best when it has operated from the center of the spectrum. Only when we have strayed too far to the left or right have we fallen so out of favor with the citizenry. To a great degree, that is what has happened over the last few years, with Democrats becoming more liberal and Republicans becoming more conservative. Since the vast majority of the people are politically moderate in their beliefs and values, they have become, in a sense, alienated from both sides, not comfortable with the extreme views the parties have adopted. The bipartisanship that is so crucial to the operation of Congress, especially the Senate, has been abandoned for quick fixes, sound bites, and, most harmfully, the frequent demonization of those with whom we disagree.

It is supremely ironic that as we try to foster democratic principles throughout the rest of the world and have seen democracy make great strides in many areas, we seem to face our strongest threat from within. Some elected officials, media personalities, extreme elements within political parties, and single-issue organizations strive to pit one group of Americans against another. The focus on divisive issues has increased the alienation and driven us farther and farther apart.

In my judgment, much of the answer to this alienation lies in what I call compassionate moderation. Instead of being so concerned with policies which are left and right, Government should be concerned with the principles of right and wrong that come from approaching issues in measured, moderate, and compassionate tones. Both compassion and moderation must be seeded in basic conservatism and responsibility, rooted to induce individualistic growth and opportunity. Even where voters opt for change, they do not favor extremism; instead, they want carefully crafted and nuanced policies that address the concerns of the majority and, where needed, the disadvantaged in our society. This is the kind of responsible and compassionate moderation upon which our Nation was founded. Our Constitution itself came about through a series of great compromises; it was not written by ideologues who clung to their way or no way. Compromise and negotiation—the hallmarks of moderation—aimed at achieving moderate, centrist policies for our country should not be viewed as negatives. They should be valued, for that is the only way to reach consensus on complicated issues and problems that face us.

By being compassionately moderate in our attitudes, we can govern ourselves responsibly and reach the potential which we have yet to attain. Thomas Jefferson demonstrated a belief in the concept of compassionate moderation when he called for basic republican simplicity in institutions and manners. He knew that a limitation on Government did not mean the abdication of the Government's responsibility. Similarly, in his own farewell address to the Nation, President Eisenhower said that:

> It is the task of statesmanship to mold, to balance, and to integrate forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

Both of these great leaders envisioned a strong, but limited, National Government which could balance competing interests in the pursuit of overall liberty and equality.

During his term as Vice President, Jefferson once asked for a room in Baltimore's preeminent hotel. Not recognizing the Vice President, who had shown up alone and in soiled working clothes, the owner turned him away. Shortly after Jefferson's departure, the owner was told that he had just sent away the Vice President of the United States. The horrified proprietor immediately dispatched some of his workers to find Jefferson and offer him as many rooms as he liked. The Vice President had already taken a room at another, more modest, hotel, and sent the man who found him back to the owner with this message:

> Tell [the owner] that I value his good intentions highly, but if he has no room for a dirty farmer, he shall have none for the Vice President.

Our Government's greatest successes have come about precisely because it has made room for dirty farmers and all kinds of hard workers. It has made room for those who want to work hard, but who might be disadvantaged by poverty, injustice, or oppression. It has never been the task of Government to guarantee success to everyone across-the-board. Instead, it has been to ensure, through responsible sensitivity and compassion, that everyone has the opportunity to work toward the kind of life and success for which we all strive given the same opportunities. When we fall short, it should not be because Government has done the wrong thing, whether too much or too little—it should be only because we as individuals did not take advantage of the opportunities afforded by our free society through our Constitution and backed up by representative, democratic Government.

The extreme elements of our Government must realize that compromise is not bad, that we can be compassionate and responsible at the same time by being moderate in our approach to public policy. No one of us can remake Government or society in our own image. With 535 Members of Congress, thousands of executive branch officials, constitutionally mandated checks and balances, shared power, and a strong two-party political system, compromise is an inherent necessity. If compromise is abandoned for rigid ideology, the system cannot work as it was intended. Frequently, it becomes a hostage to gridlock and inaction.

If we look back over history, we see that moderation and centrism in Government have led to some rather remarkable achievements. As we ponder the cynicism and disfavor with which the Government is viewed today, it occurs to me that we may have, in some ways, become victims of our own successes. As more and more is taken for granted, standards are set higher, often unrealistically so. This results in recurring disappointment.

In 1954, ours was a country where poll taxes separated millions of citizens from their basic right to vote. Restaurants, hotels, schools, and neighborhoods were totally segregated by race. Through the Civil Rights Act of 1964, Voting Rights Act of 1965, and subsequent legislation, these Americans have been brought into the process and enfranchised. The Head Start Program, for example, remains one of the single most effective program ever designed for keeping high-risk children in school.

My own civil rights record is one of which I am exceedingly proud. It has been publicly stated by black leaders that I was the first Senator from my State who believed in and supported the civil rights movement. I worked to secure the extension of the Voting Rights Act; to appoint African-Americans and women to the Federal bench and other Federal offices; to support historically black colleges; to ensure passage of the civil rights restoration bill; to help pass the fair housing bill;

and to establish a national holiday honoring the late Martin Luther King, Jr. My philosophy on the issue of civil rights has always been one of moderation, of trying, where possible, to get people to lower their voices and work together for progress. Again, by avoiding the lightning rod rhetoric of the extreme positions, we can successfully move forward.

In 1955, only 63 percent of our high school students graduated. Those who did stay in school did not have access to advanced science or math courses in a majority of school districts until passage of the Defense Education Act of 1958. Higher education had traditionally been the preserve of the well to do. A full decade after the GI bill was signed into law, there were still only 430,000 college graduates each year. Following passage of the Higher Education Act of 1965, college enrollment increased by 300 percent.

Perhaps the largest public construction project in American history began with the Interstate Highway Act of 1956, which ultimately doubled the Nation's highway system and provided new corridors of growth. The National Highway System of today is the envy of the world and is a growing testimony to the strong, steady leadership of President Eisenhower, who did not shy away from the moderate label. Indeed, he eloquently championed the concept of balance in public affairs throughout his January 1961 farewell address to the Nation. Other legislation and policies guided technology into the marketplace. The leadership and vision of President John Kennedy in terms of space exploration led to the lunar landings, the commercialization of space, and numerous scientific advances. These projects were not advanced in the pursuit of a party's retaining power or in the interest of a particular ideology being thrust upon the American people. They were advanced because there was a bipartisan consensus that they were good for the future of the country. They came from the center, not the extremes.

In the America of 1954, poverty and age were often indistinguishable, especially in parts of the South. The average monthly Social Security benefit was only $59. A child was three times less likely than today to survive its first year of life. The success of the Social Security Program has helped lower poverty rates among senior citizens to the lowest level in the population. The Medicare Program brought 32 million seniors into the health care system. The Women, Infants, and Children Program began to reduce infant mortality and aid to families with dependent children brought vulnerable children basic sustenance. Revelations of child hunger during the 1960's gave rise to the school lunch program. Later, deregulation of the airline, trucking, and telecommunications industries produced millions of new jobs and lowered prices for transportation and telephone services.

The agricultural community is considerably better off today than when I came to the Senate in 1979. We have strived to craft farm policy which provides market stability and allows American farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury.

When I came to the Senate, one of my major goals was to help modernize and reform our Federal courts, much as we had done on the State level while I was on Alabama's Supreme Court. My efforts were focused on improving the Federal judicial system and relieving court congestion in criminal and civil cases. We were successful to a large degree, particularly in the areas of criminal justice and bankruptcy, although much could still be done.

Today, our system of civil justice faces one of the greatest tests in its long history. The very foundation of our civil justice system and more than 500 years of the development of common law are under attack, including the right of trial by jury. We must continue to face these assaults by improving the administration of justice and maintaining its historic role in protecting the weak and disadvantaged.

Of course, the programs mentioned above, as well as many others, are in need of reform. We all agree they should be streamlined and made more efficient. We should implement incentives for those on public assistance to work and become self-sufficient. The task of government, however, should just that—reform, streamlining, and improving efficiency. It should not be to tear down, eliminate, and dismantle just for the sake of reducing government.

These government success stories and others are the result of compassionate, moderate, democratic government aimed at securing opportunity for and promoting responsibility among all Americans. No, these accomplishments did not result in the Great Society as envisioned by President Johnson and much-maligned in some political circles today. Some want to label all the Great Society programs as failures. It is fashionable to make them euphemisms for liberal big-spending government.

Some of these programs were indeed disappointments worthy of the criticism they receive today. Certainly, there was some idealistic overreaching, which resulted in a pattern of dependency we are trying to combat through current welfare reform efforts. Even so, many good things came about, resulting in a better society, one that has come about due to more Americans than ever having basic opportunities to succeed and pursue their dreams. Instead of focusing on our failure to reach some sort of utopia, or unduly blaming each other for the overreaching that led to dependency among some segments of the population, we should take enormous pride in the fact that when it has been needed, our Government has usually done the right thing for our people.

At the same time, we cannot rest on our laurels, but must learn from success—and from our failures—in order to reach even greater success and avoid the same shortfalls in the future. In this way, personal initiative can be enhanced where it is needed. In an era of shrinking government, programs designed to provide incentives for the private sector to search for solutions to public problems will become increasingly important.

What can we do specifically to enhance the concept of moderation and promote its ability to yield the kinds of centrist government actions that help the vast majority of our citizens? How can the leaders of the next American century put aside personal ideology and work for policies and programs that promote opportunity and individual initiative, and that promote the public good? What can the new Congress do to change public perceptions about government?

To begin with, bipartisanship should be one of the most used—if not the most used—guide for Congressmen and Senators when they initiate and pursue legislation. The lessons of the 1993 budget debate, health care reform in 1994, and most elements of the Contract With America in 1995 and 1996 point to the obvious pitfalls of one party trying to govern by itself.

To promote more bipartisanship, ways should be found to bring about more informal togetherness among Members of opposite parties. One of the wonderful byproducts of the weekly Senate Prayer Breakfast gatherings has been the friendships forged across party and ideological lines. These friendships have led to more openness and willingness to discuss issues on a cordial basis. They promote the identification of common ground. This informal togetherness concept could be expanded to Senate standing committees like Agriculture, where I serve. Members could hold regularly scheduled luncheons and dinners among themselves and occasionally with their spouses.

Another way to foster bipartisanship would be to have more committee hearings outside Washington in various regions of the country. These should be scheduled during recess periods, when Members are usually out of Washington anyway, or during extended weekends. Committee members traveling together get to know each other on a personal basis much better. Friendships and better understanding will no doubt be among the results.

Issue discussions in informal settings should be frequent occurrences, particularly between the leadership of the respective parties and should, on occasioin, include White House leadership. Similar informal togetherness gatherings should occur among staff members. Such recommendations to enhance a spirit of bipartisanship and

to foster personal relations among Members of Congress might seem to be stating the obvious, even trivial in light of all the challenges we face. This spirit and these relationships have suffered greatly in recent years, however, and can only be restored through focusing on them. Congress, and especially the Senate, is only as strong and effective as the links between its Members. Newcomers to the institutuion will soon learn the importance—the necessity—of working together and compromising. The basic point is to soften the lines of partisanship and division that often impede the legislative process.

Along with sincere efforts to increase bipartisanship, overall expectations must be lowered. There is a consensus in both parties and among the public at large that Government cannot be expected to do all things for all people. Constituents cannot continue to make contradictory calls for a downsizing of Government and a lowered deficit while at the same time demanding more services and benefits. Members must have the political courage to tell this truth and to point out this reality.

The realities of our two-party system dictate that there will be issues upon which the parties will never agree. After all, the parties do hold competing views for the future of the country. This is not necessarily bad. It creates alternatives and requires leaders to articulate a vision. But, there are enough large issues that confront us that bipartisanship is the best way—perhaps the only way—to achieve success. By focusing on broad goals that come about through compromise, Members do not foresake their parties or philosophies.

Where bipartisanship and working together are not possible, perhaps it is best to pull back and perhaps wait for another time to pursue action. This is in stark contrast to the tendency in recent Congresses to forge ahead, even where failure is certain, and then blame the other side or party for the failure. Sometimes legislation and ideas need to simmer and gel before being acted upon.

There should be a ladies' and gentlemen's agreement making it a taboo to demonize your political opponents. Far too much of today's debate consists of trying to promote one's position through the character assassination of an opponent. Even in circumstances where this tactic succeeds, the victory is inherently hollow and will not stand the test of time. Both major parties could have their campaign committees designed to work together to create less negativity and friction in political campaigns. The first agreement should be to ban negative campaign ads.

In the spirit of President Eisenhower, the status of his self-proclaimed moderation should be returned to that of a political virtue rather than a governing liability. Regardless of the personal ideologies and views of individual Members of Congress, the national legislature should reflect the moderate course of a moderate populace. This does not mean that ideology and political passion do not or should not count; it does mean that sometimes they should be suppressed in the best interests of the Nation as a whole. In such a complex, diverse, and large country as ours, extreme, rigid views on either side can only perpetuate alienation from and dissatisfaction with Government.

It has always struck me as rather interesting that the vast majority of the policy foundations, issue study centers, and think tanks are either identifiably conservative or liberal in their orientation. There are very few that are seen as centrist in their outlook. Perhaps private sources could establish an Institute for reason and moderation or a center for responsible government to review and monitor legislation under broad guidelines designed to produce a scholarly moderate approach to and evaluation of issues.

As I leave the Senate and public service, I want to thank the people of my State for their faith and trust over the years. As I pass the torch to a new generation, I also want to thank my Creator for the blessing of health and energy during my lifetime so far, and for giving me the opportunity to serve our great Nation and my fellow citizens.

As my time in the Senate draws to a close, I am reminded of the fact that our Nation—the United States of America—is not based on any one language, culture, or geographic area as are most older nations. Instead, it is based on a set of ideals, which, while relatively few in number, really encompass all the elements that constitute the core of who we are as a people. These are liberty, freedom, democracy, equality, opportunity, human dignity, and respect for others. These are the great ideals that brought us to these shores in the first place, and which will take us into the next century.

Since our country is still so much a work in progress, I still believe that our best years are ahead. Sure, growing pains, in the nature of social problems, world threats, and ideological divides, will continue to occur. But by weathering these storms and finding remedies for them, we become stronger and better able to meet and adapt to changing demands and conditions. This adaptability and resourcefulness—benefits resulting from the genius of our Constitution and the Government it charters—have served us particularly well during the last several decades of intense social and technological change. This ability, with which America is uniquely equipped due to the ideals upon which it is founded and the Constitution which enshrines those ideals, can continue to guide and serve us well and will continue to be our greatest natural resource.

TRIBUTE TO RETIRING SENATOR MARK HATFIELD OF OREGON

Mr. CONRAD. Mr. President, I rise today to bid farewell to our distinguished colleague from Oregon, Senator MARK HATFIELD. Senator HATFIELD's career in the Senate has spanned three decades, a record of service that the State of Oregon, as well as the rest of the Nation, should be proud of.

Senator HATFIELD has devoted his entire adult life to serving the people of Oregon, as an educator, a statesman, a public servant of the highest caliber. Senator HATFIELD's long and distinguished career began as college professor and dean at Willamette University. He has served in both the Oregon House and Senate, as Oregon's youngest secretary of state, its Governor, and, since his election in 1966, as the longest-serving U.S. Senator from the State of Oregon. Senator HATFIELD's commitment to the people of Oregon is unquestionable. In announcing his retirement, Senator HATFIELD explained, ''Thirty years of voluntary separation from the State I love is enough.'' As I am sure my colleagues will agree, Oregon's gain is the U.S. Senate's loss.

Senator HATFIELD served as the chair of the Senate Appropriations Committee from 1981 to 1987, and in 1995 he returned to the helm of that committee. As chairman and in the Senate as a whole, he often helped fashion bipartisan compromises, putting the good of the country ahead of partisan politics. I had the good fortune to work with Senator HATFIELD as part of the Mainstream Coalition, which tried to break the gridlock surrounding health care reform.

Senator HATFIELD is not afraid to stand up for what he believes is right, even when it means going toe-to-toe with his own party or disregarding popular public opinion. In 1995, during the fight over the balanced budget amendment, Senator HATFIELD stood by his beliefs, in the face of enormous pressure from his own party, and voted against the amendment.

In addition to his tenure in the U.S. Senate, MARK HATFIELD also served his country as a Navy Lieutenant in the Pacific theater in World War II. He was at the battles of Iwo Jima and Okinawa, and served in the occupation of Hiroshima after the dropping of the atomic bomb. This experience gave him a deep and unshakable commitment to peace, leading him to vigorously oppose war and nuclear proliferation. As Governor of Oregon, he spoke out against Lyndon Johnson's policies on Vietnam. He helped author legislation passed by the Senate in 1992 calling for an end to U.S. nuclear testing, legislation that I supported. He also helped found the Oregon Peace Institute and the U.S. Institute for Peace.

Mr. President, I have the deepest respect and admiration for our friend and colleague from Oregon, and I say with confidence that he will be deeply

missed by every Member of this Chamber. I wish him all the best as he returns to his home State of Oregon and resumes his career in education, and I thank him for his dedicated service to this body and the Nation.

SENATOR BILL BRADLEY

Mr. BYRD. Mr. President, I pay tribute today to the senior Senator from New Jersey, BILL BRADLEY, who has, unfortunately, decided to retire from the Senate after three terms.

BILL BRADLEY has brought to the Senate a keen mind and an athlete's drive to cut through highly complicated, but vital issues affecting the economy of the United States, especially the Tax Code's treatment of the middle class, and the need to eliminate the accumulation of deductions and special interest provisions which have skewed our tax code in multifarious and unfair ways.

In tackling the most vexing and wide-ranging problems affecting the economy, Senator BRADLEY had a central impact on the Tax Reform Act of 1986 after 4 years of hard work, perseverance, and studious attention to these very difficult issues. Using the springboard of his seat on the Finance Committee to grind away at his colleagues and the Senate as a whole as to the need for basic reform of the Tax Code, BILL showed that he could go the extra mile, and through sheer determination use the legislative process in textbook fashion. He produced far-reaching proposals on issues that have made a real difference for Americans, based on careful study and on convincing the rest of us to stand up, pay attention, and support the soundness of his position.

He has tackled a variety of other tough and central problems facing American society, including deficit reduction, pension reform, college loan programs, Medicaid reform, and a variety of initiatives in the energy area through his active membership on the Senate Energy Committee. In addition, he has been extremely industrious as a legislator on a wide range of issues in the education field, from community-based initiatives involving families, to reform of higher education. BILL BRADLEY has gone much further than legislative initiatives, however. He has sponsored a number of enduring seminars and special programs for high school and college students and athletes, all with a dual focus on effective citizenship and educational excellence.

Senator BILL BRADLEY added his engaging personality, integrity, and studious manner to the mosaic of the Senate, and gave this body another dimension. His unique background as a Rhodes Scholar, and as a former professional basketball player turned U.S. Senator sent a message to our young people that intellectual and athletic excellence need not be two competing worlds.

In all his work in the Senate, BILL has performed with dignity, grace, and with great respect for the opportunity that the Senate affords for informed debate. Unfortunately, informed debate has not always been a great hallmark of recent years in the Senate, and I regret that this body will no longer have the benefit of BILL BRADLEY's keen mind and tenacious, yet gentlemanly approach to the issues of our day.

Senator BRADLEY is a young, vibrant, vigorous man with, God willing, a long span of productive years ahead of him. I am pleased to note that he has recently been writing and speaking out on a variety of fundamental issues concerning the Nation, including race relations; the need for a more responsible civil society where grassroots and local institutions assume more responsibility for our civic life; on the need for campaign finance reform; on the need for economic transformation and growth more fairly shared across the full range of economic groups in American society; and on the role of faith in the fabric of American society. Of particular interest is his comparison of American society with a three-legged stool made up of the private sector, government, and civil society. Obviously Senator BRADLEY is correct when he points out that our future depends on all three.

BILL BRADLEY is an independent, and thoughtful thinker on some of the most fundamental issues confronting our Nation.

Senator BRADLEY has focused his considerable mental powers well on a broad landscape of difficult problems which will trouble our Nation in the years ahead.

The breadth of issues on BILL BRADLEY's plate clearly shows that he intends to make an indelible mark on the continuing American dialogue about solutions to these problems, and I, for one, encourage him and look forward to his contribution. It would not surprise me to see citizen BILL BRADLEY at the witness table at future Senate hearings giving us his views on many fundamental issues.

I wish BILL and his wife, Ernestine, the best as he departs from this latest stopping place in his varied and successful life, knowing that there is much more to come, and with the hope that he will return frequently to include the Senate in his personal quest for a better America.

TRIBUTE TO SENATOR BRADLEY

Mr. CONRAD. Mr. President, today I want to pay tribute to Senator BILL BRADLEY's distinguished service in the U.S. Senate.

From his election to the Senate in 1978, BILL BRADLEY has influenced the policymaking agenda in Washington by plunging into the intricacies of an impressive array of interests and learning the strengths and weaknesses of his opponents' arguments better than they did. His sheer intellectual dominance of issues has allowed him to succeed against the political odds on issues as far-ranging as tax reform and water-use policy.

Senator BRADLEY has been a true leader on tax reform and fiscal responsibility. He was an early and persistent voice urging us to put our fiscal house in order. If we had had more BILL BRADLEY's in the Senate in the early 1980's, we could have avoided the deficits of the Reagan era and subsequent years that have left us with our enormous national debt. Last year, I was privileged to work closely with BILL BRADLEY in putting together a fair share budget plan that would have balanced the unified Federal budget. His advice was absolutely central to developing the specifics of the plan and bringing together a coalition of supporters.

In 1986, BILL BRADLEY almost single-handedly pushed through a tax reform bill that dramatically reduced the number and size of tax loopholes, gave middle-class American families tax relief, and greatly simplified the Tax Code. Since joining the Finance Committee, I have had the opportunity of working with BILL on tax policy, and his knowledge of the intricacies and politics of our Tax Code is truly astounding. We will sorely miss his knowledge on these issues as we consider tax issues in the future.

Senator BRADLEY has also been a courageous voice on other issues that many politicians choose to avoid. For example, he has been one of a very few Members of Congress to move beyond sound bites and talk honestly and directly about the issue of race in America. And he was a strong voice criticizing those who seek to use race to divide us for political purposes.

Senator BRADLEY also devoted a great deal of time to foreign policy. Whenever a complex foreign policy issue forced itself upon the Senate, it seemed like BILL had found time to think through the options and U.S. and regional interests involved.

In short, Mr. President, BILL BRADLEY has been an intellectual giant in the Senate. The U.S. Senate is losing a champion for average American families and particularly for the least fortunate among us. But I do not doubt that he will continue these fights. As he said when he announced his decision not to seek reelection, there are other places where he can put his skills to work making our country better and stronger. I wish him well as he seeks out the best place and way to continue his calling to public service.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CLAIBORNE PELL

Mr. BIDEN. Mr. President, I rise this morning to speak not to an issue but to speak to a man—about a man.

Mr. President, I rise this morning on the floor of the Senate to perform a task that I am anxious to perform but, at the same time, reluctant to perform.

I have been in the Senate now for 24 years. I have had the opportunity in those 24 years to serve with some very famous, significant political figures in modern American history. When I arrived here in 1972, Richard Nixon was President. The Senate was markedly different in terms of its makeup and membership, so much so that I now find myself—I was No. 100 in seniority—I now find myself somewhere in the low teens in seniority, and finding only a half a dozen or so Democrats who have been here longer than I have.

The reason I bother to mention that is I have had an opportunity to meet and work with and become friends with some truly great and famous Members of the U.S. Senate. The loss—in some cases by death, such as in the case of Hubert Humphrey and Dewey Bartlett and others; in some cases as a consequence of having lost an election, in the case of people like Frank Church and other great leaders such as Jacob Javits; the loss in some cases on the part of a Senator deciding he did not wish to run again, like Senator Mansfield and others—has impacted on the Senate and has impacted on the country.

I know my Grandfather Finnegan—God rest his soul—was right when he always used to say, ''Joey, don't forget Paddy's a 9-day wonder. When you're gone, you're gone.'' In one sense that is true. In another sense it is not true because every once in a while someone passes this way. Every once in a while someone assumes a position in the U.S. Senate, or takes the place on the floor of this august body, who changes not only the nature of our laws and the attitude of our country about major issues but who impact upon how this institution functions.

In my mind, and I believe I reflect the view of the American public in this case, one of the things that is most troubling in our discourse is a growing lack of civility, not only in our public discourse but in our private discourse.

You need only go down this long aisle to the next, patterned after the Parliament in Great Britain. Look out this door. Many people who watch us on C-SPAN don't realize that you walk through the door of this institution, this floor, and look out that door, and you look straight all the way through, you will see a similar set of doors at the other end that lead into another Chamber called the House of Representatives. For years and years, we have avoided the kind of invective that seems to have infected the debate on that end of the Capitol. And one of the reasons we have avoided it is because there have been men and women on the floor of this Senate who will not tolerate that kind of discourse and constantly remind us of our moral conscience: that we, as the greatest institution—not as individuals, but as an institution—should not stoop to the level of engaging in uncivil conduct.

If the Presiding Officer, the former Governor of Missouri, will excuse my personal reference, it is like using profanity. You know that one may engage in using profanity in the locker room with a bunch of guys when you are in high school, but you would never do that in front of your mother. You would never do that in front of your grandmother. You would never do that in front of the people you most respected, even if you slipped and did it in front of the guys.

Well, the presence of Claiborne PELL on the floor of the U.S. Senate—just, literally, his physical presence on the floor—inhibits Members from yielding to the temptation of engaging in uncivil conduct, in conduct that, quite frankly, we should all realize is beneath us and demeans the public debate and demeans this institution. And I can say, without reservation, that in the 24 years I have served here there is not a single, solitary person whose mere physical presence in a committee, in a caucus room, on the floor of the U.S. Senate—just his presence inhibits negative behavior on the part of all of us. He is a man of such character, such gentility, such class, and such persuasion by his actions. I mean it. Think about it. I say to my colleagues who may be listening to this in their offices: Name for me a single solitary person with whom we have ever served who has that kind of impact—he walks into a room, and his mere presence exposes demeaning conduct that any of us, including myself, may be engaging in in the course of political discourse.

He likes to point out—and he never lectures, but he likes to point out—that he has never negatively referred to any one of his opponents.

I remember one of the highest compliments I ever received. We were at a candidate forum. The chairman and I, Senator PELL, a Democratic candidate, were getting ready for the last election. And one of the leading political advertisers for Democrats was up there showing us the latest ad, all the Members of the Senate who were running in the 1990 race, when Senator PELL and I ran together the last time. He was saying, ''This is what works, and this is what the Republicans are doing, and this is what we should do.'' This particular guy has great wit and was actually the guy doing my advertising, and may have been the one doing Senator PELL's as well. I can't recall. His name is Bob Squire, one of the leading political advertisers in the country, and a fine man. Actually he was doing the President's campaign, if I am not mistaken. Bob Squire with his dry wit looked down at all of us, and said, ''There are only two men in America that do not get it''—that you must respond to negative ads and you must be negative.

And I do not know whether it is true, if it was only two. It does not matter for purposes of what I am going to say. He literally said, ''CLAIBORNE PELL and JOE BIDEN.'' Just for me to be mentioned in the same sentence with CLAIBORNE PELL—just to be mentioned in the same sentence—was one of the highest compliments I have received since I have been in the Senate.

I am not in CLAIBORNE PELL's class. Few are. If you will forgive me, as we say, a point of personal privilege here, when I first came to the Senate, I say to the Presiding Officer, I came under circumstances that were not the most ideal. I was not anxious to come. There had been an accident involving my family, and I lost my wife and daughter.

Almost everybody, when I came, embraced me, Democrat and Republican, and they were very generous with their time and their concern. But I remember four people, only one of whom I will name today: CLAIBORNE PELL. CLAIBORNE PELL came to me, and in his inimitable way. He did not do what Hubert Humphrey did. Hubert Humphrey literally came over to my office and sat on my couch and cried with me, I mean literally cried with me. CLAIBORNE PELL did not do that.

I give you my word that there was not a week that went by without him at least twice a week personally coming to me and inquiring of me how I was doing, inviting me to his home, inviting me to stay with him in his home, offering me a room in his lovely home in Georgetown because he knew I commuted and my boys were still in the hospital. And that did not stop when my boys became healthy. That has continued for 24 years. And his wife, Nuala, is equally as wonderful.

In addition to that, CLAIBORNE PELL did something few were able to do for me at the time, and again continuing on this point of personal privilege. He invited me to dinner parties, private parties, private dinners at his home, knowing that it was important for me, in retrospect, just to get out, just to be somewhere with someone. He never did it in a way that made me feel beholden. He never did it in a way as if he were doing me a favor. He never did it in a way other than the way he does everything: in a purely genuine, straightforward, embracing way.

Mr. President, that has characterized everything about CLAIBORNE PELL.

Let me conclude by saying that everything about CLAIBORNE PELL's public life has in fact emulated his private life. There are not many people who can say there is simply no distinction between their private conduct and their public conduct. CLAIBORNE PELL would not say that, but he can say that, and I can say that for him.

The last point I wish to make, and I will elaborate on this later when we finish this treaty or at another time before we leave, is this man is a man who is, to use a trite-sounding phrase, a quiet visionary. This is a fellow who wrote about the transportation system in the Northeast and predicted what would be needed and used a word I

learned as an undergraduate that no one had ever heard of—''megalopolis''—and he talked about Richmond to Boston and what would have to be done to accommodate the needs of this area of the country. He is the guy who came up with the notion of ACDA. He has been the single most consistent, persistent spearheader of the notion of bringing about the diminution of the number of nuclear weapons that exist in this world. He is the man who has been devoted to the notions and concepts embodied in the United Nations. He is a man who has been the leader in education and learning, a man who comes from considerable standing in terms of his own personal wealth and education but has bent down to make sure that people of competence, regardless of their economic status, would be able to achieve the same intellectual competence, capability, and background as he has achieved.

This is a wonderful man, I say to my friends. You all know it. But not many have passed this way who have his personal characteristics and capabilities, and I doubt whether very many will come this way again. I will truly miss his presence in the Senate.

I yield the floor and thank my colleagues.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I appreciate the remarks of the distinguished Senator from Delaware. He was unable to come to a meeting of the Foreign Relations Committee this morning at which we spent 1½ hours paying tribute to this wonderful man, and I agree with everything that Senator BIDEN has said about Senator PELL.

At the meeting this morning, a resolution of commendation for Senator PELL was adopted by standing ovation, and I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF COMMENDATION FOR SERVICES RENDERED BY THE HON. CLAIBORNE DEB. PELL

Whereas Senator CLAIBORNE DEB. PELL has been a member of the Committee on Foreign Relations since January 8, 1965; served as Ranking Minority Member from January 5, 1981 until January 6, 1987; served as Chairman from January 6, 1987 until January 3, 1995; and served again as Ranking Minority Member from January 4, 1995 until the present;

Whereas by serving as Chairman of the Foreign Relations Committee, Senator Pell became the second Rhode Islander, following The Honorable Theodore F. Green, to serve the State of Rhode Island as Chairman of this distinguished Committee;

Whereas as a Member and Chairman of the Committee Senator Pell has always been courteous, extending to all Members true respect for their views, and leaving an indelible mark on the Committee as a true gentleman of diplomacy;

Whereas in the discharge of his duties as chairman, Senator Pell has at every opportunity encouraged the development and furtherance of a bipartisan foreign policy;

Whereas Senator Pell, having served on the International Secretariat of the San Francisco Conference which drew up the Charter of the United Nations, has always worked to find international solutions to global problems in such areas as the environment, the oceans, climate control, human rights, the plight of refugees, and the rights of oppressed minorities throughout the world;

Whereas Senator Pell has steadfastly argued for greater contact and dialogue between all nations so as to reduce tensions, resolve differences, and promote the development of democracy, advocating negotiations and diplomacy as an alternative to armed conflict and military action;

Whereas Senator Pell has been instrumental in the initiation of arms control accords such as the Environmental Modification Treaty and the Seabed Arms Control Treaty, in the successful Senate consideration of numerous arms control treaties with such goals as the limitation, reduction and elimination of various classes of nuclear weapons, in the passage of legislation to restrain the proliferation of weapons of mass destruction, and in the inception, fostering and strengthening of the Arms Control and Disarmament Agency;

Whereas Senator Pell, through his energy and vision, has contributed immeasurably to the development of United States leadership in world affairs and the establishment of better relations among nations;

Whereas Senator Pell has announced his intention to retire from the Senate in January 1997; and

Whereas Senator Pell's leadership and wisdom will be sorely missed by his colleagues on the Committee and his many friends in the Senate: Now, therefore, be it

Resolved, That the Committee on Foreign Relations expresses its warm and deep affection for Senator Claiborne Pell, its profound appreciation for his devotion to duty and its sincere gratitude for the outstanding service which he has rendered to the Committee, the Senate, the United States of America, and to the entire world through his great ability, initiative, and statesmanship.

EXECUTIVE SESSION

INTERNATIONAL NATURAL RUBBER AGREEMENT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 23, which the clerk will report.

The legislative clerk read as follows:

Treaty Document 104–27, the International Natural Rubber Agreement of 1995.

Resolved (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995, subject to the following declaration:

It is the sense of the Senate that ''no reservations'' provisions as contained in Article 68 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

The PRESIDING OFFICER. Under the previous order, the pending business is the resolution of ratification. The previous order provides that the proposed declaration to the resolution is agreed to. Debate on the resolution is limited to 1 hour, of which 30 minutes is under the control of Senator PELL and Senator HELMS, 30 minutes under the control of Senator BROWN.

Who yields time?

Mr. HELMS. Would the Senator like to go first?

Mr. PELL. The Senator should.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, please advise me when I have used 10 minutes.

Mr. President, one of the most important responsibilities of the Senate Committee on Foreign Relations, and specified as such under the Senate rules, is to consider measures that ''foster commercial intercourse with foreign nations and safeguard American business interests abroad.''

Throughout the 104th Congress, I have placed a high priority on measures that promote American commercial interests in the United States and overseas. During this Congress the Foreign Relations Committee has reported six bilateral tax treaties providing for reduced withholding tax liabilities and protection against the double taxation of American goods and services.

During this Congress, the Foreign Relations Committee also reported nine bilateral investment treaties, or BIT's, as they are known around the world. BIT's between the United States and other countries can have an enormous impact in opening doors for American business in less developed markets. To date, the Senate has overwhelmingly approved all of the bilateral tax and investment treaties reported from our committee during the 104th Congress.

Today, the Senate is considering yet another treaty that expands opportunities for U.S. business and protects American jobs. This treaty, the International Natural Rubber Agreement (INRA) is designed to stabilize product and prices of natural rubber. This agreement has been in effect for 16 years and has proved a useful tool for maintaining a relatively stable supply of natural rubber at a fairly consistent price. The pending treaty would extend the agreement for an additional 4 years.

This commodity agreement essentially reauthorizes a buffer stock that stabilizes the price of natural rubber. The buffer stock is designed to buy and sell rubber in order to keep the price within 15 percent of a reference price established annually based on the market. The stock is financed by direct cash contributions from its members, who are both producers and consumers of natural rubber. Absent the development of a mature futures market for natural rubber, the agreement ensures predictable supplies of natural rubber priced at annual market rates.

Virtually all Americans, whether aware of it or not, depend on rubber products every day of the week. Any American who drives a car, or rides a

bus, or takes a taxi to work relies on rubber products. Many Americans may not be aware that we are completely dependent upon foreign countries for our supply of natural rubber. In fact, synthetic rubber products still require some natural rubber.

Here is the point. Seventy-five percent of all natural rubber is grown in only three countries—Malaysia, Thailand, and Indonesia. About 80 percent of natural rubber is grown by small farmers, and it requires seven years for new rubber trees to reach full production level. Thus, a drastic reduction in rubber prices could force small farmers to convert their crops to more profitable commodities such as palm oil. Since natural rubber takes seven years to mature, valuable time could be lost before the market was once again provided with a reliable supply.

In terms of jobs, the president of the Rubber Manufacturing Association testified before the Senate Foreign Relations Committee that the livelihood of more than 100,000 employees, and the thousands of suppliers to the rubber industry and its customers, depends on available supplies of natural rubber and the continued production of finished products. By keeping the cost of tires—and other rubber products that we all depend upon—relatively stable, U.S. consumers benefit directly from the agreement.

Ensuring that small farmers will continue to grow rubber is therefore essential to ensuring an adequate supply level for the United States. One of the main reasons the United States signed the original agreement, it is known in short form as INRA—with broad bipartisan support—and its renewal in 1987, was to encourage producers to invest in planting new trees and to continue to harvest rubber to meet the projected increases in worldwide demands. Since the original INRA, production of natural rubber has doubled to keep pace with a similar rise in consumption of rubber products.

Senate ratification of this treaty is essential to ensuring market stability as the United States and other consuming countries transition to a system that relies on private sector institutions to manage market risk. In a letter to me, dated January 22, 1996, the State Department said it ''shared industry's and labor's concern that a precipitous end to the accord would be disruptive.'' As we know all too well in Washington, private institutions do not replace public institutions overnight—much as we might like to see it be otherwise. INRA III will bridge the period of transition and decrease the potential for disruption of the natural rubber supply during the four year period in which the treaty will be in force.

Membership in INRA has proved to be profitable to the U.S. Treasury. The original International Natural Rubber Agreement [INRA] was funded by the United States in 1980 with a contribution of $53 million. Since that time, the U.S. contribution has increased through profit and interest by $25 million and now stands at $78 million. Given this record it is evident that the U.S. Treasury will benefit directly from its membership in the International Natural Rubber Organization [INRO] in more ways than ensuring an adequate supply of natural rubber. When the U.S. contribution to the INRO is returned to the Treasury in four years, we can expect the U.S. share of INRO to have grown beyond its current level of $78 million.

Commitment to INRA III will be funded without additional appropriations from the United States. According to the Office of Management and Budget, in a letter to me dated August 8, 1996, ''because rolling over U.S. government resources currently in the INRO Buffer Stock Account will not require any legislation, ratification of INRA 1995 will not be subject to pay-as-you-go budgetary procedures, and will simply change the timing of the return of these assets to the U.S. Treasury.''

According to the Office of Management and Budget, the proposed roll-over of resources in the Buffer Stock Account from INRA 1987 to INRA 1995 is based upon the provisions of INRA 1987, and the 1988 precedent of the Senate rolling over funds from INRA 1979 to INRA 1987. Some annual appropriations are necessary; specifically, the U.S. share of the administrative costs of INRO are estimated to be $300,000 per year.

Finally, Mr. President, the administration, U.S. industry, and this Senator, agree that it is time to move toward a system which relies on private sector institutions to manage market risk. I agree with Senator BROWN on that point. But, consequently, in correspondence with the Secretary of State and during a hearing of the Senate Foreign Relations Committee on June 20, 1996, I stated that industry must begin such a transition. So, this will be the last International Natural Rubber Agreement. However, industry needs sufficient time to create a mechanism and prepare for a smooth transition to such a system. Given the unique production challenges of natural rubber, ratification of INRA III will provide an adequate transition period.

Mr. President, I ask unanimous consent that correspondence to me emphasizing the importance of this agreement be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 8, 1996.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Administration strongly supports U.S. participation in the International Natural Rubber Agreement (''INRA'') 1995 and has asked the Senate to give this treaty prompt consideration and its advice and consent to ratification. This letter is in response to a request from the staff of your committee for our views on the budgetary implications of U.S. participation. In summary, because rolling over U.S. government resources currently in the International Natural Rubber Organization (INRO) Buffer Stock Account will not require any legislation, ratification of INRA 1995 will not be subject to pay-as-you-go budgetary procedures, and will simply change the timing of the return of these assets to the U.S. Treasury.

The Administration proposes to roll over the current U.S. share in the Buffer Stock Account, which totals approximately $78.5 million, from INRA 1987 to INRA 1995 without a new appropriation. (This includes $7.5 million in the Buffer Stock Account and $71 million held in the Surplus Funds Account, which is part of the Buffer Stock Account managed by Rothschild Asset Management Ltd., Singapore.) We believe this amount will be sufficient to cover all likely U.S. government obligations during the life of INRA 1995.

The proposed roll-over of resources in the Buffer Stock Account from INRA 1987 to INRA 1995 is based upon the provisions of INRA 1987, and the 1988 precedent of the Senate rolling over funds from INRA 1979 to INRA 1987. Consistent with the 1988 precedent, such a roll-over does not require any authorizing or appropriation legislation, only treaty ratification and U.S. government consent. Thus, a roll-over of resources in the Buffer Stock Account is not subject to pay-as-you-go procedures established by the Balanced Budget and Emergency Deficit Control Act of 1985.

The U.S. share of the administrative costs of running the International Natural Rubber Organization are estimated to be approximately $300,000 per year. These costs will require annual appropriations, and the State Department's proposed budget for FY 1997 includes money for this purpose in the Contributions to International Organizations account.

The Administration expects that at the end of the four-year duration of INRA 1995, the objectives of INRA will be achievable through the operation of free market mechanisms. Therefore, INRA 1995 is intended to be the last such agreement in which the United States participates, and the U.S. share of the Buffer Stock Account (including buffer stock trading profits and interest) will return to the U.S. Treasury as miscellaneous offsetting receipts at that point. The transfer of U.S. government assets from INRA 1987 to INRA 1995 will not affect the U.S. claim on those assets, but will only change the timing of their return to the Treasury.

Again, the Administration strongly supports U.S. participation in INRA 1995 and awaits consideration of the treaty by the full Senate. We appreciate the support that you have given to this proposal and your expeditious action on it.

Please let me know if you would like any additional information.

Sincerely,

JACOB J. LEW,
Acting Director.

RUBBER MANUFACTURERS ASSOCIATION,
Washington, DC, September 13, 1996.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: Withn the next week or so, the third iteration of the International Natural Rubber Agreement will be brought to the floor of the Senate for ratification.

Supported by both industry and labor, INRA III is, in essence, a routine extension of an Agreement (INRA I) which has been in

effect since 1979. INRA II, essentially a continuation of the first, was submitted to the Senate by the Reagan Administration and approved unanimously by a vote of 97–0. To the extent INRA III differs from its predecessors, it does so in a positive way, by making its economic provisions even more market-oriented, and more automatic than discretionary.

INRA, unlike other commodity agreements, has worked successfully for more than 16 years.

On behalf of the rubber manufacturing industry, I ask for your support of this important Agreement.

Sincerely,

THOMAS E. COLE,
President.

UNITED STEELWORKERS OF AMERICA,
RUBBER/PLASTICS INDUSTRY CONFERENCE,
Akron, OH, September 11, 1996.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: On behalf of the 97,000 members of the Rubber/Plastics Industry Conference of the United Steelworkers of America, I urge you to support ratification of the International Natural Rubber Agreement (INRA III) when it comes to the Senate floor in the near future.

For the last 16 years, INRA has successfully met its primary objective of assuring an adequate supply of natural rubber for the world. In fact, since INRA began, global natural rubber production has increased 50 percent. This is especially important for the U.S. as the world's largest consumer of natural rubber.

Assured supplies of natural rubber are particularly critical to the tire and rubber products industry and our union members. To put it simply, you cannot manufacture such products for our varied civilian and military transportation needs—or provide jobs in this vital industry—without natural rubber. Contrary to a common misconception, there is no substitute for this critical industrial input. If future supplies of natural rubber are inadequate, there can be no question that job disruptions and losses among our members would result.

Also, consumers would be severely impacted. Every one cent increase in the price of natural rubber costs the U.S. tire industry $22 million on an annualized basis. Thus, consumers could face tremendous price increases for tires and other rubber products, and could very well face shortages.

In the final analysis, the United States is one of the only countries among the 28 nations covered by the treaty that has not yet ratified it. We must do so by the end of this year or the agreement that has served the world so well for almost two decades will die. The Senate has previously recognized the importance of INRA as reflected in the 97–0 vote in favor of ratification when INRA was last renewed in 1988. I urge your support on this matter of critical importance to our union, its members and families—and the consumers who purchase the products we produce.

Sincerely yours,

JOHN SELLERS,
Executive Vice President.

BRIDGESTONE/FIRESTONE, INC.,
Wilson, NC, September 16, 1996.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I am writing on behalf of Bridgestone/Firestone, Inc. and the 2,200 employees of the Wilson Plant to reiterate our strong support for the ratification of the Third International Natural Rubber Agreement (INRA III), which is scheduled for vote by the Senate this month. This will continue a treaty that has effectively served the needs of the U.S. tire industry.

Natural rubber is a strategic commodity for the production of tires as well as for a wide variety of other products. For the past 25 years, the International Natural Rubber Organization (INRO), which operated under the authority of the INRA Charter, has helped ensure a stable price and long-term supply of natural rubber, benefiting both producers and buyers of natural rubber. Without this stabilizing influence, we believe that the international rubber market could easily be disrupted, jeopardizing the availability of natural rubber and long-term damage to the industry.

INRA is different from many other commodity agreements. First, it uses a ''buffer stock'' mechanism (rather than export controls or market quotas) to dampen the swings in market prices that can hurt both producers and consumers. Second, the price intervention levels are directly and automatically linked to free market trends. Third, and perhaps the most important, it has worked.

During the last several years, much time and effort has been spent to achieve the consensus among producing and consuming countries embodied by this new agreement. We believe that a reasonable compromise among the parties has been reached in the adopted INRA III document, and that its ratification will serve the interests of the U.S. tire and rubber industry.

As a major U.S. tire manufacturer and an employer of 2,500 in North Carolina and nearly 35,000 nationwide, we urge you to vote for the ratification of INRA III by the U.S. Senate. We are eager to provide whatever assistance or information may be required to assist you in attaining this goal.

Sincerely,

JOHN MCQUADE,
Plant Manager—Wilson.

KELLY SPRINGFIELD TIRE CO.,
Fayetteville, NC, January 26, 1996.

Hon. MICHAEL KANTOR, *Ambassador,*
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: I have been working very closely with Senator Jesse Helms on the International Natural Rubber Agreement (INRA) since before Thanksgiving. Success in getting the Agreement renewed is crucial to the future health of North Carolina's large tire industry and our plant, in particular, which is the largest in the world.

It is my understanding that the Administration will sign INRA III shortly and send it to the United States Senate for its advice and consent. This would not have occurred without your personal support and leadership.

Thank you, Ambassador Kantor, for all your efforts in moving INRA III forward.

Sincerely,

J.R. KONNEKER.

Mr. HELMS. In order for the United States to retain its membership in INRO, the United States must ratify INRA 1995 prior to the end of 1996. I ask that the Senate move expediently to a vote on this treaty.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio. Who yields time? The Senator from Rhode Island?

Mr. PELL. Mr. President, I yield 8 minutes to the Senator from Ohio.

Mr. GLENN. I thank my distinguished colleague from Rhode Island.

Mr. President, I rise today also to speak on behalf of Senate ratification of the third International Rubber Agreement, INRA III.

As my colleagues are well aware, INRA III is a renewal of an existing commodity agreement. This is not new. It has been in existence between more than two dozen nations who are either producers or consumers of natural rubber. The first INRA was ratified in 1979. It was renewed in 1987. INRA III was negotiated in 1994–95 with the very active participation of the United States. According to the Department of State.

> . . . the objectives pursued by the United States resulted in a well-structured accord which offers a fair balance of benefits and responsibilities for both consumers and producers of natural rubber.

In the negotiations, the United States sought and achieved a number of improvements in the new agreement. After a very lengthy interagency review, INRA III was formally signed by the United States and sent to the Senate for our ratification.

United States participation in INRA has been supported by Republican and Democratic administrations, including those of Presidents Carter, Reagan, Bush, and Clinton. So it has enjoyed broad bipartisan support in the Senate when INRA I and INRA II were considered.

This year, the Senate Foreign Relations Committee recommended ratification of INRA III by a near unanimous and bipartisan majority. The agreement is strongly supported by the Rubber Manufacturers Association and by the Rubber/Plastic Industry Conference of the United Steelworkers.

Mr. President, more than two-thirds of the world's production of natural rubber comes from just three countries: Thailand, Malaysia, and Indonesia. The purpose of INRA is very simple. It is to ensure an adequate supply of natural rubber at fair and stable prices without distorting long-term market trends and to foster expanded natural rubber supplies at reasonable prices.

As Secretary of State Christopher points out in his letter of submittal accompanying the agreement:

> Prior to conclusion of INRA 1979, rubber prices had historically been unstable with strong rises.

This was particularly noticeable, Mr. President, in 1951, in 1955, in 1960 and in 1973, 1974, followed by sharp and sudden declines. ''This behavior not only destabilized producers' incomes, but also contributed to inflation in industrial countries.'' That was a statement by Secretary of State Christopher.

So those ups and downs in 1951, 1955, 1960, 1973 and 1974 are what led to INRA being passed in 1979.

The Secretary continued:

> In addition, it discouraged needed long-term investments in natural rubber production. This was and is of particular concern to the United States which, as the world's largest consumer of natural rubber, has a substantial interest in assuring adequate future supplies of this commodity.

In other words, what that says in simpler terms is, it's good for the consumers of this country that we have this kind of supply arrangement that does not permit price fluctuations.

In contrast with other commodity arrangements which have sought to control prices, INRA uses a buffer-stock mechanism to avoid severe price fluctuations which can injure both producing and consuming countries. Absent alternative institutions to manage market risk, the agreement represents the best way of assuring predictable supplies of fairly priced natural rubber. INRA III will provide a transition period needed to allow industry time to prepare for a free market in natural rubber and to allow for the further development of these alternative institutions.

That is very important. I already pointed out why to my colleague from North Carolina, because the fact is this will be the last INRA. After this, we go to a free market, and this time period for this INRA that we are going to approve today, I trust, will provide for arranging for development of these alternative institutions.

INRA has effectively discouraged cartel-like behavior on the part of the producing countries by supporting prices sufficient to ensure adequate production, as well as a fair return to the producer, while giving consuming countries an equal voice in how this unique commodity agreement is implemented.

The best part about it is, Mr. President, it has worked, it has been successful. Over the life of INRA I and II, production has increased by 50 percent to meet rising demand, yet prices have remained relatively stable. That is a great testament to the success of INRA I and II since they have been in effect. I repeat that. Over the life of INRA I and II, production has increased 50 percent to meet rising demand, yet prices have remained relatively stable.

Natural rubber is a component of every tire and many rubber products. There is no substitute. The amount of natural rubber used varies depending on the type of tire or rubber product. All aircraft, as an example, however, including military planes, have tires which contain a high percentage of natural rubber.

The economic impact on our whole Nation of ups and downs in the price of rubber is very real. A 1-cent-per-pound rise in natural rubber prices costs the United States an additional $22 million. Hence, the importance of price and supply stability is readily apparent. Short supplies or unreasonably high prices would be costly to American consumers and could be devastating to the tire and rubber industry in the United States.

I will say, we have a very substantial part of this industry represented in my home State of Ohio.

U.S. participation in INRA III should not require any additional money to cover our share of the buffer stock. It is my understanding the administration and the Senate are agreed that we will roll over moneys already invested in the buffer stock. This arrangement seems the simplest and most sensible means of addressing the financing question and is the same procedure which was used successfully for the transition from INRA I to INRA II.

In closing, Mr. President, as the world's largest consumer of natural rubber, U.S. participation in INRA III is critical to the continued viability of the arrangement. I urge my colleagues to approve INRA III in the broad, bipartisan fashion which has characterized consideration of this issue to date.

Mr. President, I yield back the remainder of my time to Senator PELL.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the Senator.

Mr. President, this is the second extension of a treaty that has already been approved by this body on two separate occasions: in 1980 on a vote of 90 to 1, and in 1988 on a vote of 97 to 0.

The purpose of this treaty is to stabilize the supply and price levels of natural rubber in the world market. Through a buffer-stock mechanism, the treaty assures that natural rubber will be available to the United States in sufficient supply and at reasonable prices.

Mr. President, securing a reliable supply of natural rubber at fair prices is essential for our tire and rubber industry. As a letter from treaty supporters put it, ''you cannot manufacture such products for our varied civilian and military transportation needs—or provide jobs in this vital industry—without natural rubber. Contrary to a common misconception, there is no substitute for this critical industrial input. If future supplies of natural rubber are inadequate, there can be no question that job disruptions and losses would result.''

This treaty is extremely important because 75 percent of the world's natural rubber supply is produced in just three countries—Thailand, Indonesia and Malaysia—and the United States is, by far, the world's largest importer of natural rubber. Since natural rubber is a commodity whose production is strictly limited by climate, without this treaty, the United States could be subject to great market volatility.

On the one hand, one possible problem could be the formation of cartels that could push the price of rubber way up, almost beyond reach; on the other hand, at the other extreme is a danger that rubber production could become unprofitable, and there would be a disruption in supply. This treaty charts the way between these two extremes.

The INRA addresses these issues not by eliminating market pricing and production, but by restraining some of the volatility. INRA's buffer-stock mechanism goes into action only when prices move beyond 15 percent above or below the reference price. That reference price is adjusted annually to reflect long-term market trends.

Under the Reagan administration, the U.S. Trade Representative distinguished the rubber agreement from other commodity agreements by stating the following:

> Experience shows that most arrangements with economic measures have not worked and often result in market disruptions by attempting to support prices at unrealistic levels.
>
> In contrast, however, the rubber agreement has been successful in moderating price fluctuations through a market-oriented mechanism that operates consistent with market trends.

My colleague from Ohio put out a very important figure in terms of the impact of rapid price fluctuations. Every 1-cent increase in the price of natural rubber is estimated to cost the U.S. tire and rubber industry $22 million on an annualized basis.

This agreement is strongly supported not only by U.S. tire and rubber manufacturers, but also by organized labor—the people who work in the tire and rubber manufacturing industry. It has been supported by four successive administrations: Presidents Carter, Reagan, Bush, and Clinton. We have the benefit of 16 years of experience with this treaty to know that it can and does work.

Mr. President, it would be a great mistake if we did not take advantage of this opportunity to give our advice and consent to ratification of the International Natural Rubber Agreement. I urge my colleagues to do so. I yield the floor.

Mr. HOLLINGS. Mr. President, I rise in support of the International Natural Rubber Agreement [INRA] and urge the Senate to ratify this agreement. This is the third INRA. The first two agreements were ratified by this body by overwhelming margins in 1980 and 1988. The third agreement merits that same level of support.

Since entry into force of the first agreement, INRA has effectively met its basic purpose: to encourage cultivation of natural rubber by reducing market volatility and thus ensuring adequate supply. Unless INRA is ratified, we will return to the unstable price situation that characterized the period before the first INRA went into effect. Price volatility discourages investment in natural rubber production, which in turn affects supply. Rubber trees can only be grown in a few areas of the world and production does not begin until at least 5 years after the trees are planted. Therefore, a reduction in planting has a long, adverse effect on supply.

As the world's largest consumer of natural rubber, the United States has a particularly strong economic interest in assuring stability and adequate supply for the future. Natural rubber is an essential product for which there is no

substitute. Seventy-five percent of the world's rubber production is used in the manufacture of tires. Every tire must contain some amount of natural rubber in order to meet required performance and quality specifications. If U.S. rubber manufacturing plants cannot obtain adequate supplies of natural rubber, jobs will be disrupted and consumers will face increased prices. In South Carolina alone, more than 10,000 workers are employed in the rubber manufacturing industry.

The administration has proposed funding INRA by rolling over the existing U.S. share of the buffer stock. I endorse this proposal. A rollover is specifically permitted under the terms of INRA. This was the method used when the second INRA was ratified. Based on historic experience, these funds should be adequate to meet our obligations under the third INRA. And these funds will be returned to the taxpayers when the agreement terminates.

I urge my colleagues to support the resolution of ratification.

Mr. HEFLIN. Mr. President, I rise in support of the resolution of ratification of the third International Natural Rubber Agreement [INRA]. The purpose of INRA is to assure adequate supplies of natural rubber by stabilizing natural rubber prices without distorting long-term market trends. It accomplishes this through the operation of a buffer stock which buys and sells natural rubber whenever the price falls outside of a market-based price band. The INRA benefits both producers and consumers of natural rubber.

Natural rubber is a critical material used in virtually every tire and many rubber products made in the United States. There is no material that can serve as a complete substitute for natural rubber. The United States is the largest consumer of natural rubber in the world, and adequate supplies are critical to major U.S. manufacturers such as the automotive industry. For 16 years, the United States has benefited substantially from the market stability which resulted from the operation of the two previous INRA agreements. Failure to ratify the third INRA is likely to result in price volatility and supply shortages. This in turn will have serious adverse consequences for workers and consumers across the country and in my own State.

Alabama is a major producer of tires and other rubber products. Companies manufacturing these products have invested an estimated $1.5 billion in their Alabama facilities. They employ nearly 6,000 workers. The price volatility and supply shortages that would follow if INRA is not ratified would have an immediate impact on these workers. And the price effect of short supplies would soon be felt by consumers.

INRA has the support of the Rubber/Plastic Industry Conference of the United Steel Workers of America as well as the tire and rubber products industry. Other major consumer and producer nations have already approved INRA. Our action today will allow this beneficial agreement to go into effect.

Finally, the administration is not requesting an appropriation of funds to carry out this agreement. Rather it proposes rolling over the U.S. share of the buffer stock under the second agreement to carry out our obligations under the third agreement. This is precisely the course of action taken when the second INRA agreement was approved. When the agreement ends, these funds will return to the Treasury.

Mr. President, I urge the Senate to support INRA.

Mr. SHELBY. Mr. President, today the Senate is considering ratification of the International Natural Rubber Agreement. This agreement will impact large sectors of our economy, primarily those for which natural rubber is a vital interest.

The first International Natural Rubber Agreement was ratified in 1979 by all major rubber producing and consuming countries. The second agreement was ratified in 1988 and expired in December 1995. The purpose of renewing this agreement is to stabilize the price of natural rubber and to guarantee adequate supplies. The agreement accomplishes this through the International Natural Rubber Organization which maintains a natural rubber buffer stock from which the organization may purchase or sell natural rubber to help control the volatile price.

Agricultural growth for natural rubber is limited to a small area around the equator, and it takes 5 to 7 years to cultivate this product. Seventy-five percent of the world's natural rubber is grown in just three countries—Thailand, Indonesia, and Malaysia. I generally do not favor Government intervention in the marketplace to stabilize prices, but failure to ratify this agreement could lead to a few small countries colluding to fix natural rubber prices. Even small fluctuations in the price of natural rubber have a significant impact on American industry; a one-cent increase in the natural rubber price costs industry $22 million. Sharp fluctuations in the natural rubber price will, in turn, impact American consumers heavily.

Moreover, this program is not draining the taxpayers' money; the original U.S. contribution was $53 million and our share of the organization has grown to $78 million. When the INRA terminates, these funds will be returned to the Treasury.

The Government should play a minimal role in regulating or controlling the price of any commodity. There are rare circumstances where, for the sake of American consumers, it is permissible for the Government to ensure the stability of certain commodity prices, and this is one of those circumstances. I urge my colleagues to support this agreement.

Mr. ROBB. Mr. President, I rise in support of ratification of the International Natural Rubber Agreement [INRA III].

For the last 16 years, INRA has provided the consuming nations of the world with a reliable supply of natural rubber at stable prices. The United States, as the world's largest consumer of natural rubber, has much to gain from the stabilization provided by the agreement. Many believe that the tires and other rubber products U.S. consumers use daily do not need natural rubber. But that is simply not the case.

Natural rubber is, in fact, a critical material in the manufacture of most rubber products. Aircraft tires used by the U.S. military have a particularly high percentage of natural rubber and it just so happens the world's largest aircraft tire plant is located in Danville, VA. At least a third of the plant's production provides aircraft tires to the U.S. military, and this production depends on the availability of natural rubber.

U.S. consumers and workers also have much to gain from renewal of INRA. Every one-cent rise in the price of natural rubber costs the U.S. tire and rubber industry $22 million on an annualized basis. Such cost increases will inevitably lead to higher prices for consumers and possible shortages and potential job losses.

On behalf of the nearly 4,000 workers in Virginia that are employed in the tire and rubber industry and for the broader economic and defense preparedness interests of the United States, I urge the favorable consideration of the International Natural Rubber Agreement.

In closing, I ask unanimous consent that a letter I sent to National Security Adviser Anthony Lake be printed in the RECORD, as well as his return reply.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 12, 1996.

Hon. W. ANTHONY LAKE,
Assistant to the President for National Security Affairs, The White House, Washington, DC.

DEAR TONY: I wanted to convey my strong support for the International Natural Rubber Agreement [INRA], and urge that the National Security Council expedite its review of the accord and submit it to the Senate for its advice and consent.

The INRA serves an important purpose in ensuring an adequate supply of rubber to U.S. corporations using this product in bulk in their manufacturing operations. The Chairman of Goodyear Tire & Rubber Company, Mr. Stan Gault, visited my office yesterday to emphasize that very point and explain how important extension of the rubber pact is to his corporation. Should the pact not be renewed, our industrial base would face serious production and supply shortages, and the American consumer would ultimately be forced to pay higher prices.

The Senate supported renewal of INRA in 1988 by a wide margin, 97–0, and I believe there is a consensus to support extension of the pact once again. I hope the White House can submit the accord to the Senate in short order so that we can move ahead.

Sincerely,

CHARLES S. ROBB.

THE WHITE HOUSE,
Washington, DC, July 3, 1996.

Hon. CHARLES S. ROBB,
U.S. Senate,
Washington, DC.

DEAR CHUCK: I am writing in response to your letter urging support for renewal of the International Natural Rubber Agreement (INRA). I fully agree with you on the importance of providing adequate natural rubber supplies, at reasonable prices, for U.S. manufacturers to ensure U.S. consumers pay reasonable prices for rubber-related products.

I am pleased to report that on June 19, President Clinton transmitted the INRA to the Senate for advice and consent. The new agreement incorporates improvements sought by the United States to help ensure that the INRA fully reflects market trends and is operated in an effective and financially sound manner. We believe that renewal of the agreement will provide the transition period necessary for the industry to prepare for a free, open market in natural rubber.

We appreciate your interest in this important matter.

Sincerely,

ANTHONY LAKE,
Assistant to the President For National Security Affairs.

The PRESIDING OFFICER (Mrs. FRAHM). Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I yield myself 20 minutes.

Madam President, the advocates of this treaty have come to the floor with the suggestion that this measure has been considered and approved by large margins in the past. That assertion is correct. It has been. They have come with the assertion and the implication that the American companies that buy rubber products support this agreement. Madam President, I believe that assertion is largely correct as well.

They have come to the floor with the assertion that this measure has broad support of rubber producers. And I believe that assertion is correct as well. They have come to the floor and suggested that, implied that the labor organizations that work for the big rubber companies may support this agreement. Madam President, I believe that assertion as well is correct.

This country has had experience with cartels. It is not new. It is as old as commerce is itself. It is perhaps a most natural inclination that could come about. One who reads Warren Buffett's books, in terms of investing, is quickly impressed with his understanding of the market. And one of the things he looks for is markets where there is not competition or there is reduced competition, where it is possible for the industry to have a greater margin because of the limited competition—or the franchise, as he refers to it.

The simple fact is, if you have a very competitive commodity market, margins, that is, profits, tend to be less than they are if it is a somewhat protected market. It is natural and understandable that businesses and entrepreneurs would seek to limit competition, would seek to minimize risk. That is human nature. And it is a way to maximize profits.

Madam President, I think our responsibilities go further than simply responding to big labor or to big business or to large producers of rubber. Our responsibilities go to the consumers of this country and the citizens of this country as well. We have had experience in recent years with cartels. When we have a limited number of producers, and they organize and they work together to control prices, we have seen what happened.

The lessons of the 1970's in dealing with the oil cartel was a dramatic reminder to the Americans of what happens when competition is reduced. The oil cartel was an association of oil-producing companies that conspired together to dramatically increase oil prices; and they did it. It had a dramatic and shocking impact on the consumers of America, and, as a matter of fact, the economy of the entire world.

We have a number of other examples where countries have talked about developing cartels. Thankfully, they have been resisted. As a matter of fact, the distinguished chairman of the Foreign Relations Committee is one who has been a key fighter in the effort to eliminate many of these cartels. I think Members and American citizens will be surprised to learn that many of these cartels' efforts to control the market had the blessing of the Federal Government.

The coffee association. Ironically, this country produces very little coffee, but we have been a member of what was an attempt to develop a coffee cartel. One can understand why the producing country would want a coffee agreement that would limit competition of their product, but why in the world would the United States want to be a member of it? We import coffee.

The distinguished chairman of the committee played a key role in helping us eliminate the coffee cartel. Imagine taking American taxpayers' money to participate in a cartel that had the impact of boosting the price Americans have to pay for coffee.

When that agreement was proposed by administrations—and it had been proposed by administrations in the past—it was not the American taxpayer they were looking out for. They were responding to the special interest groups that had found a way to limit competition. I do not condemn people for looking out for their own economic interest, but I do think it is wrong for American legislators to think that their responsibility goes only to respond to those special interests.

This Congress in the last few years has played a key role in eliminating some of these cartels or efforts to limit competition. International organizations designed to help control, manipulate the price of coffee or jute or other products that we import have fallen by the wayside, and great progress has been made when we focus on them.

Now what comes to the floor is an agreement on rubber. Madam President, some facts are painfully clear. One, the United States does not produce rubber. We are an importer. We are a consumer of rubber. Is rubber important? It has been alleged so. The answer by the advocates of this treaty is yes. Madam President, I agree completely. Of course natural rubber is important, important in the world economy and important in our economy.

They have alleged that the rubber agreement will help producing countries. Madam President, I agree. It will help the producing countries because it will help them get a better price for their product.

They have alleged that the rubber agreement will help the tire companies and the rubber processors in this country. And, yes, I agree, it will help them.

It will bail out rubber producers by protecting them against lower prices, because, you see, the way the agreement is set up is, we put up the money with other countries, and when prices get lower or are attempted to be dropped, the association will step in and buy rubber at a low price. That does help the producers. It will help the tire companies. They have a huge investment in inventory. That investment in inventory is at risk because it can drop. By stabilizing the price, keeping it from getting too low by buying up inventory when there is a big supply, it will help those tire companies from ever suffering a loss on that inventory or at least some of the dangerous suffered loss on that inventory.

It will also protect them against competition because when they are out there trying to maintain a high price, and the price of rubber falls, someone else can come in and produce the product and undersell them in the market. So I agree, it is in the interest of the big rubber companies to maintain a restriction on competition, as this agreement implies.

But, Madam President, it is also true that America is the biggest consumer. It is in our interest to have low prices, not high prices for rubber. How in the world do you justify taking taxpayers' money—in this case $78 million of money—to be used to guarantee that prices do not get too low?

Are we standing up for the American taxpayer when you do that? I do not think anyone can seriously suggest we are. Yes, I talked to some Members who tell me with great earnestness that if we do not have this agreement, if we do not guarantee the producers against the possibilities of low prices, that maybe nobody will produce rubber at all. Madam President, if they believe that—and I believe many of them who said that are sincere; I do not count the chairman of the committee in that group—but there are Members who do believe that the market system would not work without Government controls and without Government assistance and that indeed people might go out of business in producing rubber and we would not have any rubber at all if we did not have Government interference. And if they believe that, they will want to support this agreement.

But, Madam President, the history of economics is quite clear. When the economic system provides rewards and a good price, people want to produce it because they want to make money. And when it does not, they drop production and cut back. And that responsiveness is what makes the market system work. And the reality is, that

product after product after product that is produced in the American marketplace responds to market incentives, and that far from going out of business, this will make it more healthy if we eliminate the agreement.

Madam President, I hope as Members vote they will ask themselves some questions. Will producers not produce without Government subsidies? The advocates of the treaty will tell you yes. I think the facts are quite clear, in the industries across our land, production is not dependent on Government subsidies. It is a function of the marketplace and marketplace incentives. Will tire producers not process tires without Government subsidies?

The advocates of this agreement, some of them, will tell you yes, that there is a danger of people not producing tires in America—or, for that matter, around the world—to meet the market demand unless we have a Government program to subsidize them and stabilize them. Those who believe that will want to support this agreement.

Madam President, the facts belie that allegation. The fact is that a strong, healthy, vibrant economy thrives on competition and is stifled by Government controls and Government subsidy programs. Will buying up rubber supplies lower the price? Here is an interesting question. Will buying up the supplies of rubber, when there is a surplus on the market, increase price or lower price?

The advocates of this treaty have come to the floor and said this agreement will help give us lower prices. If you believe that buying a product in the marketplace will lower its price, then you will want to support this treaty. Madam President, anybody who believes that ought to take Economics 101 or simply use common sense. Buying the product props up the price. That is why the producing countries are interested in this agreement. They want higher prices. That is why they fought so hard for this.

This treaty is simple logic. This treaty is a simple question: If you want to be responsive to the big rubber companies who want to stabilize their product and avoid risk with their inventory, you will want to vote for it; if you want to please big labor who works for those companies and is concerned about the potential of outside competition in their marketplace, you will want to support the treaty; if you want to help out the producers of rubber, who are all overseas, you will want to support the treaty.

But, Madam President, if you are concerned about competition in our economy, you will be concerned about a treaty that reduces competition; if you are concerned about consumers in America, you will want to be concerned about a treaty that guarantees they will not have low prices, because that is the purpose of this measure. Madam President, if you are concerned about the taxpayers of this country, you will have some misgivings about taking $78 million of our taxpayers' money and giving it in subsidies or putting it out in subsidies for these big producers.

This is a vote that people should have no doubt about because the sides are very clear. Big labor, big business, lobbyists for importers, all favor the treaty; people who are concerned about the taxpayers of this country and about the consumers of this country will want to vote against the treaty.

I was concerned particularly about the lesson it sends and the message it sends with regard to our economy. If there is one hallmark of the American economy, it has been a concern about the concentration of power and a commitment to a competitive economy. Our very existence of the antitrust laws comes out of an experience when you had cartels and restrictions on competition. The Sherman Antitrust Act and the Clayton Act and other measures that have come forth in this area have focused on our efforts to ensure we continue to have price competition in products just such as rubber.

In that effort, I sent an inquiry to the Congressional Research Service, the American Law Division. Madam President, I ask unanimous consent to have their entire response to my letter, along with my letter, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 11, 1996.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: Your answers to the questions below concerning the application of United States antitrust law and practice to an organization's business practices would be greatly appreciated.

(1) Under United States antitrust law, is it permissible for 26 competing producers and purchasers of a particular commodity to form a single organization for the purpose of regulating their business interests or activities?

(a) Would the fact that three of the producers provide 92% of the commodity affect your answer to question 1?

(b) Would the fact that three of the purchasers buy 77% of the commodity affect your answer to either question 1 or 1a?

(2) Under United States antitrust law, can an organization of producers and purchasers be formed for any of the following expressed purposes:

(a) To achieve a balanced growth between the supply and the demand for a commodity in order to alleviate difficulties arising from shortages or surpluses of that commodity?

(b) To stabilize a commodity price in order to avoid excessive price fluctuations that might adversely affect the long-term interests of both producers and purchasers?

(c) To stabilize the earnings of the producers of a commodity and to increase their earnings based on expanding the commodity supply at fair and remunerative prices?

(d) To ensure an adequate supply of a commodity to meet purchasers' needs at a ''reasonable price'' (determined by the organization)?

(e) To take feasible steps to mitigate members' economic difficulties in case of a commodity surplus or shortage?

(f) To expand international trade in, and market access for, products derived from the commodity?

(g) To improve the overall competitiveness of a commodity by supporting research and development of commodity-related products?

(h) To facilitate the efficient development of a commodity by improving its processing and distribution?

(f) To promote international cooperation and consultations regarding commodity supply and demand and to coordinate commodity research?

(3) Under United States antitrust law, can an organization of producers and purchasers of a particular commodity set a reference price which establishes a permissible price range for that commodity?

(4) If members of an organization of producers and purchasers of a particular commodity were to contribute substantial funds to establish a large buffer stock of that commodity to enable the organization to intervene in the market to stabilize the supply of that commodity and to defend the organization's reference price, would that violate United States law?

(a) Specifically, would it be permissible under United States law for an organization of producers and purchasers of a particular commodity to establish a buffer stock?

(b) Specifically, would it be permissible under United States law for an organization of producers and purchasers of a particular commodity to use the buffer stock to intervene and regulate the market?

(5) Under United States law, can an organization of producers and purchasers of a particular commodity defend its reference price—support its minimum price—by buying any market surplus of that commodity that causes the commodity price to drop 15% below the organization's reference price?

(6) Under United States law, can an organization of producers and purchasers of a particular commodity sell some of its buffer stock to cover a commodity shortage?

(7) Under United States law, whenever the commodity price is 15% above the reference price, can an organization of producers and purchasers of a particular commodity sell some of its buffer stock to decrease the market price?

(a) If the answer to question 7 is no, please discuss fully what aspects of United States law are violated by the organization's behavior in question 7?

(8) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to decide what grades of that commodity are eligible to be included in its buffer stock?

(9) Under United States law, may an organization of producers and purchasers of a particular commodity penalize members for failing to meet their obligations to contribute to the buffer stock by suspending their voting privileges in that organization?

(10) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to conduct an annual financial audit of its activities?

(a) Would the behavior in question 10 tend to suggest anticompetitive practices? Please explain.

(11) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to require all its members to accept as binding its decisions regarding the market for that particular commodity?

(12) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to have its members formally agree not to limit or undermine in any way the organization's decisions concerning that commodity?

(13) Under United States law, can an organization of producers and purchasers of a particular commodity limit the potential liability of each of its members for the organization's activities to the amount each member contributes to the administration of that organization and to the creation of a buffer stock?

(14) Before supporting the development of a more efficient supply of a particular commodity, is it permissible under United States law for an organization of producers and purchasers of that particular commodity to consider the development's financial implications to all of its producers and purchasers?

(15) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to encourage and facilitate ''reasonable freight rates'' as determined by that organization for the purpose of providing a more efficient and regular supply of the commodity?

I thank you in advance for your assistance and consideration of this matter.

Sincerely,

HANK BROWN,
U.S. Senator.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 24, 1996.

To: Senate Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, Attention: Jack Saul

From: American Law Division

Subject: Partial Answers to Some Questions About the Antitrust Implications of Forms/Activities of Certain Business Organizations

You have requested that we provide you with answers to several hypothetical questions concerning some activities of business organizations or associations. As we indicated in a conservation with your office, however, many or most of the questions you have submitted cannot be answered definitively by us; we will attempt, therefore, to set out some of the considerations which would be relevant to decisions by (1) the Antitrust Division of the Department of Justice to investigate or prosecute an activity, or (2) a court hearing a complaint (Government or private), and which require us to answer most of the questions with either ''it depends'' or ''probably not.'' A small number of your questions can be answered with probable ''Okays.''[1]

Your first question—''Under United States antitrust law, is it permissible for 26 competing producers and purchasers of a particular commodity to form a single organization for the purpose of regulating their business activities?''—is the basis for all those which follow. Certainly the act of forming an organization comprised of members with like interests is neither unheard of nor automatically (per se) unlawful; that is precisely the rationale for the formation of trade associations or other cooperative activity among competitors that is meant to enhance their business or professional positions. Because the antitrust laws are concerned with competition and not competitors, they are not generally invoked to challenge the existence of organizations, only organizational behavior or activities which may disadvantage consumers (i.e., the ''market''). (For the same reasons, an organization such as the one posited in Question 2 (one formed for the purpose of carrying out the specific purposes set out in Questions 2a–2i), would not likely offend any of United States antitrust laws, although, as we discuss below, and the enclosed article illustrates, the actual carrying out of some of them may constitute violations of those laws.)[2]

Market share data is most generally used with respect to the likely consequences of a merger or acquisition, i.e., with whether the ''effect of [the transaction] may be substantially to lessen competition, or to tend to create a monopoly.''[3] Accordingly, the information contained in Questions 1a and 1b (three producers in the proposed organization supply 92% of the commodity in question; three purchasers in the proposed organization buy 77% of the commodity) would not likely affect the lawfulness of the formation or existence of an organization or association. Those market-share numbers could, however, be determinative of the lawfulness of several of the activities described in your subsequent questions. Because the use of market power has the potential to harm consumers, it has been suggested that the market power of the participants in an organization may be an appropriate starting point in an antitrust analysis of the organization's actions: an examination of an agreement among competitors, for example, should focus on determining whether the agreement's (organization's) provisions ''enrich the participants by harming consumers'' (i.e., ''whether the participants have an incentive to behave in anticompetitive ways'').[4]

Using such a test, and assuming the market-share numbers you offer in Questions 1a and 1b, agreements or by-laws expressing the purposes you set out in Questions 2a–2i, any concerning the establishment or use of ''buffer stocks,'' as well as any that spell out a participant's obligation to act in accordance with organization-designated rules designed to maintain a stable market price for the commodity at issue, would be ideal candidates for close antitrust scrutiny. In addition, use of ''buffer stocks'' to influence or stabilize prices, as would any agreement or action directly or indirectly affecting price, would constitute price fixing under Section 1 of the Sherman Act (15 U.S.C. §1). Notwithstanding its decision in *Broadcast Music, Inc.* v. *Columbia Broadcasting System* that seems to suggest a tolerate for at least some agreements that technically fix prices,[5] the Supreme Court has stated innumerable times that

''The aim and result of every price-fixing agreements, if effective, is the elimination of one form of competition. The power to fix prices, whether reasonably exercised or not, involves power to control the market and to fix arbitrary and unreasonable prices. The reasonable price fixed today may through economic and business changes become the unreasonable price of tomorrow. Once established, it may be maintained unchanged because of the absence of competition secured by the agreement for a price reasonable when fixed.''[6]

Situations similar to those described in questions 4b (use of ''buffer stock'' to ''intervene and regulate the market''), 5 (use of a ''reference price'' and ''buying any market surplus * * * that causes the commodity price to drop 15% below the organization's reference price''), and 7 (sale of some of ''buffer stock'' to cause market prices to decrease when they are 10% above the reference price) have been addressed by the Court in, e.g., *United States* v. *Socony-Vacuum Oil Co.*[7] In that case, the Court declared unlawful a program pursuant to which gasoline companies effectively placed a ''floor'' under prices by purchasing surplus gasoline on the spot market. Noting that the program was instituted in order to prevent gasoline gasoline price from dropping sharply, the Court stated that even if the agreeing companies ''were in no position to control the market, to the extent that they raised, lowered, or stabilized prices they would be directly interfering with the free play of market forces'':

''[U]nder the Sherman Act a combination formed for the purpose and with the effect of raising, depressing, fixing, pegging, or stabilizing the price of a commodity in interstate or foreign commerce is illegal per se.''[8]

As the enclosed article notes, the Court has also taken the position that per se price fixing occurs even when the agreement attempts to decrease a commodity's price (the situation described in Question 7):

''The respondent's [competing physicians who agreed to limit fees charged to certain patients] principal argument is that the per se rule is inapplicable because their agreements are alleged to have procompetitive justifications. The argument indicates a misunderstanding of the per se concept. The anticompetitive potential inherent in all price-fixing agreements justifies their facial invalidation even if procompetitive justifications are offered for some.''[9]

Question 9 (re whether an organization of producers and purchasers of a particular commodity may ''penalize members for failing to meet their obligations to contribute to the buffer stock by suspending their voting privileges'') is one of the few to which the answer is ''Probably yes'' *if* the organization rule violated is not one found likely to have an anticompetitive effect.[10] Suspension of organization voting privileges probably does not violate the antitrust laws,[11] and is certainly not likely to considered as a *per se* violation of them.[12] On the other hand, any organization rule directed at maintenance of a ''buffer stock'' is, as noted above, likely subject to antitrust scrutiny; further, a finding that full access to the organization was necessary in order for the denied member to effectively compete in the market could also affect the antitrust lawfulness of a suspension of voting rights.

An annual financial audit of an organization's activities (Question 10) would probably not present an antitrust problem so long as the audit were conducted in a manner that would not permit organization members to achieve any competitive advantage over other members: an audit conducted by a third party, and in which any reported data were aggregated so as not to indicate the source of any particular information would probably pass antitrust muster (Question 10a).

We do not know of any antitrust reason that an organization would be required to support an activity/development it considered not to be in its best interests; accordingly, there would not seem to be any antitrust reason that would prevent an organization from ''consider[ing]'' the ''financial implications to all of its producers and purchasers'' of the ''development of a more efficient supply of a particular commodity'' (Question 14).

Depending upon what is meant by ''encouraging'' and ''facilitating'' ''reasonable freight rates,'' such an activity could subject an organization of producers and purchasers of the commodity to be shipped to antitrust sanctions. If, for example, ''encouragement''

[1] Footnotes to appear at end of article.

and ''facilitation'' translated to an organization-sponsored or -enforced boycott of shippers whose rates the organization did not consider ''reasonable,'' the organization could be considered as a combination in restraint of trade in violation of Section 1 of the Sherman Act;[13] endorsement or encouragement or sponsorship of various pricing schemes in which freight costs are included in the price paid by buyers, on the other hand, have received varying treatment by the courts.[14]

JANICE E. RUBIN,
Legislative Attorney.

FOOTNOTES

[1] We are also supplementing this memorandum with a copy of an article, ''The Future of Horizontal Restraints Analysis,'' by James T. Halverson, reprinted in Collaborations Among Competitors: Antitrust Policy and Economics, Fox and Halverson, eds., Section of Antitrust Law, American Bar Association, 1991, at 659–674. The article discusses at length virtually all of the cases mentioned in our July 22 conversation with your office.

[2] ''The law of horizontal restraints has undergone considerable change in recent years. Starting with the Supreme Court's decision in *Broadcast Music, Inc. v. Columbia Broadcasting System*, 441 U.S. 1 (1979), the courts have become increasingly reluctant to apply a strict rule of per se illegality predicated on particular characterizations of conduct at issue. Instead, the courts have been more willing to explore the economic effects of collaborative conduct between and among competitors under the rule of reason approach. The retreat from the per se rule has led to the development of new legal rules for analyzing horizontal restraints and of more sophisticated microeconomic models to guide the application of those rules.'' Collaborations Among Competitors (note 1) at 655.

[3] 15 U.S.C. §18 (Section 7 of the Clayton Act). See also the Horizontal Merger Guidelines promulgated jointly by the Department of Justice and the Federal Trade Commission on April 2, 1992 (reprinted in a Special Supplement to 62 Antitrust & Trade Regulation Report (April 2, 1992)).

[4] Collaborations Among Competitions (note 1) at 801.

[5] 441 U.S. 1 (1979).

[6] United States v. Trenton Potteries, Co., 273 U.S. 392, 397 (1927).

[7] 310 U.S. 150 (1940).

[8] *Id.* at 221, 223 (emphasis added).

[9] Arizona v. Maricopa Medical Society, 457 U.S. 332, 351 (1982).

[10] ''[T]he courts have long recognized that every association must have some type of limiting rules, criteria, or disciplinary procedures which, when invoked, restrain trade at least incidentally. In determining whether such rules . . . constitute unlawful horizontal concerted refusals to deal, courts typically have examined whether the collective action is intended to accomplish a goal justifying self-regulation and, if go, whether the action is reasonable related to the goal. It also has been considered significant that the members actually making the decision to exclude were not economic competitors of the excluded party.'' ABA Antitrust Section, Antitrust Law Developments (3d ed. 1992) at 86–87 (citations omitted).

[11] But see, Fashion Originators' Guild of America, Inc. v. Federal Trade Commission, 312 U.S. 457 (1941), affirming a Commission cease and desist order pursuant to which the Guild was prohibited from carrying out its plan to penalize (via a boycott of them) Guild members (textile and garment manufacturers) who sold to retailers who sold ''style-pirated'' garments: ''In addition to [violating the edicts of the Sherman and Clayton Acts concerning concerted refusals to deal, and ''narrowing the outlets'' to which garment manufacturers may sell and from which retailers may buy, and requires each manufacturer to ''reveal to the Guild the intimate details of their individual affairs'']], the combination is in reality an extra-governmental agency, which prescribes rules for the regulation and restraint of interstate commerce, and provides extra-judicial tribunals for determination and punishment of violations, and thus 'trenches upon the power of the national legislature''. 312 U.S. at 465 (citations omitted).

[12] Northwest Wholesale Stationers Inc. v. Pacific Stationery & Printing Co., 472 U.S. (1985). There, the Court refused to find a *per se* antitrust violation in the expulsion from membership of a member that had refused to abide by the rule of the subject organization (a buying cooperative). The case is discussed is the enclosed article, at page 666.

[13] See note 11 discussion of Fashion Originators' opinion.

[14] See enclosed material copied from ABA Antitrust Law Developments (full citation in note 10).

Mr. BROWN. Madam President, the first question—and I will read a portion of their answer because I think it is quite relevant to this question of this treaty's impact on reducing competition. The question is, under the U.S. antitrust law, is it permissible for 26 competing producers and purchasers of a particular commodity to form a single organization for the purpose of regulating their business activities?

That was an effort to sum up in a question what this rubber treaty, this rubber agreement, is designed for. The American Law Division, I thought, would have a good handle on what U.S. law is, and if this happened outside of the support of the U.S. Senate in the treaty arrangement, would this agreement be legal under antitrust laws? Is what we are about to approve something that is legal under the antitrust laws? Or are we, by approving this treaty, making something that is illegal permissible?

Their answer will be in depth in the RECORD, but I want to quote briefly from their response because I think it is direct and to the point. This is from the American Law Division of the Congressional Research Service:

Because the use of market power has the potential to harm consumers, it has been suggested that the market power of the participants in an organization may be an appropriate starting point in an antitrust analysis of the organization's actions: an examination of an agreement among competitors, for example, should focus on determining whether the agreement's [that is, the organization's] provisions ''enrich the participants by harming consumers'' (i.e., ''whether the participants have an incentive to behave in anticompetitive ways'').

Using such a test, and assuming the market-share numbers you offer in Questions 1a and 1b, agreements or by-laws expressing the purpose you set out in Questions 2a–2i, any concerning the establishment or use of ''buffer stocks,'' as well as any that spell out in participant's obligation to act in accordance with organization-designated rules designed to maintain a stable market price for the commodity at issue, would be ideal candidates for close antitrust scrutiny.

Madam President, in other words, the agreement we are considering today would be an ideal candidate for close antitrust scrutiny.

If Members have a doubt about how to vote, they ought to be concerned that the very kind of agreement we are putting forth here would be a candidate for close antitrust scrutiny. Those are my words which I have interjected.

Continuing:

In addition, use of ''buffer stocks'' to influence or stabilize prices, as would any agreement or action directly or indirectly affecting price, would constitute price fixing under Section 1 the Sherman Antitrust Act.

Let me repeat that, Madam President: ''* * * would constitute price fixing under Section 1 of the Sherman Antitrust Act.''

Anybody who votes on this treaty who thinks they are stocking up for the American consumers ought to think about that, because there is real indication here that what we are about to do would violate the antitrust laws if it were considered on its own merit without the blessings of the U.S. Senate in the treaty format.

They go on to quote from the Broadcast Music versus Columbia Broadcasting decision by the Supreme Court. I will quote their passage that they have selected from the Supreme Court decision:

The aim and result of every price-fixing agreement, if effective, is the elimination of one form of competition. The power to fix prices, whether reasonably exercised or not, involves power to control the market and to fix arbitrary and unreasonable prices. The reasonable price fix today may through economic and business changes become the unreasonable price of tomorrow. Once established, it may be maintained unchanged because of the absence of competition secured by the agreement for a price reasonable when fixed.

Madam President, I am under no illusions that this treaty will be ratified today. I am cheered by recent progress, though, of eliminating some of these international cartels, and I am cheered greatly by the distinguished chairman of the committee and a commitment that this will be the last time this kind of measure comes before the U.S. Senate with regard to rubber. His plea for a phaseout period is a reasonable and thoughtful argument. I appreciate the great support he has given to American consumers as he has dealt with this issue in the past.

Madam President, as Members consider this issue, I hope very much they will ask themselves if they are comfortable in taking $78 million of taxpayers' money to be used to stabilize prices.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. BROWN. I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWN. Madam President, I hope they will ask themselves if they are comfortable taking $78 million of taxpayers' money to help out the big tire companies and the other special interests that will benefit by this. I hope they will ask themselves if they are comfortable in passing or ratifying something that appears to violate our very antitrust laws, if they hadn't put it in the form of a treaty. I hope they will ask themselves whether or not they are comfortable in telling consumers that we are going to protect them against lower prices.

Madam President, this agreement is an embodiment of special interests. There isn't anybody lobbying against the treaty. There have been tire companies lobbying on the hill for it. There have been people interested in higher prices for rubber lobbying for it. There have been representatives of corporations and labor on the hill lobbying for it.

Madam President, there hasn't been anybody lobbying against it. The taxpayers don't really have a lobby. The

consumers don't really have a lobby. No one pays people to come up here and speak for them—except one group. You see, the people who sent us here believed and thought that it was our obligation to stand up for them. I think most of them would be surprised to know that sometimes when they don't have a lobbyist, that voice goes unheard.

Madam President, this agreement is wrong. It is wrong because it is anticompetitive. It is wrong because it is a response to the special interests. It is wrong because it is a misallocation of taxpayers' money. And it is wrong because it sets the bad example for what a competitive economy is all about. At a point in our world's history when the rest of the world is waking up to the advantages of free enterprise and competition, it is a shame to see the United States consider and enact this kind of anticompetitive agreement.

Madam President, I yield the floor and retain the balance of my time.

The PRESIDING OFFICER. Who seeks recognition.

Mr. PELL. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes 47 seconds.

Mr. PELL. Mr. President, I rise to express my strong support for the third International Natural Rubber Agreement, which was reported favorably by the Foreign Relations Committee 3 months ago. After holding a hearing on this important measure, our committee agreed that it would clearly serve the interests of the United States and ordered it reported favorably on a voice vote.

I believe that the Natural Rubber Agreement is a clear example of the way in which both producing and consuming nations of a major natural resource can work together to ensure adequate supply and stable prices. Its primary purposes are to encourage investment in rubber production in order to assure adequacy of supply, and to set up a mechanism to prevent excessive volatility in prices. These functions are particularly important because the United States is the largest importer of natural rubber, while just three countries—Thailand, Indonesia, and Malaysia—control 75 percent of the world's production. Without a mechanism like the INRA, U.S. tire and rubber manufacturers as well as consumers would be more vulnerable to cartel-like behavior that raises prices and creates uncertainty of supply.

U.S. participation in INRA has been supported by four successive administrations, Democratic and Republican alike, and has received the advice and consent of the Senate on two previous occasions. The original agreement was adopted in 1980 by a vote of 90 to 1, and the first extension in 1988 was approved unanimously, by a vote of 97 to 0. The United Steelworkers of America has called ratification of this treaty ''a matter of critical importance to our union, its members and families—and the consumers who purchase the products we produce.'' If the United States fails to ratify this treaty by the end of this year, it could mean the end of an agreement which has served to the benefit of the United States and the world for the last 16 years.

Mr. President, during the course of my service in the Senate I have risen many times in support of treaties that have come under attack. There are currently a number of extremely important treaties pending before the Senate that I deeply regret have not been taken up during this session. The Chemical Weapons Convention is only the most recent example, but several other agreements such as the U.N. Convention on the Law of the Sea, the Convention on Biological Diversity, and the Convention on the Elimination of All Forms of Discrimination Against Women, should also be taken up at the earliest opportunity. I welcome the chance to consider the International Natural Rubber Agreement today, and I urge that it be followed expeditiously by the other treaties I have mentioned.

In closing, let me say that a failure to approve this treaty now would be a great mistake. The objections that have been raised are not borne out by our experience with this agreement, and I urge my colleagues to join me in giving their advice and consent to its ratification.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN. Madam President, my distinguished friend from Rhode Island has summarized the case well, and, as is always the case, he is a very accurate describer of events and facts. In this case, I find myself coming to an opposite conclusion. But I continue to admire his commitment to a sound presentation.

Madam President, I want to indicate that I think he is right that both Democratic and Republican administrations in the past have supported the agreement. I indicate that he is right. I think both the large corporations and the unions—at least it is my information—support the agreement. But, Madam President, I want to invite the Members' attention to what happens if this agreement is not ratified, the specter that the distinguished Senator has raised. What happens? If the agreement is not ratified, $78 million goes back in the Treasury that would be used to prop up prices of natural rubber. In other words, the taxpayers of this country get a $78 million break.

Second, if this agreement is not ratified, we will have lower prices for rubber than we would if the agreement is ratified.

Third, if the agreement is not ratified, we will have greater competition in the marketplace.

Finally, I think if the agreement is not ratified, we will have set an example that this country is serious about competition and its antitrust laws, and we will have renewed a commitment to our consumers. My sense is that returning money to the Treasury, lower prices for consumers, increased competition in the marketplace are good things, and that saying no to the special interests is appropriate as well. So at least in this Senator's judgment, we have a responsibility to vote against the treaty.

I retain the balance of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL. How much time remains?

The PRESIDING OFFICER. There are 5 minutes 30 seconds.

Mr. PELL. I am happy to yield that back.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I yield back all time as well.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

Mr. PELL. Madam President, I ask for consideration of the resolution before the Senate by a division vote.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD. Madam President, is the Senate in executive or legislative session?

The PRESIDING OFFICER. It is in executive session.

Mr. BYRD. Madam President, I ask unanimous consent that the President be notified of the approval of the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Madam President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask unanimous consent to proceed out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CLAIBORNE PELL

Mr. BYRD. Madam President, at the end of this session of Congress, one of the Senate's longest-serving Members will be retiring. Senator CLAIBORNE PELL's sterling 35-year record—actually it is 36 years this year—of dedicated service to the people of Rhode Island and the United States began in 1960, when he was elected to the first of his six terms. He is the third longest-serving Member of today's Senate, after only Senator THURMOND and myself. Yet Senator PELL's service to the United States and to his own strong principles began even earlier.

Senator PELL's life has continued a long and honorable family tradition of service. His father, Herbert Claiborne Pell, was a Congressman and a Democratic State chairman before serving as U.S. Minister to Portugal and Hungary. Other Pell family ancestors include five Members of the Senate or House of Representatives, one of whom, George M. Dallas, also served as Vice President of the United States from 1845 to 1849, during the term of President Polk.

Senator PELL began his own lifetime of service when he was just 22 years old. In 1940, after graduating cum laude from Princeton University, he went to Europe to try and help concentration camp inmates. For his efforts, he was arrested not once but several times by the Nazis. He has never ceased his efforts to assist the suffering. This has been a guiding principle of his service on the Senate Foreign Relations Committee, and underlies the truth of his acknowledged creed as a Senator: ''Translate ideas into action and help people.'' CLAIBORNE PELL has long lived that precept. Four months before Pearl Harbor, he enlisted in the Coast Guard. As an enlisted man and then officer, he was posted to duty stations in the North Atlantic and Sicily. He remained in the Coast Guard Reserve after the war, attaining the rank of captain before retiring in 1978.

After the war, Senator PELL turned his intellect and energies from the waging of war to the building of peace, participating in the San Francisco Conference that established the United Nations. He then served 7 years in the State Department, representing the United States as a Foreign Service officer in Czechoslovakia and Italy. Just as I carry a much-thumbed copy of the Constitution in my shirt pocket, Senator PELL carries in his hip pocket a copy of the United Nations Charter. Wherever you see Senator PELL, you can say, ''There goes the United Nations Charter.''

His passion for peace, born from a tradition of diplomacy and tempered by the brutality of the Nazis and the anguish of world-consuming war, has honed his character and shaped his subsequent legislative legacy.

As elegant in his reasoning as he is in his person, Senator PELL has been a key player in the passage of many pieces of landmark legislation during his years in the Capitol. As befits his background of education and diplomacy, Senator PELL's accomplishments in the fields of education and arms control are most notable, but he also has been instrumental in authoring or ensuring passage of legislation supporting rail travel, curtailing drunk driving, and promoting cultural activities. He is the originator of the High Speed Ground Transportation Act to improve passenger rail service. He is also a founding father of the National Endowment for the Arts and the National Endowment for the Humanities, having served as the principal Senate sponsor of the legislation that created these entities in 1965.

As chairman of the Senate Committee on Foreign Relations, Senator PELL has been influential in securing the passage of major arms control treaties, including the Intermediate Nuclear Forces Treaty that reduced the nuclear arsenals of the Soviet Union and the United States, a treaty to prohibit the deployment of weapons of mass destruction on the sea floor, and a treaty prohibiting the use of environmental modification techniques as weapons of war. I feel certain that he regrets that this, his final session of Congress, will end without the ratification of the Chemical Weapons Convention, the passage of which he has labored so mightily and so long to secure.

Senator PELL's longstanding commitment to universal human rights lends passion to his efforts to stem the spread of chemical weapons as well as to other efforts. He has been a steadfast advocate for diplomacy and multilateral solutions that avoid armed conflict, as well as a strong voice for justice when crimes have been committed against humanity. He opposed the Vietnam war, opposed the gulf war, and called early for the establishment of a war crimes tribunal in Bosnia, just as his father had called for the Nuremburg tribunals after World War II.

On the home front, Senator PELL's appreciation for the benefits of education resulted in perhaps his best known legacy, the Pell grants for education. In 1972, Senator PELL won passage of legislation establishing basic educational opportunity grants. This grant program, which provides assistance directly to low- and middle-income college students, was renamed the Pell Grant Program in 1980, in recognition of Senator PELL's leadership in making college more accessible to deserving students.

Education is the hope of the future, the basis on which civilized society rests. Senator PELL has been active in furthering that principle in his service as chairman and ranking member on the Education, Arts and Humanities Subcommittee of the Labor and Human Resources Committee. He also authored the National Sea Grant College and Program Act of 1966, and he has been instrumental in supporting vocational and special education programs. These efforts, again, illustrate the credo that he has lived by, translating ideas into actions that help people. +

I will now refer to John Milton and his great work, Paradise Lost, which was written after he was totally blind.

In his work, ''Of Education,'' John Milton (1608–74) wrote:

> I call therefore a complete and generous education that which fits a man to perform justly, skillfully and magnanimously all the offices both private and public of peace and war.

By those standards, Senator CLAIBORNE PELL can surely be judged a well-educated man. He has served justly, skillfully, and magnanimously as a human rights activist, soldier, diplomat, businessman, and legislator. He has done so all of his life, as a private citizen and as an elected official. In doing so, he has educated and informed all of us by his example.

Senator PELL has never let his passions override his reason or his courtesy. He has never let the passions of the moment override his principles. And in a time when public service has been belittled and derided, he has never stopped striving to the best of his considerable ability to make the world a safer, more civilized, more educated place.

I think of CLAIBORNE PELL as Mr. Integrity. There is not a false word that he has ever knowledgeably spoken. His word is as good as his bond. His handshake is as good as his bond. And to Mr. Integrity I say I wish him well as he leaves us to enjoy a much-deserved retirement with his lovely wife Nuala and his family.

RETIREMENT OF SENATOR PAUL SIMON

Mr. BYRD. Madam President, as we here in the Senate complete our work in the waning days of the 104th Congress, I would like to take just a few minutes now to note the retirement of Senator PAUL SIMON, one of the finest public servants it has been my privilege to know. Although Senator SIMON is leaving us at the conclusion of only his second term, his accomplishments and his work in the Senate are representative of those who have served far more years.

Anyone who knew PAUL SIMON as a young man must have known that this was someone who was going somewhere, was going to go beyond the norm, someone who was going to succeed despite his modest beginnings.

Consider, for example, that at the tender age of 19, an age when few young men possess the maturity and the passion necessary for such an undertaking, Senator SIMON began his career when he bought the Troy Tribune in Troy, IL, thus becoming the youngest editor-publisher in the Nation. There he made a name for himself by leading a crusade against local crime figures and machine politicians. Eventually expanding his business to a chain of 14 weeklies, Senator SIMON's dedication to the principles of free speech and political reform were solidified as a result of his firsthand experience.

Following his service in the U.S. Army Counterintelligence Corps, which included an assignment along the Iron Curtain during the height of the cold war, the young Senator-to-be returned to the United States and entered legislative politics by winning election to the Illinois House of Representatives in 1954.

Madam President, as a clear signal of the political reformer he intended to be, Representative PAUL SIMON was one

of the first legislators to publicly release his personal financial data, a practice that he has observed ever since. After 8 years in the House, PAUL SIMON moved to the Illinois Senate where he again served with distinction. In addition to gaining invaluable experience in the State legislature, Senator SIMON's illustrious career also includes service as his State's Lieutenant Governor, as a teacher at both Sangamon State University in Springfield and the John F. Kennedy School of Politics at Harvard University and as a U.S. Congressman in the House of Representatives.

I believe that the public life of PAUL SIMON will best be remembered for the passion and the integrity that he brought to his work in the Senate. Let us not forget that it was our colleague from Illinois who was the Senate's lead sponsor of the direct student loan program which President Clinton has cited as one of the major legislative achievements of his Presidency. Let us not forget that it was PAUL SIMON who led the way and won passage of the National Literacy Act, a bill that created national and State literacy centers to improve the education of adults. And let us not forget that it was our same soft-spoken friend who championed the School-to-Work Opportunities Act so that those young citizens who may not go on to college are not left behind. And let us not forget that it was the former newspaper man, for whom the first amendment has always had special meaning, who was willing to take on the broadcast networks and lead the fight to curb television violence.

Despite these numerous accomplishments, I personally will remember with eternal respect and admiration the degree of passion and intellectual intensity that Senator SIMON brought to our several debates over the balanced budget constitutional amendment. Since entering this body in January of 1985, no one has been more outspoken on the need for a constitutional amendment requiring a balanced Federal budget than has my friend, PAUL SIMON.

Of course, no one has opposed it with more intensity than I have opposed it, but that does not gainsay the fact that he was a very worthy protagonist and supporter of that amendment.

Now, Paul—not PAUL SIMON, the Apostle Paul—in his epistle to the Philippians said, and I read from chapter 4, verse 8:

> Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

Madam President, as I look at that bit of Scripture which has been given to us by the Apostle Paul, I think of its application to the life of PAUL SIMON—PAUL SIMON. Paul the Apostle said, ''Whatsoever things are true, whatsoever things are honest, whatsoever things are just.'' I think these typify the life and actions of PAUL SIMON. He is true; he is honest. I cannot even imagine PAUL SIMON ever doing a dishonest thing or ever having spoken an untrue word or ever having acted other than in a just and upright manner. So the Apostle Paul may very well have been speaking of PAUL SIMON and others like him.

So throughout it all, Madam President, the hours upon hours that we spent in this Chamber debating the balanced budget amendment and others, I never once saw PAUL SIMON exhibit any rancor, never once did he waver in his commitment to his cause, and I can say truthfully that in all of my 44 years in the Congress of the United States I have never faced a more affable, a more sincere opponent than I have faced in the likes of the senior Senator from Illinois.

PAUL SIMON has served his country as a journalist, editor, businessman, soldier, teacher, and legislator. In each of these endeavors he has always undertaken his work skillfully, fairly, and with a degree of integrity and honesty that has been an inspiration to us all. As he prepares to leave the Senate and return to his beloved State of Illinois, I offer this remarkable American my gratitude for his fairness and good fellowship. He is, indeed, the happy warrior, and I extend my best wishes to him, and so does Erma, my wife—to him and to his lovely wife, our best wishes, by saying thank you and good luck to our friend from the State of Illinois.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Mexico.

Mr. BINGAMAN. Madam President, first let me compliment my colleague, the Senator from West Virginia, on the eloquent statements he has made with regard to our colleagues here. He speaks with great eloquence and feeling about both Senator PELL and Senator SIMON. Obviously, I join him in the accolades that he is heaping upon both of those Senators. They are certainly deserving.

(The remarks of Mr. BAUCUS and Mr. BINGAMAN pertaining to the introduction of S. 2123 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE SAFETY

Mr. PRESSLER. Madam President, this morning we had excellent testimony in the Commerce, Science, and Transportation Committee from a number of witnesses who represented the families of airplane crashes. I believe we had five or six unfortunate airplane crashes. We also had other representatives of next of kin there at the Commerce, Science, and Transportation Committee. It was a very moving hearing.

I want to commend the witnesses who appeared. I also want to say that it is time we act in terms of designating the National Transportation Safety Board as the responsible agency in terms of what happens after an airplane crash. We hope there are no airplane crashes. That would be an ideal situation. Whether it is a small crash or a big crash, inevitably in human history there will probably be some.

We want the next of kin to be taken care of and notified in a sensitive and organized way. This is not entirely the fault of the airlines, as was pointed out in the balance of the testimony we received. In the past, the rules have not been clear as to who is in charge. Some of the manifest problems in the past have arisen because of different practices. Sometimes passengers will get off a plane at the very last minute, even after having checked in.

In fairness to the airlines, there has been some uncertainty. Now we have an opportunity to set up a system, working with the Gore Commission, and I am pleased to be designated to be a liaison to the Gore Commission, plus the FAA bill that is before the Senate. This afternoon at 3:30 I believe the conferees on the FAA bill will be meeting, and part of that will be to be sure the National Transportation Safety Board is designated as the agency with the responsibility and the proper equipment, funding and personnel to deal with families and next of kin, and to work with our airports and our airlines in times of emergencies.

Let me commend the National Transportation Safety Board, because under the leadership of Jim Hall, I believe they have been doing an excellent job with their responsibilities. I am glad they are willing to assume this additional responsibility of being the lead agency, of taking the lead, in terms of dealing with families and next of kin and notification and counseling and so forth in times of an airplane crash.

Let me also say a word about some of our smaller airports and some of our smaller airplanes. We want to be sure they are safe for the flying public. Many of our people do not live at a hub airport. A hub airport is a central airport such as New York, Minneapolis, or Denver. Over half of the airline passengers in this country originate at small airports, on smaller planes. We certainly want to make them safe and reassure the flying public of their safety. However, we cannot get into a real expensive situation. We have to find some of the new devices, see they are brought in line and manufactured in large numbers, so we can find reasonable ways to achieve air safety.

This afternoon, as the Federal aviation authorization bill moves forward and comes to the Senate floor, I hope we all keep in mind the fine testimony we heard this morning from those fine witnesses. I want to help them.

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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. DASCHLE. Madam President, I know that a number of our colleagues this morning and this afternoon called attention to the retirement of our colleague, the senior Senator from Rhode Island, Senator PELL. I want to commend Senator HELMS and the others for their comments and identify with the remarks made earlier today by the distinguished senior Senator from West Virginia, Senator BYRD.

There are few people who can claim the record, the respect, or the admiration of all of their colleagues as can Senator PELL. Senator PELL, as most people know, came to the Senate in 1960. Someone entering the Senate today, in order to have the same record in terms of numbers of years served, would retire in the year 2033. Thirty-six years from now, our country—and perhaps this body—will be much different, and I daresay 36 years from now, there will still be those who will recall the contribution and, again, the remarkable record of this very gentle man.

Senator PELL came during turbulent times. He became a U.S. Senator under then President Kennedy, served under President Johnson, President Nixon, President Ford, President Carter, President Reagan, President Bush, and now President Clinton. He has seen leadership of all kinds, Democratic and Republican, liberal and conservative, good and bad. Through all of this, his gentle nature, his remarkable ability to find common ground, his willingness to reach out to all sides in an effort to govern is something we can all be thankful for. He has a deep-seated belief in good Government, in democracy, and knows what it takes in this democracy to govern well. I don't recall how many times, but I can recall many occasions when Senator PELL would lecture us in our caucus about how ill-advised people are to pursue negative campaigns in Senate elections. He would remind us of that time and again. In spite of all the advice he got to be a negative campaigner, he adamantly refused. In spite of all that advice, and perhaps because of his determination to override that advice, he won every election by more than 60 percent of the vote. I think, in large measure, that is because the people of Rhode Island know him the best. We know him, but they know him better. They know his decency, they know his commitment to them and to all of us, and they know of his record. They are proud in so many ways for all that he has done for them and for our country in the time that he served.

So it is with regret that we note his departure in this Congress. It is with a great deal of gratitude that many of us have been able to call him our friend. It is with admiration that we look at his record and aspire to the heights and to the accomplishments that it represents. We thank him for his friendship. We wish him and Nuala well in their life ahead.

In my view, there are still opportunities for Senator PELL to serve his country. I hope that that might happen. But regardless of what the future holds, no one can take away the 36 years of accomplishment, the 36 years of contribution to democracy, to the strength of this country, to the breadth and depth of the affection and love he has for it. Madam President, he will be missed. We don't wish him farewell. We only wish him Godspeed as he continues in his role—whatever it may be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam 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. Madam President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

THE PRESIDIO OMNIBUS PARKS BILL

Mr. MURKOWSKI. Madam President, today I am proud to announce that we have an opportunity to pass the most wide ranging national parks and public land legislation in decades; that is, the Presidio omnibus parks bill.

This report encompasses 2 years, or thereabouts, of various attempts by Members on both sides to pass bills that affect this area of our national heritage. We had hearings. We had intense negotiations. I think the bills contained in the package really meet our Nation's environmental needs. It is good news for the national parks, and good news for land and resource conservation.

This package has over 700 pages. At last count there were 126 bills included. They range from the San Francisco Presidio to the Tallgrass Prairie National Preserve, Sterling Forest protection, Snowbasin land exchange, Black Patriot Memorial extension, Nicodemus National Historic Site, Japanese-American Patriotism Memorial, numerous Civil War sites, Oak Creek Wilderness Scenic Recreation Area, the New Bedford whaling parks, and the Women's Rights National Heritage Park. It is estimated that there are about 37 States that are going to be affected by this package.

It is quite reasonable, Madam President, to ask the Senator from Alaska, well, why do we have to have this in a big package? Why did we not move on this over the last 2 years? I will tell you. As chairman of the Energy and Natural Resources Committee, we have held hearings on these bills. So has the House. But on our side we have had holds on every single bill at one time or another in this package. The way it works around here, as we all know, is some Members feel if they want to get their bill through and they see others moving, they put what we call holds on things. We have had holds, and there is no use pointing the finger at each other because that is not going to get this package passed.

I do want to explain because some of the media cannot seem to understand why we have this enormous package. It is simply because of the way this place works. And when a Member wants to proceed with a bill out of our committee and we have voted it out and we cannot bring it up, it is because there is a hold on that bill. So we are down to the end of the 104th Congress. The name of the game is to try to address this package and recognize that we have withdrawn from the package the contentious portions that were identified potentially as veto material. These included some bills that the Senator from Alaska supported and felt very strongly about. One was the Tongass 15-year extension which would have prolonged the life of our only manufacturing plant, our only pulp mill, our only year-around manufacturing plant that wanted to convert from an old technology to a new technology by investing some $150 million to $200 million, but in order to do that they had to have an extension of the contract with the Forest Service to have an adequate timber supply to amortize that investment.

Members say, why is Alaska different? Why do you have to have a contractual commitment? The reasons are simple. We have no other source of supply than the U.S. Government through the U.S. Forest Service because we do not have private timber which is exported out of the State. The Forest Service timber, Government timber is prohibited from export, and as a consequence nobody is going to make that kind of investment without an extension of the contract. And their current contract expires in the year 2004. But the administration found that unacceptable and advised us that they would proceed with a veto if it were in the package. So the Senator from Alaska withdrew that.

Boundary Waters Canoe Area, which is an issue that some Members feel

very strongly about in Minnesota, was also noted by the administration that if it were in there, they would initiate a veto. Other issues that were contentious that were threatened for veto included Utah Wilderness, and that issue is somewhat academic because of the action taken by the President in invoking the antiquities; grazing issue, which many Members in the West felt very strongly about. So they are not in the package. We have taken them out—grazing, Utah wilderness, Tongass, Boundary Waters Canoe Area.

Now we are left with a situation where it is very late in the Congress. This legislation is crucial in California not just to the Presidio but to an area that I feel very strongly about, and that is the cleanup of the San Francisco Bay area. I know how strongly the California delegation feels about that. If the administration wants to find an excuse to veto this, obviously they can do it. But they are contemplating, if you will, a veto message per correspondence with the White House, and I ask unanimous consent that a letter from the Executive Office of the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 20, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: I am responding to your September 16th request for the Administration's view on the proposed conference report on H.R. 1296, the Omnibus Parks legislation. The Administration received this legislation late Tuesday night, September 17th, and is carefully reviewing this massive proposal, which now incorporates over 100 free-standing bills and spans over 500 pages of legislative language.

We strongly support legislation to improve the management of the Presidio in San Francisco, use Federal funds to help acquire the Sterling Forest in the New York/New Jersey Highlands Region, and establish the Tallgrass Prairie National Preserve in Kansas. These are measures that would protect nationally significant natural resources, have been the subject of thorough public review, and enjoy broad, bipartisan support.

Your letter, however, indicates that the conference report will contain a number of wholly unacceptable provisions—ones which erode protection of nationally significant natural resource areas, override existing legal requirements, and prevent responsible management of federal lands. Your letter indicates, for example, that the report includes a mandated extension of the Ketchikan Pulp Company (KPC) contract in the Tongass National Forest (AK) and a requirement to allow motorized use in the Boundary Waters Canoe Area Wilderness (MN). Department of Agriculture officials have repeatedly indicated that the Secretary would recommend veto of a bill that would mandate an extension of the KPC contract. Similarly, actions such as opening up three portages at the Boundary Waters Wilderness areas to motorized use would be cause for a veto of this bill.

On July 26th, the President urged the Congress to refrain from including controversial measures during the conference on H.R. 1296. Unfortunately, it appears that many of these objectionable provisions remain.

We are committed to working with the Congress on legislation that protects our Nation's natural resources. As soon as the Administration completes its review, we can work together to eliminate controversial items and discuss other provisions that could move forward in a bipartisan way.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. MURKOWSKI. They cite specifically what their veto threat covers, and we have eliminated those, Madam President. Now I am told some Members on the other side are going to insist that the bill be read. That is fine—700 pages. It is going to take 10 hours. Talk about delay tactics. What is the objective of that? I do not know. They say they have not read the bill. We ought to go back to the Members because this stuff has been hanging around for 2½ years. We have had hearings on it. We have had discussions. The Members who are motivated from the 37 States know what is in the bill. We are talking about further delay which is not necessary. We should act now. It is late in the game. If we do not act now, we are going to lose.

Let me tell you what the parliamentary procedure is. I hope this will come up today. It should come up now. We have the time. But if a Member moves to recommit the package, the whole package is dead. It is over. It will not happen.

What we have done in this bill, we have created new parks, established five new parks: Shenandoah Valley National Battlefield in Virginia to protect the Civil War battlefields; Tallgrass Prairie Natural Preserve in Kansas to protect one of the last remaining unplowed sections of tallgrass prairie in the country; Nicodemus National Historic site to protect the town established as a community for freed black slaves after the Civil War; New Bedford National Historical Park to honor the whaling industry—not just in Massachusetts because the whaling industry started in Massachusetts and where did they whale? They whaled in Alaska, my State. They went around Pt. Barrow, and that is where they whaled. You go to Pt. Barrow today and you can see the remnants of the contribution of the New Bedford whalers. So this is a joint effort; Boston Harbor Islands to protect unique islands in the Boston Harbor.

There is better protection of existing national parks. It provides for boundary modifications, expansion of 20 parks around the country from a 1,000 percent increase in size at the Richmond National Battlefield in Virginia to minor boundary adjustments in Zion National Park in Utah. It protects existing national parks. The legislation provides protection for important historical events and persons by expanding the boundary to further protect the Manzanar National Historic Site in California, adjusting boundaries at Independence Hall, improved management of the route taken by voting rights marchers from Selma to Montgomery as a national historic trail, and reauthorizing funding for the Advisory Council on Historic Preservation.

We established new memorials. This legislation provides for the construction of memorials on The Mall in Washington, DC, the Martin Luther King, Jr., Black Revolutionary War Patriots, and the Japanese American Patriots. We protect rivers from coast to coast. The bill protects important rivers, from the Columbia in Washington to the St. Vrain in Colorado and the Lamprey in New Hampshire. And we protect hallowed ground, where the blood of American soldiers was shed in battle. The bill protects important battlefields from Yorktown, where Americans won independence, through the Civil War battlefields in Virginia, Mississippi, Louisiana and Georgia, and establishes the American Battlefield Protection Program.

Madam President, it authorizes funding to begin restoration of the San Francisco Bay. This bill authorizes $450 million over 3 years to provide restoration for that jewel of the west coast.

This bill is not just about expanding the role of the Federal Government. It also contains significant reforms of existing programs and policies, and makes unneeded Federal lands available for use by other levels of government. We have a reduction of unneeded Federal lands. The legislation transfers unreserved BLM land in the State of Wyoming for schools, removes inappropriate limitations from developed lands across the coast of North Dakota, corrects a 90-year-old survey of public lands in Idaho, provides lands to the Taos Pueblo tribe in New Mexico.

The administrative reforms of the national parks are addressed. The bill includes a number of provisions to improve the management of the National Park Service, from encouraging private sector involvement to improving the housing of park rangers, which is sorely needed; Senate confirmation for the park director; the elimination of unnecessary congressional reporting requirements, and numerous other authorities to increase the leverage of Federal funds.

Recreation Fee Policy Program: The bill provides for the complete overhaul of the current recreation fee policies, which will provide improved funding for the parks and forests by establishing a permanent program to permit agencies to retain recreation fees without appropriations.

The environmental agenda: We have tried to address it within my committee, and the legislation provides two key provisions which represent the vision of how we intend to better protect the environment without the heavy hand of the Federal Government.

One of those issues is the significant development of the Presidio trust. I

have been out to the Presidio on several occasions. I know how the Pennsylvania Avenue Development Corporation, which brought about the tremendous and successful renovation of Pennsylvania Avenue here in Washington, DC, has worked for the benefit and the beautification of this city. The Presidio, a former military installation at the foot of the Golden Gate, has been managed by the park service. But, clearly, the park service does not have the expertise or the knowledge to develop that area in compatibility with its unique recreational attractiveness and the traditional association of what that military facility was.

As a consequence, we have created a Presidio trust. Instead of the $1.2 billion proposal at one time that was advocated by some for the Federal Government to manage the Presidio, San Francisco, in perpetuity, what we have here is a bipartisan approach. We talked about it this morning in a press conference with the two Senators from California. It turns the real estate management aspects of the Presidio over to a private volunteer nonprofit trust—again, similar to the Pennsylvania Avenue Development Corporation.

I have met with the volunteers in San Francisco that have worked to put this concept together. I am satisfied that they have the vision and the expertise and the capability to make this work. It will reduce the burden of the Federal Government's role. It will still provide a presence for the National Park Service, and it will add dramatically to the full utilization, with the right balance, by the people on the ground who have the best interests of the Presidio and San Francisco at heart.

This is a bill for all Americans, and that is why it is so attractive, and that is why it is so necessary we move at this time. The bill authorizes, as well, a land exchange in Utah. The significance of this is the Olympics, which are going to take place in Utah in the year 2002. This would provide a very simple exchange that would make the downhill event for the 2002 Olympics a reality, which will permit thousands, hundreds of thousands of persons around the world to enjoy it.

So, what we have here, as a consequence of action taken last night, where my conferees agreed to sign off on the package and send it over to the House of Representatives, and the House stayed in until midnight last night to accommodate their procedure and sign off on the bill, and now it is over here, the package. So, Mr. President, it is fair to say that now is the time to take it up.

I have been advised there had been some concern on the other side. I have yet to be privy to what that concern might be. But, again, we have been waiting 2 years for this material to get this far. If we pass it, it will go over to the House, and I am satisfied the House will move it because we have taken the contentious portions out of it. I do not know what more we can responsibly do, what more and greater obligation I have as chairman of the Energy and Natural Resources Committee to try to move this, because I know how much it means to each Senator with regard to various parts and portions of the 126 parts that are in this bill. And I am sorry that we were not able to be responsive, as we reported these bills out of committee individually. But, again, I want to make reference to the way this place works, when Members put holds on every bill and we cannot move them on the floor to passage. We are left with this dilemma, which is the 126-bill package.

Some people say, why do we have to have it this way? I am sorry we have to have it this way, but it is this way now or nothing, because there is simply no other alternative and there is no more time left.

The leadership has indicated we are winding this session up. The end of the fiscal year is coming. It is now or never for the Presidio package, because if it is held up, those people who are holding it up have to bear the responsibility for annihilating, killing the largest single environmental package of parks bills that have come before the Congress in this session and, I am told, for the last decade.

I am pretty reasonable. I have been around here for a while. I have tried to accommodate everybody. I have taken my licks on this one. I have lost, in my State, my only year-round industry because I could not get enough support for a 15-year extension of the Ketchikan Pulp Mill, so they could put in a $200 million investment. That is my sacrifice. That probably means more to me than any other single thing. But the obligation I have to move this package is real as well. So, at the dictate of the administration, we have stricken the Tongass out of it.

Some might ask, do you have any fallback? Yes, I suspect there is a fallback. Perhaps the RECORD should note what it is, because without getting too technical, what we asked for was a 15-year extension of a contract that was going to expire in the year 2004. The administration said they would veto the bill if that was in.

What we have proposed in this package, I will be very direct with the President, is not to pursue the 15-year contract which would mandate 15 years beyond the year 2004, but to simply take the remaining years on that contract, which are 8 years, and simply transfer that from pulp utilization to our two operating sawmills. That is all we have left in Alaska of any significance.

In brief, the contract for the remainder of the term through the year 2004, for the next 8 years, would simply be transferred over from pulp utilization to sawmill utilization.

The 15-year extension, as a consequence of the Presidential veto threat, has been withdrawn. I understand that that has been satisfactory to those who have objected. Of course, the Utah wilderness has been withdrawn. Grazing has been withdrawn. The boundary waters canoe area, which was also under Presidential veto threat, has been withdrawn.

To those who are scrutinizing this, I wish them well, but that is the package, that is what we are left with. It is now or never, and we better do it now because we simply don't have time, and we will walk out of here in the next few days leaving behind us a truly monumental bill with monumental implications.

I might add, the Senator from New Jersey and I have had differences of opinion relative to his role in the bill. I am not going to prolong those differences other than to say Sterling Forest is it. He is a winner. He can leave the U.S. Senate bringing home something that is very meaningful to New Jersey and New York.

I could go on into the history of the process over the last 2 years, but I don't know that that would serve any purpose at this time. I could lament the dissatisfaction of my friends from some of the States whose issues we simply had to take out of here in the spirit of compromise relative to trying to get the job done and get a package out that is meaningful, but I hope that those who are listening and reflecting now recognize that they, too, have an obligation. That obligation is either to come forth and support this package now, this compromise package that is so important, that is so significant, that is so meaningful, or accept the responsibility of killing a package that has been over 2½ years—one Senator reminded me that his particular interest in the bill had been in this over 4 years.

So I encourage my colleagues to look through the title portion and recognize the items that are of interest to their State, whether it covers rivers and trails, historic areas, civil rights issues, Civil and Revolutionary War sites, fee generations for their own parks, recommended administration management provisions, boundary adjustments, the Presidio, certainly the California bay environmental enhancement, and recognize that it is now or never. We can get it done now and go out of session with the most meaningful bipartisan legislative package that has come before the U.S. Senate, or we can grouse around, object, send it back for reconsideration and leave with nothing done.

But I want the RECORD to note, as chairman of my committee, I have discharged, along with my conferees and our committee, both Democrats and Republicans, our obligation. We have held the hearings, we reported it out, we moved on it last night through a conference process. The House signed off on it. It is over here now. I do not want to be presumptuous in being critical, but I don't know what we are waiting for, Mr. President. We are ready to go. We can get this done now. The Senator from Alaska is ready to bring it to

the body. I have discussed it with the leadership. I am awaiting word.

So the rest is up to you, I say to my distinguished colleagues, whether this package is meaningful enough to recognize, just like every package, that sure, there are some things in there somebody doesn't like. But you try to put together 126 bills and have to put it in a package like this because there is no other way that you are allowed to bring them up individually because Members put holds on them.

I implore the media that is going to scrutinize this to recognize the reality. The poison pills, so to speak, have been taken out. I am not going to reflect on the fact there are an awful lot of westerners who are unhappy because their concerns are not met in this package. That is going to be for the next session. That is going to be for, perhaps, the election. But we have to do what we have to do, and right now, the thing to do is to move this bill out because the poison pills are out.

I ask unanimous consent that my letter and Representative DON YOUNG's letter to the President asking for a position on those items that he would veto be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, September 16, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are about to conclude action on H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer. As you may know, a number of popular and also controversial measures have become part of the conference discussion; therefore, this bill is now known as the Omnibus Parks legislation containing well over 100 specific legislative provisions.

Among the controversial issues discussed for inclusion in this conference report are the Senate-passed grazing reform legislation, S. 1459; reforms to the management of the Boundary Waters Wilderness, S. 1738; Sterling Forest Protection Act, S. 223; S. 884, the Utah Public Lands Management Act; S. 1877, the Ketchikan Pulp Company contract extension; and S. 1371, the Snow Basin Land Exchange, which is necessary for the winter olympics.

We are about to file a conference report on this omnibus legislation, and it is important that we have your views. Because of your Administration's long-standing opposition, we are prepared to propose excluding the grazing reform legislation, any Utah Wilderness proposals, and several other controversial measures to which the Administration has expressed opposition. Attached is a list of measures we propose for inclusion in the conference report. Among these measures, we feel the need to include two items which your Administration has expressed opposition to in the past. One is the extension of the Ketchikan Pulp Co. contract, S. 1877; and the other is a proposed compromise on the Boundary Waters Canoe Area which would allow motorization on three portages, but nothing more.

It is important that we have your views on this conference report prior to close of business on Wednesday, September 18. We are ready and prepared to discuss any of the measures proposed for inclusion in this conference report at any time, and our staffs are prepared to provide any additional information you may need in your consideration of this important legislation.

Sincerely,

DON YOUNG,
Chairman, House Committee on Resources.

FRANK H. MURKOWSKI,
Chairman.

Mr. MURKOWSKI. I encourage those who are responsible for the movement of the process around here to reflect on my words.

I compliment all those who have worked so hard to bring this package together, both in the minority and majority: Senator JOHNSTON, Senator BUMPERS, Senator DOMENICI, Senator NICKLES. I also thank the California delegation for their tireless efforts to push this legislation. I thank those who have volunteered their time in San Francisco, as well as other areas of California, to push the merits of the creation of the trust in the Presidio package, and I thank the staff on both the minority side and majority side: Tom Williams, GREGG Renkes and many others, who worked night and day to put this package together; my colleague in the House, Representative YOUNG, of course; my senior Senator, Senator STEVENS, because oftentimes we, as Alaskans, are typified as those who want to run through the public domain with development schemes of one kind or another.

We will take our lumps as we go along the road in trying to communicate the particular posture of our State, which is only 38 years old, and the realization that we are still trying to create land patterns in a State that is 80 percent owned by the Federal Government, at a time when the other States accomplished that 150–200 years ago. They developed their land patterns. They had private ownership within their State. We have public ownership in ours one-fifth the size of the United States.

We are a storehouse of natural resources. What we try to communicate is that with science and technology we can do a better job of developing our resources. We look at our timber industry. We have the largest of all our national forests at 17 million acres. We set aside two-thirds of that forest in perpetuity, set aside 5 to 7 million acres of prime timberland. We are trying to maintain a timber industry in the largest of all our forests on about 1.7 million acres in perpetuity and a 100-year regrowth cycle. They cut more firewood in New York than we cut commercially in Alaska in the Nation's largest forest. They cut over 1 billion board feet for their commercial activities, yet there are those who want to close us down, terminate all timbering in our forests.

The Sierra Club wants to terminate all timbering in the national forests. But what we are trying to do is maintain a viability based on renewability, do a better job. Our fisheries are at an all time high. We have had record runs 8 of the last 11 years. We have been doing it right. We think others could learn from us. It is a little like rowing uphill.

You talk about oil and gas exploration. We know we can open up ANWR safely, given the opportunity. But we have become an environmental cause. We have over 60 environmental agencies that have established themselves in Anchorage, AK. The young attorneys come up and do their missionary work, because these organizations need a cause. The cause is far away. It is a ''good cause,'' idealistic. When we attempt to say, well, just a minute now, we have an opportunity and a right to come into the Union, develop our resources, manage them correctly; they, through extreme rhetoric, suggest that we are desecrating the country. The media picks up on it. And it is simply not true.

So we feel a little sensitive when we are criticized with any development scenario. We could open up ANWR safely. We know it. We have the technology. We are selling American ingenuity short. The environmental community has in many cases established a fear mentality in the American public that somehow we cannot develop resources safely. It is evidenced in the debate around here on the grazing issue, on the timbering salvage issue, on oil and gas exploration, on mining—drive them offshore; bring them in from other countries; send those jobs overseas.

The deficit balance of payment; what is it all about? Over a third of it is the cost of imported oil. What are we doing today? We are 51.4 percent dependent on imported oil. In 1974, we were about 36 percent dependent. We took action. We created the Strategic Petroleum Reserve. Now we are selling it off. The Department of Energy says by the year 2000 we will be two-thirds, 66 percent, dependent on imported oil. What does that do with our leverage with the Mideast? The Mideast is in a crisis. One of these days, we are going to pay the price because we have increasingly become more dependent on imported oil.

Well, I am using my time to vent my frustration, but what I want to communicate here is we have put aside some of our Alaskan issues relative to the merits of this bill, issues that we feel very strongly about, simply because this is a good bill. It is a compromise bill. And it is time, after 2½ years, or 4 years, depending on your point of view, or at least the 104th Congress, to move it now. If we do not move it now, it is not going to be moved this session.

Those who have the responsibility for it not moving are going to have to stand up and be counted and explain to me and the other conferees specific reasons as to why, because, again, I would challenge the administration, and my colleagues, if you are looking for an excuse to veto it, yeah, you will find an excuse to veto it. But the poison pills have been taken out because

Representative Young and I and others working together went through a laborious process to identify those contentious issues that were veto bait. Again, for the benefit of those who do not recall, grazing is out, Utah wilderness is out, Tongass is out, the boundary water canoe area is out. And what we have left is a good package, 126 bills, everything from the Presidio to the New Bedford National Historic Park to honor the whaling industry.

Mr. President, I ask unanimous consent that the entire titles of those bills, including Sterling Forest and the land transfer for the Winter Olympics, the entire group be printed in the RECORD so each Member can recognize what is in the package.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Authorizes funding to Begin Restoration of the San Francisco Bay—the bill authorizes $450 million over three years to provide for restoration of the San Francisco Bay.

The Bill is not just about expanding the role of the Federal Government, it also contains significant reforms of existing programs and policies, and makes unneeded Federal lands available for use by other levels of government.

Reduction of Unneeded Federal Lands—the legislation transfers unreserved BLM lands to the State of Wyoming for schools; removes inappropriate limitations from developed lands along the coast of Florida; corrects a ninety year old survey of public lands in Idaho; and provides lands to the Taos Pueblo tribe in New Mexico.

Administration Reform of the National Park Service—the bill includes a number of provisions to improve the management of the National Park Service from encouraging private sector involvement in improving the housing of park rangers, Senate confirmation for the Park Director, to elimination of unnecessary Congressional reporting requirements and several other authorities to increase the leveraging of federal funds.

Recreation Fee Policy Program—the bill provides for complete overhaul of the current recreation fee policies which will provide improved funding for parks and forests by establishing a permanent program to permit agencies to retain recreation fees without appropriations.

New Republican Environmental Agenda—the legislation provides two key provisions which represent the vision of how Republicans intend to better protect the environment without the heavy hand of the Federal government.

1. Presidio Trust—instead of the $1.2 billion proposal advocated by some for the federal government to manage the Presidio of San Francisco in perpetuity, this bipartisan approach turns the real estate management aspects of the Presidio over to a private, non-profit trust similar to the Pennsylvania Avenue Development Corporation.

Enhancement of the National Park Foundation—the bill enhances the ability of the existing National Park Foundation to raise private sector funds to support National Parks.

A bill for all Americans. This bill authorizes a land exchange in Utah which will make the downhill event for the 2002 Olympics a reality and permit billions of persons around the world to enjoy it.

HIGHLIGHTS OF THE BILL

This package is the biggest and most important parks and public land package since 1978 (nearly 20 years).

It provides for protection of some of the most important natural and historical events and landscapes in the country as follows:

Creation of New Parks—Establishes five (5) new parks: the Shenandoah Valley National Battlefield in Virginia to protect important Civil War battlefields; Tallgrass Prairie National Preserve in Kansas to protect one of the last remaining unplowed stretches of tallgrass prairie in the country; Nicodemus National Historic Site to protect a town established as a community for freed Black slaves after the Civil War; New Bedford National Historic Park to honor the whaling industry in Alaska and Massachusetts; and Boston Harbor Islands to protect a dozen unique islands in Boston Harbor.

Better Protection of Existing National Parks—provides for boundary modifications and expansions of 20 parks around the country from a 1,000 percent increase in size at Richmond National Battlefield in Virginia to a minor boundary adjustment at Zion National Park in Utah.

Protection of Important Historic Sites—legislation provides protection for very important historical events and persons by expanding the boundary to further protect the Manzanar national Historic Site in California; adjusting the boundary at Independence Hall to improve management; designating the route taken by voting rights marchers from Selma to Montgomery as a National Historic Trail; and reauthorizing funding for the Advisory Council on Historic Preservation.

Establishment of New Memorials—legislation provides for the construction of memorials on the mall in Washington, DC to Martin Luther King, Junior, Black Revolutionary War Patriots and Japanese-American patriots.

Protection of Rivers from Coast to Coast—the bill protects important rivers from the Columbia River in Washington to the St. Vrain in Colorado and the Lamprey in New Hampshire.

Protects Hallowed Ground Where the Blood of American Soldiers was Shed in Battle—the bill protects important battlefields from Yorktown, where America won independence, through the Civil War in Virginia, Mississippi, Louisiana, and Georgia and establishes the American Battlefield Protection Program.

Mr. MURKOWSKI. That may save them from threatening to read 2,700 pages of the bill.

Mr. President, I have just been given a list of the States that are affected here, and if my colleagues will just give me a couple more minutes, I will conclude my remarks with this, because it is so important that each Member understand what is in this for his or her State.

Alabama. Selma to Montgomery Historic Trail designation, historic black college funding.

Alaska. Anaktuuk land exchange, Alaska Peninsula land exchange, Alaska PLT, unalaska historic site, Glacier Bay fee, unrecognized communities, Federal borough recognition, village land negotiation, conveyance to Gross brothers, regulation of Alaska fishing, University of Alaska.

Arizona. Walnut Cameron exchange, Wupatiki boundary adjustment, Alpine School District conveyance, ski fees.

Arkansas. Arkansas-Oklahoma land exchange, Carl Garner Federal lands clean-up.

California. Pesidio, Elsmere Canyon protection, San Francisco Bay enhancement, Butte County conveyance, Modoc Forest boundary adjustment, Cleveland National Forest, conveyance, Lagomarsino visitor center, Tular conveyance, Mineral King, Merced irrigation district land exchange, Manzanar historic site exchange, AIDS memorial grove, timber sale exchange, Santa Cruz Poland acquisition, Stanislaus Forest management, Del Norte School conveyance, ski fees.

Colorado. Cache La Poudre corridor designation, Rocky Mountain Park visitor center, Grand Lake Cemetery authorization, Yucca House boundary modification, Rockwell ranch, Black Canyon of the Gunnison, St. Vrain exchange, ski fees, Greeley, Colorado land exchange.

Florida. Florida coastal barrier amendments.

Georgia. Chickamauga-Chattanooga authorization increase, Fort Pulaski.

Hawaii. Kaloko-Honokohau Advisory Commission extension.

Idaho. Craters of the Moon boundary adjustment, waterman fossil beds boundary adjustment, Cuprum conveyance, Targhee exchange, ski fees.

Illinois. Illinois and Michigan Canal, Calumet Ecological Park study.

Kansas. Tallgrass prairie National Preserve authorization, Nicodemus Park establishment.

Lousiana. Civil War center, Laura Hudson visitor center.

Maryland. Lower Eastern Shore hedge study.

Massachusetts. Boston Harbor Islands park establishment, Blackstone heritage area, Boston Public Library on Freedom Trail, New Bedford establishment.

Michigan. Pictured Rocks boundary adjustment.

Mississippi. Corinth visitor center historic black college funding, Natchez visitor center.

Missouri. Ozark wild horses preservation.

Montana. Lost Creek exchange, ski fees.

New Hampshire. Lamprey River, ski fees.

New Jersey. Sterling Forest, Great Falls historic district.

New Mexico. Bisti/De-Na-Zin wilderness, Taos Pueblo conveyance, Rio Puerco project, Father Aull land transfer, ski fees.

New York. Women's rights boundary adjustment, Sterling forest.

Ohio. Dayton Aviation Commission.

Oklahoma. Arkansas/Oklahoma land exchange.

Oregon. Sumpter conveyance, Upper Klamath basin restoration, Deschutes basin restoration, Mount Hood corridor exchange, Coquille Forest establishment, Bull Run watershed protection, Oregon Islands wilderness, Umpaqua River exchange, ski fees.

Pennyslvania. Delaware Water Gap fee, Independence Park boundary adjustment.

Rhode Island. Blackstone heritage area expansion.

South Carolina. Historic black colleges funding.

Tennessee. Historic black colleges funding.

Texas. Big Thicket exchange.

Utah. Snowbasin exchange, Sand Hollow exchange, Zion Park exchange, ski fees.

Virginia. Cumberland Gap boundary adjustment, Richmond Battlefield boundary adjustment, Shenandoah Valley Battlefield establishment, Shenandoah NP boundary adjustment, Colonial Parkway boundary adjustment.

Washington. Vancouver Reserve establishment, Hanford Reach protection, ski fees.

West Virginia. West Virginia Rivers.

Wisconsin. Pictured Rocks boundary adjustment.

Wyoming. Bighorn County conveyance, Douglas County conveyance, Ranch A conveyance, ski fees.

Generic. RS. 2477, Black Revolutionary War Patriots Memorial, MLK Memorial, advisory council historic preservation, Revolutionary War & War 1812, Am. battlefield protection, ski fees, recreation fees, recreation lakes, National Park Foundation, NPS administrative reforms, BLM re-authorization, Japanese-American Patriot Memorial, REA right-of-way.

Finally, Mr. President, do not be misled. These bills will not pass, they will not pass as part of an appropriations bill. Some Members may be under the impression that you can just cherry pick this thing and their bills will pass as part of the final appropriations. Do not be misled. This is not going to happen. As chairman, I will not let it happen. I want to put those Members on notice if this conference bill fails, all the bills, all of them, are absolutely dead for this Congress.

Finally, I want to recognize the work of Bill Lane, from San Francisco, a long-time acquaintance of mine, former publisher and still associated with Sunset Magazine, who has done so much groundwork on the Presidio effort. I know there are others that deserve recognition, but Bill Lane has been a stalwart, promoting the objective to get the job done, and get it done now, because if you do not, the Presidio will deteriorate to a point where it may be too late.

I have gone on longer than the Senator from Alaska usually does, not preaching to my colleagues. I am imploring you to recognize this for what it is. We have all taken a hit. The poison pills have been taken out. If the administration wants to use this as an exchange, OK. Then it becomes, perhaps, a campaign issue.

I hope we hear from the administration, their recognition that perhaps there is not everything they like in this, but there is so much in it, and it is so necessary we address these things now, and the recognition of the way this process works—that you cannot move the bills through individually because there are holds on them. You have to move them in a package. We can get this done now, for the good of the States affected, for the good of the Nation, and for the good of the House of Representatives and the U.S. Senate. Mr. President, the time is now. The day is now. We should get on with it.

I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Nebraska is recognized.

Mr. EXON. The Senator from Nebraska understands we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator may proceed as though we were in morning business.

Mr. EXON. I ask that we continue morning business for the purpose of making remarks with regard to several retiring Members of the U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANK YOU TO SENATOR ROBERT C. BYRD

Mr. EXON. Mr. President, while I have had ample opportunity to review the RECORD of yesterday while I was awaiting my chance to make remarks, I want to thank very much my close and dear friend, Senator BYRD, for his kind remarks about this Senator as printed in yesterday's RECORD, S. 11134. Senator BYRD made some very kind remarks about me and our association and work here in the U.S. Senate. I thank him for that.

I also wish to take this opportunity and thank others who have made farewell remarks with regard to this Senator from Nebraska, and with particular reference to Senator BYRD. I think we all recognize what a unique experience we have had here in the U.S. Senate, serving with one of the greatest U.S. Senators, by any measurement, that this body has ever seen. BOB BYRD of West Virginia has no peer with regard to his understanding of the rules of the U.S. Senate. He has written books on the history of the U.S. Senate. Certainly, as I think back over my last 18 years, and I will be thinking about this in the future, I thank the Lord for the great opportunity, and the people of Nebraska, for giving me the opportunity to serve with a truly great American, a true pillar of the U.S. Senate, ROBERT BYRD of West Virginia.

In that regard, I also would like to take just a moment, Mr. President, to thank a number of my colleagues from both sides of the aisle that stopped by a reception held for me last evening. My wife Pat and I appreciated that. A good time was had by all.

TRIBUTE TO SENATOR SAM NUNN

Mr. EXON. Mr. President, I would like to proceed in making some brief statements with regard to several of the retiring Members that this Senator has had the honor of serving with.

Let me start, Mr. President, if I might, with a statement with regard to the great Senator from Georgia, SAM NUNN. We will be leaving the U.S. Senate together. This Nation will likely lose the most important Senator of all with regard to national security and foreign policy when my colleague SAM NUNN departs this body.

I believe Senator NUNN is one of the greatest leaders of the current era. He has been a leader and a close personal friend and confidant of mine since the very first day I came here 18 years ago. SAM NUNN has been my Democratic leader on the Senate Armed Services Committee. We have worked closely together, and always in harmony, on many, many issues of vital importance to this Nation's national security. SAM has been a stalwart in helping to win the cold war. I remind all that SAM is, bar none, the Senate's top expert on national security matters. No one has done more to help recruit and retain the Nation's soldiers, sailors, airmen, and marines, who are on duty today and are the best that we have ever had in uniform in our Nation's history.

I was proud to be a charter member of the informal ''Sam Nunn for President'' group in 1988. I believed then, and continue to believe to this day, that SAM NUNN would have been an outstanding President of the United States. SAM has the unique qualities of being strong in his principled viewpoints and yet compromising in the means to achieve his goal. In short, SAM NUNN is a true statesman in every respect of the word. I will always treasure my association and my friendship with him. Pat and I want to wish him and his family all of the best and, indeed, all of the blessings of the future.

TRIBUTE TO SENATOR DAVID PRYOR

Mr. EXON. Mr. President, I rise today to pay tribute to my departing colleague from Arkansas, Senator DAVID PRYOR. I have treasured our 20 years of friendship.

Senator PRYOR is one of the true gentlemen of the Senate and it has been my good fortune to serve as Senators together as it was my pleasure to serve as governors during the same time period in the 1970's. DAVID has been a good friend to me here in the Senate and I have appreciated his leadership in a number of areas including pharmaceuticals, seniors, taxpayer rights issues and many, many more.

Senator PRYOR has taken his intelligence and sense of fair play and worked to see that America's seniors are treated with dignity and respect by serving as the top-ranking Democrat on the Special Committee on Aging. Government programs do a better job of serving Americans because of the leadership of DAVID PRYOR.

A leader in keeping pharmaceutical prices low, Senator PRYOR has fought long and hard to make sure that Americans do not pay for the low prices

pharmaceutical companies charge other countries for their products. Because of his leadership, the Medicaid program instituted a prescription drug rebate program so that drugs could be purchased at a more favorable rate. I was also pleased to be an original cosponsor of Senator PRYOR's Taxpayers' Bill of Rights. This was landmark legislation to remind the Internal Revenue Service to treat taxpayers' with dignity and respect.

The hallmark of Senator PRYOR's tenure here in the Senate is leadership. Leadership in legislation, a leader among his fellow Senators and leadership for his beloved State of Arkansas. The people of Arkansas have always been his priority and he has served them well.

Farewell my friend. Pat and I wish you the very best for the future.

TRIBUTE TO SENATOR PAUL SIMON

Mr. EXON. Mr. President, I rise today to say a few words regarding the retirement of the senior Senator from Illinois, PAUL SIMON.

PAUL SIMON was first elected to the Senate in 1984 and I have been honored to serve with him for the past 12 years. Before entering the Senate, PAUL SIMON represented his constituents as a Member of the House of Representatives for 10 years. He will truly be missed by the people of Illinois and his colleagues in the Senate.

Over the years I have worked with Senator SIMON on the Budget Committee. Despite his reputation as a compassionate liberal who believes the Federal Government has an important role to play in the lives of Americans, Senator SIMON has not shied away from following his personal convictions, even if it meant going against the majority of his party.

Senator SIMON has been a leading proponent of a constitutional amendment to require the Federal Government to balance the budget each year. He has been guided by his common sense, midwestern views on living within your means. I, too, have been a longtime proponent of a balanced budget constitutional amendment. Senator SIMON's ability to work with Members on both sides of the aisle is unfortunately a diminishing quality among Members of this body.

PAUL SIMON has been a strong supporter of free speech as a Senator. He is an author and began his career as a newspaper editor and publisher. Despite his background, Senator SIMON has also been willing to criticize the television broadcasters over the excessive amount of violent programming.

PAUL SIMON has a special connection to my State of Nebraska. He was a student at Dana College in Blair, NE. I know that Dana College appreciates his continued interest in the students and the college over the years.

I commend Senator PAUL SIMON for his many years of dedicated service to the people of Illinois. Pat and I wish him the very best in his retirement.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. EXON. Mr. President, I rise to salute the service of Senator HOWELL HEFLIN and give the Senator and his family best wishes.

Senator HEFLIN and I came to the U.S. Senate together and we will be leaving this grand institution together. Over the years I have not only developed a tremendous working relationship with the senior Senator from Alabama but also a deep and lasting friendship. Mike and HOWELL HEFLIN have been among the closest friends and associates of the EXONS.

Over the years, I think that there are few Senators with whom I vote with more frequently than with Senator HOWELL HEFLIN. I value his opinion and respect his views. He is not only a mainstream Democrat, he is a mainstream American.

Few Members realize that HOWELL HEFLIN is a bona fide war hero. If I may Mr. President, I would like to share a little story about the Senator from Alabama. A few years ago I had an opportunity to lead a delegation to the Pacific rim. HOWELL HEFLIN was a member of our group. We had scheduled a stop in Guam for refueling en route to Manila. When we arrived, I was informed that there would be a brief unscheduled ceremony for HOWELL HEFLIN.

It was anything but a brief ceremony. It was obviously one of the most important ceremonies that the Island of Guam has had, I suppose, since the American forces drove out the Japanese from that island during the war in the Pacific. There was a large entourage of cars. I could not imagine what was going on. Finally, I began to get the feel of things. They wanted to take us out to the beach where the American Marines landed when the United States of America started taking back that very important and strategic island.

We went out to the beach, and we saw where they landed. This beautiful beach was once a bloody battlefield. During the war the Marines had great difficulty in landing. The coral reefs reeked havoc on the landing crafts and on the men.

Our delegation went to the museum out on the beach. We were greeted by the mayor, the Governor and there was a small Navy band playing. In addition, there was a small tent with a number of people from the Island of Guam who were there when the Americans landed.

This celebration was not in honor of the Senate delegation but in honor of one of our Members, Senator HEFLIN. It was a moving sight. There was a big sign out there that I shall never forget. It said, ''Welcome Back Our Liberating Hero, Lt. HOWELL HEFLIN.''

Because of all his other accomplishments, I suspect few of my colleagues in the Senate even know about Senator HEFLIN's heroism. He was one of those marines who liberated Guam. Lt. HOWELL HEFLIN was part of the assault force of the Americans landing to take Guam from the Japanese. He was wounded in the initial assault and kept on fighting. He pointed out the hill to me where he took his second hit.

He was evacuated to the United States where he spent considerable time in the hospital.

This story illustrates that Senator HEFLIN's love of country has been a constant throughout his life. As marine, judge, and as Senator, duty, honor, and valor are all words associated with HOWELL HEFLIN.

This is a side of the proud HOWELL HEFLIN that I know. That is a side that I want his colleagues and history to know. He is one of those who serves his country in time of need, and we must never forget that.

As I bring my Senate career to a close, I point to serving and knowing people like HOWELL HEFLIN as one of the most wonderful benefits of being involved in politics.

Having known HOWELL and Mike Heflin and knowing of their stature, and character, having had them as friends, means a great deal to me as I look back on my life in public service and see what really has been important.

I simply say that one of the great treasures of my life has been knowing the Heflins. May God bless and keep HOWELL and Mike Heflin forever in his grace.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. EXON. Mr. President, when the Senate concludes its business this year and adjourns the 104th Congress, we will be bidding farewell to one of the most respected and accomplished Senators this institution has known. Senator CLAIBORNE PELL's decision to retire following the completion of his sixth term has brought to a close a legislative career that is noteworthy for not only its longevity but also its accomplishments. Whether in the area of student educational loans, arms control or foreign affairs, Senator PELL has distinguished himself as an effective force in not simply representing the interests of Rhode Island residents but in authoring a national agenda designed to improve the quality of life for all Americans.

Senator PELL's colleagues know him as a quiet, thoughtful man of strong intellect and compassion. In his words and by his actions, CLAIBORNE PELL has demonstrated an unyielding commitment to serving the public good for the past 36 years. This remarkable devotion to serving the common good will long be remembered by those of us who worked with CLAIBORNE PELL and lament his departure from the Senate. After devoting so much of himself to improving the welfare of this Nation,

he can retire with the comfort of knowing that it is well-earned.

HONORING SENATOR J. BENNETT JOHNSTON

Mr. EXON. Mr. President, it is with great pleasure that I rise today to salute my departing colleague and dear friend from Louisiana, Senator BENNETT JOHNSTON.

It has been a sheer pleasure to serve for the past 18 years with BENNETT JOHNSTON. Since the time I came to the U.S. Senate in 1979, I have always admired BENNETT's determination and rugged individualism. BENNETT JOHNSTON possesses many of the qualities that make this institution great, not the least of which is his ability to compromise.

Some have called him the master of compromise. I, for one, have always admired his ability to work both sides of the aisle. And as we all know too well, a willingness to look past partisan differences is something of precious commodity in the Senate these days.

Whether it was oil and gas price deregulation, the Supercollider, the Tongass National Forest, or nuclear waste disposal, BENNETT always delved deep into the heart of the matter regardless of how complex or controversial. While we may not have always agreed on the issues, I have always known I could rely on him, time and again, for his wise and fair counsel. And, I did.

For over two decades BENNETT JOHNSTON has been a dedicated public servant to the great State of Louisiana. As the Nation moves toward the new millennium, his service to this body and this country will not be forgotten.

I salute BENNETT JOHNSTON, and Pat and I wish him all the best for the future.

TRIBUTE TO SENATOR BILL BRADLEY

Mr. EXON. Mr. President, it is with great pleasure that I rise today to pay tribute to the senior Senator from New Jersey, BILL BRADLEY, who will be retiring at the end of this Congress. Senator BRADLEY and I were elected to Congress in the same year, 1978, and it has been a great pleasure and an honor to have served three terms in the Senate with him.

Senator BRADLEY has distinguished himself as a thoughtful and outspoken leader on the issues of tax reform, education, community revitalization and crime reduction. He has also been a vocal critic of wasteful Government spending. Senator BRADLEY and I share a keen interest in fiscal responsibility and concerns about the impact of the debt and deficit situation on our Nation's future. I was pleased to have the opportunity to work closely with Senator BRADLEY on line-item veto legislation. A form of this legislation was signed into law this year and I believe it is a crucial step toward eliminating wasteful spending and keeping us on the path of deficit reduction.

I commend BILL BRADLEY for his hard work in the Senate and his contribution to our Nation. I expect that he will continue to participate in the debate over important public policy issues. Pat and I wish him success in all his future endeavors.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. EXON. Mr. President, I rise today to say a few words regarding the retirement of the senior Senator from Wyoming, our own ALAN SIMPSON. It all came back to me last evening when my neighboring State Senator came by a reception honoring me, adding his usual good humor and sincerity.

ALAN SIMPSON was first elected to the Senate in the same year as me and I have been honored to serve in this body with him for the past 18 years. Senator SIMPSON has served the people of Wyoming through his hard work and dedicated efforts in matters of importance to his constituents and the American people. I am sure he will be missed by the people of Wyoming and his colleagues in the Senate.

Through his service on the Judiciary Committee, ALAN SIMPSON has been the Senate's leading force in reforming our immigration laws. His common sense approach to immigration reform has been vital to cracking down on illegal immigration. The highlight of the 1986 reform bill was a provision which made it unlawful for an employer to hire an illegal immigrant. For many years, I worked to place into law another common sense measure to prohibit illegal immigrants from receiving Federal benefits and I appreciate Senator SIMPSON's support of my efforts.

Despite his moderate and bipartisan approach, Senator SIMPSON has been the target of criticism from groups on both sides of the immigration issue. ALAN SIMPSON's willingness to push forward in the face of strong opposition from many tells a lot about how seriously he takes his position as a public servant. Without his determination, I doubt we would have been able this year to adopt such a strong, yet fair, bill to crack down on illegal immigration with such overwhelming bipartisan support. This legislation will serve as yet another testament to Senator SIMPSON's dedicated efforts to bring illegal immigration under control.

ALAN SIMPSON, while always fighting for what he felt was right and never being shy about speaking up, will also surely be remembered for his efforts to highlight the looming financial crisis that is facing our Federal entitlement programs. I strongly believe that the disintegration of bipartisan cooperation has seriously weakened the ability of this body to tackle the most difficult issues facing our Nation and has led to far too many ill feelings. Senator SIMPSON, while undoubtedly a true conservative, has been willing to go against the majority of his party on major issues while remaining true to himself and his constituents.

Pat and I commend Senator Alan SIMPSON for his dedicated public service over the years and wish him the very best in his retirement.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. EXON. Mr. President, a record number of our colleagues are retiring from the Senate this year. I am among those who have voluntarily decided to not return and I do so knowing how much I will miss the nearly day-to-day contact with many of the great statesmen and women our country has known.

I consider Senator MARK HATFIELD among this pantheon of accomplished public servants. While some may speak highly of Senator HATFIELD for his length of service to Oregon and the Nation as a whole, I have been most impressed by the strength of conviction he has brought to his job of U.S. Senator over the past 30 years. The fire of purpose has burned brightly and consistently within Senator HATFIELD during this time and, on so many occasions too numerous to recount here, Senator HATFIELD's voice has been the voice of the forgotten, the weak, and the disenfranchised.

The steadfast humanity and moral judgment Senator HATFIELD has displayed transcends political affiliation or partisan alignment. From what I have observed of him during my own 18 years in the Senate, I would sum up MARK HATFIELD's credo in a simple and straightforward way: Senator MARK HATFIELD has committed his energies to the betterment of all persons through the fight against the destructive forces of war, disease, ignorance and want. This raising of the human condition, this crusade against needless suffering and the ravages of mankind's self-destructive tendencies, has been MARK HATFIELD's rich legacy to the Nation and the world.

Above all else, I salute him for his unswerving dedication against heavy odds at times to his dedication to end nuclear testing, and without his steadfast leadership the treaty that was signed yesterday at the United Nations in New York would not have come to pass.

I was there, and many people came up to me and talked about this great accomplishment. To each and every one of them I said I wished Senate duties would have allowed MARK HATFIELD to be there along with myself and Senator PELL. I know he was invited.

At year's end, he will leave this institution a lion among his peers. But lest anyone be fooled, beneath the chiseled and proud visage of this lion is the true source of his strength, a compassionate heart that has kept him humble and grounded, his path straight, his words true, and his conviction undiminished.

The career of Senator MARK HATFIELD should be an inspirational model to all those who aspire to public service, for to follow in his footsteps is to embrace all that is admirable in the pursuit of elected office and service to the people.

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. EXON. Mr. President, the senior Senator from Maine, BILL COHEN, is among those Senators who have decided to not seek another term in service to their country. Senator COHEN and I both arrived in the Senate in January 1979 and we have served together on the Armed Services Committee ever since.

BILL COHEN's skills as a United States Senator were evident from the beginning. His mastery of detail along with his understanding of the larger implications of legislative policies has made him a universally respected oracle on a wide range of issues. His views are no more revered, perhaps, than those in the area of national defense and foreign policy. I can attest firsthand to how important Senator COHEN has been in furthering our national security interests over the past two decades. There is no aspect of our collective national security policy over this time that has not benefitted from Senator COHEN's contribution. Whether in the area of arms control or military reorganization or shipbuilding, Senator COHEN has displayed an effective ability to analyze problems and propose workable solutions that garnered bipartisan support. This is BILL COHEN's legacy to the United States Senate and the country as a whole.

He has been a renaissance man of sorts during these past 18 years: A best-selling novelist and published poet, an articulate speaker, and a gifted legislator. His departure will certainly deprive the Senate of one of its most meaningful and respected voices. I have no doubt he will continue to be as successful in his future endeavors as he has been as a United States Senator.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. EXON. Mr. President, I rise today to salute one of our departing colleagues and Senator from the neighboring State of Kansas, of course it is our own Senator NANCY KASSEBAUM.

NANCY and I have served together in the Senate over the last 18 years. I have always admired her willingness to look beyond partisan politics and work to solve the problems at hand. She can be proud of the recently passed Health Insurance Reform Act. I have no doubts that this will be seen for a long time as a very important piece of legislation. Finally, people will be able to move from job to job without fear of losing their health insurance.

Senator KASSEBAUM can also be proud in the role she played during the reauthorization of the Higher Education Act several years ago. Because of her efforts and those of the Labor and Human Services Committee more of America's young people can seek the higher education they need to fulfill their dreams. NANCY has also been willing to work on a very important issue to me, Impact Aid. With her help and leadership, improvements to this program were made so that the children of our military personnel have better educational opportunities.

Senator KASSEBAUM comes from an honorable Kansas Republican family. Her father Alfred Landon served as Governor and Presidential nominee. Governor Landon and the legacy he left, has been significantly enhanced by the way that his daughter has continued in his footsteps.

Kansas will be losing a great Senator, one who has served her constituents well. Pat and I wish NANCY and her family all the best for the future.

TRIBUTE TO SENATOR HANK BROWN

Mr. EXON. Mr. President, I rise today to pay tribute to Senator HANK BROWN, the senior Senator from a neighboring State, Colorado, who is retiring at the end of this Congress. It seems, out there on the plains, we are dropping like flies.

HANK BROWN's service to the State of Colorado and our Nation has ranged from the U.S. Navy and a tour in Vietnam, to serving in the Colorado State Senate, the U.S. House of Representatives, and the U.S. Senate. More importantly, however, I understand that Senator BROWN played some football while at the University of Colorado. While Nebraskans are not usually humble about football, I humbly acknowledge that the Nebraska record against Colorado from 1958 to 1961 was 1 win and 3 losses.

As the ranking Democrat on the Senate Budget Committee, I have had the privilege of working with Senator BROWN on several budget initiatives. I believe he and I share a commitment to deficit reduction and responsible Federal spending second to none. I appreciate Senator BROWN's hard work in this area and have enjoyed the opportunity to work with him on these most important issues. HANK BROWN possesses one of the keenest senses of humor in the Senate. He is a delightful individual.

I commend HANK BROWN for his hard work in the Senate and his contribution to our Nation and the State of Colorado. I wish him success in all his future endeavors.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Missouri.

SMALL BUSINESS INVESTMENT ACT AMENDMENTS

Mr. BOND. Mr. President, as chairman of the Small Business Committee, I am working with Senator BUMPERS, my ranking member. We have agreed that we should pass H.R. 3719, the Small Business Act and Small Business Investment Act amendments, with a substitute.

Senator BUMPERS and I have tried to accommodate all of the concerns of Members, both of the committee itself and of this body. It is vitally important, if we are going to continue to provide funding for small businesses through the SBA programs, that we move on this.

I am advised that there are still some clearances to be obtained on the other side. I serve notice on all my colleagues we are, we hope sometime later today, to proceed to unanimous consent to proceed with this measure so we can continue small business financing efforts.

I acknowledge my colleague from Pennsylvania has been waiting a long time. I will not pursue this any further. But I want all of our colleagues to know that we hope to be able to get consent to pass this bill and send it back to the House for final action, we hope by tonight, because this is vitally important.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL BIRTH ABORTIONS

Mr. SANTORUM. Mr. President, I rise today to continue the deliberation here in the Senate of the issue of partial-birth abortions. We have had a discussion over the past several days in the Senate about this issue. I think it is good that we continue the debate. I have asked for a time agreement for tomorrow, and I hope we can get that, from 9 to 2 tomorrow morning and into tomorrow afternoon, and then a vote at 2 o'clock. I know that is being hotlined right now. I do not know if there has been any objection to that. But I think 5 hours of debate is a reasonable period of time for both sides to get the opportunity to put forward their views on this issue. I think, while we have had some debate, and maybe we will even have some more debate today, I think this is such an important issue that that kind of time is necessary to really have the Senate work its will, for it to be a deliberative process and a deliberative decision based on all the information.

As I said yesterday, there is a tremendous amount of information, frankly even still coming out, about this issue and about the number of these procedures that are performed in this country. I think it is important for all Senators to realize exactly what we are voting on here and its impact, as I said yesterday, not only on what we will tolerate as a country, what lines we will draw as to what is permissible in our society, in our civilization, but what it will say about the quality of life in our country.

While I was sitting here listening to some of the remarks, I thought about what I read last night in the House debate. Member after Member got up and

talked about: Well, you know, we are talking about deformed fetuses—I will talk about that later in my remarks—deformed fetuses, as if, because they are not perfect, they are expendable. I found it sort of ironic that the very people in the House of Representatives who stood up and gave as a rationale for allowing late-term abortions a deformity of a fetus, in many cases—in fact, in most of the cases described by the testimony—not fatal deformities but just deformities, those people who say that a mother can abort a baby because of that deformity are the same people who get up with passion—and I admire the passion—who fight for the Americans With Disabilities Act because they believe people with disabilities can, in fact, contribute to our society and who argue for IDEA because they believe children with mental difficulties or physical disabilities can, in fact, contribute to the educational process of all children.

Yet, when it comes to the very initial right—not the right to go to school, not the right to have a curb cut so your wheelchair can get from street to street, but the right to live, the right to be a citizen of this country—that is where they draw the line; that that is not an issue worth fighting for; that that disability is somehow so great that it is not worth fighting to protect that disabled child from being delivered through this procedure feet first, completely delivered up to the head.

The only thing remaining in the birth canal is the baby's head. A pair of scissors is taken and punctures the base of the skull. A catheter is then inserted into the brain and the brains are suctioned out. That brutal, gruesome, barbaric procedure administered to a baby from 20, 21 weeks on; in some cases, third trimester abortions, late third trimester abortions in some cases. That is OK, because the baby isn't perfect.

Fortunately, in the House of Representatives, many Members who voted against this piece of legislation to ban this procedure had second thoughts, gathered more information, listened to the testimony that was given, listened to the new findings which I talked about yesterday in Richard Cohen's article in the Washington Post where he said when he wrote his original article back in June of last year, ''I was under the understanding that late-term abortions were rare and they were only for health and life of the mother reasons, or that the child to be born would have no chance of surviving. But I find that is not the case,'' he says. He cited an article written by a colleague of his, a physician at the Washington Post, Dr. BROWN.

We have another article written by a woman with the Bergen County Record who said that in New Jersey alone this late-term abortion procedure done, in many cases, on viable babies at 24 weeks and older are not 500 a year, as some of the pro-choice lobbyists would have you believe, like Planned Parenthood and others who conveniently don't keep close track of these things, but 1,500 a year, just in one particular area of New Jersey alone—1,500 a year.

That fact was not known when the Senate first deliberated. It was an important fact that caused the change of opinion of one Member that was written about by Cal Thomas today in the Washington Times, Marge Roukema. I served with MARGE during the 4 years I was in the House. Marge is a pro-choice moderate Republican from New Jersey. Quoting Mr. Thomas:

> Representative Marge Roukema, a pro-choice moderate Republican from New Jersey, decided that instead of voting in lockstep with the rest of her pro-choice colleagues, she would go beyond the sloganeering and the sound bites. Though Mrs. Roukema voted against the original bill banning partial-birth abortion—a procedure in which a fully formed baby is delivered feet first—

Scissors inserted in the head and the brains sucked out—

> she switched sides and voted to override President Clinton's veto of the measure.
>
> The reasons Mrs. Roukema gave for her change were as honest as they were profound. She said her concerns about protecting the mother's life had been answered—

In fact, there is a provision in the bill that was inserted by Senator Dole when the bill came through that this procedure would still be permitted if it were necessary to save the life of the mother

> putting the lie to pro-choicers' charges that the bill would jeopardize women's lives. She also said she was satisfied that doctors would not be prosecuted if the procedure were performed in dire circumstances.
>
> Mrs. Roukema said, ''Over time, I've been reading about this and informing myself. It's a decision that was very difficult to make, but I decided (partial-birth abortion) comes too close to infanticide.''

She took the time to weigh the facts. As I said yesterday, I have a tremendous amount of faith—a tremendous amount of faith—in the U.S. Senate and its deliberative capabilities, and I have faith in every one of the Members here who will not be blinded or blocked into a position because they are pro-choice or pro-life.

This is not a pro-life, pro-choice issue. This is an issue about a procedure that is so barbaric and inhumane that if it were performed on an animal, we would be hearing the animal rights activists storming the Capitol today. If it were performed in another country, the human rights people would be saying we should have trade sanctions against them until they stop it. And yet it is performed in this country thousands of times and in many, many cases, as I quoted yesterday from the doctors in the Bergen County Record, in most cases on healthy babies, healthy pregnancies, and healthy women who had no problem with their pregnancy but was purely elective.

Other Members who are pro-choice stood up and took a very difficult position in support of the override of the President's veto.

I give them a lot of credit for doing so, because it is not easy to stand up and draw a line. One such person was a Member from across the river, Mr. MORAN, who I was elected with when I first came to the House of Representatives back in 1990. I will quote from his statement on the floor of the House just last week:

> Mr. Speaker, I am very hesitant to speak on this issue.

I share with Mr. MORAN that I was very hesitant to speak on this issue. I had been a Member of the House for 4 years and have been a Member of the Senate for 2 years. Never once, prior to this issue, did I ever speak on the issue of abortion. I have talked to several of my colleagues over the past few days, now that I have stood here talking about this and they, too, have told me, ''You know, RICK, I've never spoken on the floor of the Senate on this issue, but I feel compelled to do it this time.'' So I give credit to Mr. MORAN, a Democrat, pro-choice.

Continuing his talk:

> For one thing, I have been associated with the pro-choice side throughout my legislative career, and I do believe that when the issue of abortion is considered, it really ought not to be a legislative issue; it ought to be a personal decision by a woman with the advice of her physician, within the context of her religion and family. I do not believe that this issue falls within that rubric, within that context of decisionmaking.

He then says he agrees with Roe versus Wade and describes the decision of Roe versus Wade. I will continuing quoting:

> What we are talking about now, though, goes beyond that third trimester. We are talking about the delivery of a fetus clearly in the shape and with the functions of a human being. And when that human being is delivered in the birth canal, it cannot be masked as anything but a human being.
>
> We should not act in any legislative way that sanctions the termination of that life. And that is why I urge my colleagues to vote to override the President's veto of this legislation.

I know that is not an easy thing to do. I know it is not easy to get up and talk about those issues. What I also know is I know it is not easy for people to listen to talk about this issue.

One of the things that I think probably led me not to speak so much—not so much—at all on the floor of the U.S. Senate about this issue is because it is so uncomfortable to talk about. I was assailed yesterday by one of my colleagues saying, ''Well, you never delivered a child, and so you really don't know what it's like, and you really don't have any standing to talk about it.''

It is true I never delivered a child, but I have been there for the three deliveries of my children with my wife Karen, and I saw those children born. I had the privilege of cutting the umbilical cord in all three cases and holding that little, vulnerable baby. Two of our children were born premature. We are lucky enough to have a fourth child on the way, and we follow the growth and development of that child.

No, I have never had a baby, but I am a father who understands what life is

about. So while I may not have the standing that some in this Chamber believe I should have, I think I have every right to stand up for those children as a father, as a citizen, and as a Senator. So I will continue to do so.

This is a difficult issue because it pushes us to the edge and makes us so uncomfortable to think about a viable baby, not a blob of tissue an inch long, not a little embryo, but a baby. My wife—as I mentioned, we have three children—but my wife has had a lot more experience with babies than just our three children. For many years she was a neonatal intensive care nurse in Pittsburgh, PA. She worked in the NICU unit, level 3, which is the most severe level, with the babies that are having the toughest time surviving. She worked with 24-week-old babies. She even worked with a 23-week-old baby. She reminded me last night that the eyes were still fused on that baby. That baby is alive today.

She said, yes, it is a struggle for those young babies. But they fought and they fought and they fought, so many of them, and they did survive. What this procedure does to those little babies, if we allow that to happen in this country—well, I hope we do not.

The Senator from California yesterday said that we could get a bill agreed to here in the U.S. Senate just like that if we just had a provision that said, that in addition to protecting the life of the mother, that we added a section that said, ''to protect the health of the mother.'' I attempted to respond, but I sort of ran out of time. I would like to respond to that.

I will assure the Senator from California that we could not get an agreement on that issue with Members who voted for this legislation. The reason is very simple. No. 1—and I will read for you physician after physician after physician who say that this procedure does not—does not—protect the health of the mother. In fact, they would argue that in fact it greatly endangers the life of the mother, more so than other procedures, No. 1.

No. 2, it also enhances the risk of infertility and the inability to carry a child to term.

So even if you accept—I cannot accept the premise that there is a need for this procedure to save the health of the mother. It is in fact contradicted, and it is in fact more threatening to the health of the mother to do this procedure. So to say this procedure is necessary to do that puts forth a false assumption, and then you are asking me to agree to it. I cannot agree with something that is not true.

Second, what we have seen repeatedly in this country is that health of the mother is in fact not a limitation at all; that health of the mother means, yes, physical health, but also mental health, social health in the sense that if it is a young girl who wants to have this procedure, that we have to worry about her social standing in order to allow this to happen, and financial health. Health has been broadly defined in this country to the point where it is not a limitation to a procedure at all. I think anyone who argues that fact knows fully well that it is not a limitation. So the underlying premise of the health exception is a faulty one. Secondly, health is not a limitation.

So in either instance, I could not accept an amendment like that because, No. 1, it is not true, because the health is not endangered by doing some other procedure more than it is by doing this one, and, No. 2, it is not a limitation.

Let me read from some obstetricians who have commented on this health issue and life issue.

''I can't think of any situation where you would have to carry out a specific, direct attack on the fetus,'' said Dr. James R. Jones in an April 19 interview at St. Vincent's Hospital and Medical Center in Manhattan.

Dr. Jones is chairman of the department of obstetrics and gynecology at the New York Medical College in Valhallaran. . .and head of obstetrics and gynecology for the hospital.

* * * *

''Their intent is fetal death,'' Dr. Jones said. ''I can't imagine that being an indicated procedure for the saving of a life or well-being of the mother.'' He said it amounted to ''simply another elective abortion'' and was ''practically infanticide.''

In cases of special difficulty, obstetricians can always resort to Caesarean delivery, he said. Even if an obstetrician knows in a particular case that the baby is unlikely to live, he said, its death is not the intent and no direct action is taken to kill the baby.

Dr. Nancy Roemer, who I know has testified before here, and in fact may have been up on the Hill today—I do not know that. I know there were some physicians up here again to try to educate Members of this body who are going to have to make this critical decision, possibly tomorrow afternoon, as to what the medical facts are, not some information thrown out there by advocacy groups attempting to influence the debate, like Planned Parenthood, who put out, ''Oh, there's only a few hundred of these done,'' when we find out the facts after the bill was passed and vetoed. The fact is, there are thousands of them done. In fact, as Richard Cohen said in his article in the Washington Post yesterday, nobody knows. Conveniently, those people who perform a lot of the abortions do not want to keep track of these kinds of abortions, do not want to keep track of late second-trimester and third-trimester abortions.

It is inconvenient for their cause of trying to convince the American public that these abortions only occur when they are very early on, and we do not have a baby that looks like a baby. It is not really a baby. At 24 weeks, it is a baby. You can call it what you want, you can try to call it a choice, but it is a baby.

I asked the Senator from California yesterday three times—and I really do not want to be combative. I really want the Senate to try to deliberate thoughtfully, to try to remove some of the emotion that always gets wrapped up in these debates, obviously, with reason. This is a very emotional subject. I asked her three times, and I will ask her again, because unfortunately she did not answer me any of the three times yesterday. I said, let me give you this set of facts: A partial-birth abortion is being performed—whether it is a normal baby, a perfect baby, or a baby that has some abnormalities—and you have a 24-week-old baby being delivered feet first, everything is delivered, the shoulders are then delivered, and by some mistake of the obstetrician, the head is also delivered. Would it be the choice of the mother and the obstetrician to then kill the baby?

Now, I think most people within the sound of my voice would clearly say, ''No.'' But if you say no, if it is so obvious, and is it not obvious? Does it not just hit you? Of course not, of course not, absolutely not, not even a question that the doctor at that point, with a baby in its hand, and maybe just in one hand, moving, that that doctor could not kill that baby.

Two or three inches, then, is the difference between what some would say, ''Of course not,'' to ''OK.'' Two inches before, ''OK,'' two inches later, ''Of course not.'' That is the line being drawn in this country now about life—about life. Is that the line that the U.S. Senate, this great deliberative body, this body that when I talk to people from other countries look at this place and see this country as something they aspire to, something they want to emulate, that we cannot get two-thirds of the men and women of this body to say that 2 inches is too close of a call, that that is too fine a line, that we have gone over the line about what is right in our society?

I think we as a body can do that. I think we as a body can stand up and do the right thing. I think Members who have voted differently on this issue in the past can change their vote based on new information.

Dr. Nancy Roemer said on the claim ''medical necessity'' that the President has invoked and Members on the other side have invoked, ''I am insulted to be told that I am tearing a woman's body apart by not doing this procedure.'' The ''tearing a woman's body apart'' line comes from a White House ceremony where the President vetoed this bill. ''As physicians, we can no longer stand by while abortion advocates, the President of the United States, the newspaper and television shows, continue to repeat false medical claims to Members of Congress and the public. This procedure is currently not an accepted medical procedure.''

The American Medical Association legislative counsel said it is not a recognized medical procedure. It is done in abortion clinics, as many of the doctors have said here, for the convenience of the person performing the abortion.

A search of medical literature reveals no mention of this procedure, and there is no critically evaluated or peer review journal that describes this procedure. There is currently also no peer review or accountability

of this procedure. It is currently being performed by a physician who is not an obstetrician. It is in an outpatient facility behind closed doors and no peer review.

That is what Dr. Roemer says about the necessity for this procedure and the appropriateness of this procedure. Let me quote another physician who happens to also be a Member of Congress, and that is Dr. COBURN from Oklahoma, who spoke last week on the floor of the House of Representatives.

Mr. Speaker, I have spent the last 18 years of my life, including a great deal of time of the time 2 years while I have been in this Congress, caring for women who deliver babies. I personally have been involved in over 3,000 births that I attended. I have seen every complication and every anomaly that has been mentioned in this debate on partial-birth abortion.

I am not standing here as someone who is pro-life. I am not standing here as someone that is a freshman Republican. I stand here today to make known to Members that they can vote against an override for only two reasons on this bill: One is that they are totally misinformed of the true medical facts; or that they are pro-abortion at any stage for any reason.

The facts will bear this out. That is not meant to offend anybody. If someone feels that way, they should stand up and speak that truth. But this procedure, this procedure is designed to aid and abet the abortionist. There is no truth to the fact that this procedure protects the lives of women. There is no truth to the fact that this procedure preserves fertility. There is no truth to the fact that this procedure, in fact, is used on complicated anomalous conceptions. This procedure is used to terminate mid and late second-term pregnancies at the elective request of a woman who so desired—in some cases, I might add, third-trimester abortions.

This has nothing to do with women's emotional health. This has to do with termination of an oftentimes viable child by a gruesome and heinous procedure.

What we should hear from those who are going to vote against overriding this is that they agree, that they agree that this procedure is an adequate and expected procedure that should be used, and that it is all right to terminate the life of a 26-week fetus, that otherwise the physicians would be held liable under the courts of every State to not save its life should it be born spontaneously.

This debate is not about the health of the women. This debate is about whether or not true facts are going to be discussed in this Chamber on the basis of knowledge and sound science, rather than a political end point that sacrifices children in this country.

That is an obstetrician. I have a letter here signed by 4 obstetricians of an organization called PHACT, which is the Physician Ad Hoc Coalition for Truth. It lists scores and scores of OB/GYN'S, who are against this procedure—and speak in very graphic terms against this procedure—including 123 members of the American College of Obstetricians and Gynecologists. They say the same thing: ''This procedure is not necessary to preserve health, fertility, or the life of a mother.''

I see the Senator from Oklahoma here. I have more things to say, but I have been on the floor for a while, and I want to give him an opportunity to speak. I will continue talking about this at a later time.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment the Senator from Pennsylvania for his courage in taking on this very sensitive and yet very important issue. It is an issue that we deal with in the Senate, maybe with some reluctance, but it is certainly an issue that deals with life and death. The Senator from Pennsylvania is trying to save the lives of innocent, unborn, almost-born human beings. He is trying to see that the overwhelming opinion of a majority of the American people is upheld—in this case, outlawing the most gruesome type of abortion possible.

I was doing a little homework on this. I compliment the Senator from New Hampshire, Senator SMITH, for his leadership on this issue because he made a lot of us aware that this practice was ongoing—a practice that people who are opposed to this ban, who don't want to see any restriction of abortion whatsoever, say rarely ever happens. I don't think that is the case. As a matter of fact, I have a couple comments that show there are thousands of these abortions performed every year. But in learning a little bit about the practice, it is really gruesome. The doctor—I don't want to call it a doctor. The abortionist has to go to some trouble to make sure the baby is not totally delivered. It is not an easy process. If the baby's head comes out, then you have a live child. Before that, you have a live fetus, by their definition. So they have to hold the baby's head in, in order to kill the baby, extract the brains from the head of the baby, and then remove the dead baby. This is happening thousands of times in our country.

We passed a ban. Congress overwhelmingly passed a ban to stop this gruesome, painful procedure. Unfortunately, President Clinton vetoed the ban. I think he was wrong. Dr. Koop mentioned that he thought maybe President Clinton had bad advice. I think he had bad advice, and I also think he was basically coopted by the groups who call themselves pro-choice. I know a lot of individuals who classify themselves as pro-choice that want to see this procedure stopped. They are offended by this procedure.

Let me make this one comment. Dr. Pamela Smith, an obstetrician at Mt. Sinai Hospital in Chicago, and Director of Medical Education in the Department of Obstetrics and Gynecology at that hospital, testified before the House Judiciary Subcommittee on the Constitution that even when describing the procedure to groups of pro-choice physicians, she found that ''many of them were horrified to learn that such a procedure was even legal.'' That is in the House report 104–267, page 5.

As Dr. Smith further points out, ''partial-birth abortion is a surgical technique devised by abortionists in the unregulated abortion industry to save them the trouble of 'counting the body parts' that are produced in dismemberment procedures.''

That was in a letter to U.S. Senators on November 4, 1995. She says in the same letter, ''Opponents have insinuated that aborting a live human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptively and patently untrue.''

In a July 9, 1995, letter to Congressman TONY HALL, a registered nurse who had observed Dr. Haskell, who has performed over a thousand partial-birth abortions himself, perform several partial-birth abortions, described one such procedure. Again, this is somebody who was assisting the abortionist. She saw the procedure.

The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while, his little head was stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out.

That is this procedure. That is gruesome. That is cruel. That is killing an innocent baby that is only seconds or inches away from delivery.

The American Medical Association's Council on Legislation, 12 members, thoroughly considered H.R. 1833 and voted unanimously to endorse the bill. After their action became public, they reconsidered the matter and voted unanimously again to endorse the bill. Although the full AMA Board of Trustees decided to take a neutral stance, the Senate does have the benefit of the carefully considered judgment of the AMA Council on Legislation on the bill. The AMA Legislative Council did not call for more time in which to study the bill. They had all the facts they needed to make a judgment. And so does the Senate. This bill should be passed. The President's veto should be overridden.

Mr. President, some people say that partial-birth abortions are done in order to save the life of the mother, or to protect her health. President Clinton used that as an excuse in his veto. I will give you a quote. According to the Physician's Ad Hoc Coalition for Truth, a coalition of about 300 medical specialists, including former Surgeon General C. Everett Koop, they emphatically state that even in cases involving severe fetal disorders partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. Never. These are the professionals. They say that a partial-birth abortion is never necessary to protect the mother's health or future fertility.

Dr. Martin Haskell—who I spoke about early and who performs partial-birth abortions—one of the major proponents and practitioners of this technique, states that some 80 percent which he has performed were for purely elective reasons. That was in an interview with AMA's American Medical

News, July 5, 1993. His late colleague and fellow proponent of the partial-birth method claimed in material submitted to the House subcommittee that nonelective reasons to perform the procedure include psychiatric indications, such as depression and pediatric indications, that is, the mother is young.

Mr. President, one other comment. Some of the people who have advocated that this procedure should not be banned say it is very rare. I think they are incorrect. The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure. During last year's debate, the New York Times quoted the pro-choice National Abortion Federation as saying that only about 450 partial-birth abortions are performed each year. However, two lengthy investigative reports published last week in the Washington Post and the Record of Hackensack, New Jersey, reporters for both newspapers found that the procedure is far more common than pro-abortion groups have indicated, and is typically performed for nonmedical reasons.

The Record found, for example, that a single abortion clinic in Englewood, New Jersey, performs at least 1,500 partial-birth abortions per year—three times the number that the National Abortion Federation had claimed occur annually in the entire country. Doctors at the Englewood clinic say that only a minuscule amount are for medical reasons. One of the abortion doctors at that clinic told the Record

> Most are Medicaid patients, black and white, and most are for elective, not medical reasons: People who didn't realize, or didn't care, how far along they were. Most are teenagers.

Mr. President, it is unbelievable to me that this unspeakable abortion procedure even exists in this country, much less that we have to take legislative action to ban such a procedure, as well as attempt to override a Presidential veto.

It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is all right to end the life of a baby whose body, except the head, is fully delivered. In order to engage in such a fiction one has to take the position that the curling fingers and the kicking legs have no life in them. Those who subscribe to such a fiction are at best terribly misguided. It is time to end this injustice and the practice of this procedure. I urge my colleagues to join us in voting to override the President's veto.

Mr. President, I agree with my colleague, Congressman TOM COBURN, who has delivered over 3,000 babies. He is still an active obstetrician. He is a professional in this area. He said this procedure is never, never called for. It is never necessary. He knows. The people who are supporting this procedure are saying we should never have any restrictions on abortion; that if you can't have this restriction, then you should not have any restriction, period. That means abortions for sex selection. That means abortion on demand for any reason. Abortion is a method of birth control; in this case birth control when the baby's head is only a few inches from delivery; maybe just a few seconds. Maybe the doctor is keeping the baby's head in so that life can be destroyed inside while the baby's head is still in the mother instead of just a few seconds later when it would be recognized as murder.

Mr. President, how can you say when the baby's arms and legs are kicking that it is not a live baby? We need to protect the lives of those innocent children. We need to override the President's veto.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. 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 OMNIBUS PARKS BILL

Mr. MURKOWSKI. Mr. President, I am waiting for one of my colleagues. But in the interim I would like to bring to the attention of the Members the prospects again for addressing the 126 individual bills in the omnibus parks package.

This has been the culmination of some 2 years in the committee of jurisdiction, the Energy and Natural Resources Committee. As a consequence of that effort we are on the eve of initiating an action in this body that would result in the passage of this very important legislation which clearly is the most significant environmental package with some 126 bills that has come before this body.

As a continuation of my previous remarks, the conference-adopted amendments in sum serve to ensure that this legislation will rectify particularly the accumulation of inadequate funding which now totals some $4 billion necessary to maintain our parks in a manner which is in keeping with the uniqueness and oftentimes the sanctity of those areas.

One of the amendments adopted and totally submitted by the Senator from Arkansas, Senator BUMPERS, which addressed concerns of the National Park Foundation Act, is evidence that that amendment would serve to ensure that the legislation would not lead to unwarranted commercialization of the parks, or abuse by corporate sponsors. The theory, Mr. President, here is that this legislation would be implemented in such a way that it followed very much that patterned after the national Olympic committees which authorize certain very select stipulations with regard to certification by the Olympic committees of activities that can occur in association with the Olympics.

For example, if a movie is made in one of our national parks, is there any contribution given to that national park to that movie? If there is a picture of an automobile, a new model portrayed in front of Mount Shasta, is there a contribution from Chrysler, Ford or General Motors to that park?

This is the innovative approach that we are hoping to prevail in the National Park Foundation Act to help fund our parks, not to commercialize the parks. We are not going to have the park sponsored by ''Joe Blow's Gas Station,'' or something of that nature, I assure you. It is going to be in keeping with the intention of the park.

Mr. GORTON. Mr. President, will the Senator, while he retains the floor, yield for a question?

Mr. MURKOWSKI. I am pleased to yield to the chairman of the committee of jurisdiction on parks.

Mr. GORTON. Mr. President, I want to say to my dear friend, the distinguished colleague from Alaska, how much I have admired all of the work that he has done as the chairman of the Committee on Energy and Natural Resources, and especially for his dedication to putting together and crafting a bill with a wide-ranging impact on our national parks and on other recreational land, and lands that are appropriate for preservation. I know how much that he wanted also to pass and have included provisions that are very important to him and to the people he represents in Alaska, and to other Members of this body.

I must confess that I felt that his ambitions were as great as they were worthy and that they were very likely to cause this body to not be able to act on many of these matters. As a consequence at the request of a number of Members of both the House and Senate, I have seriously considered whether or not it is appropriate to include in the Department of the Interior portion of our appropriations bill at least some of the important and not so controversial elements of that bill. I do have a particular interest—not that of a constituent interest—in one part of that. The Presidio portion of that bill is very important because the Presidio is by far the most expensive of our national parks and takes up a tremendous amount of the appropriations in which I supervise and oversee and chair in this body. To get the kind of community participation in San Francisco that we have desired to take some of the burdens of the local aspects of the Presidio off our hands so that we can better fund other national parks is important. So that was one element of the bill that we proposed to include.

I have been as delighted, however, as I was surprised at the ability of the Senator from Alaska now to put together a conference committee report which is ready to be reported and debated in the Senate. I simply say to my

colleagues they are not going to get the half or quarter loaf that was a possibility in the appropriations bill. This was an alternative if the conference committee could not work a way out. I am as committed and as dedicated to the passage of the entire bill that the Senator from Alaska as the chairman of the committee has submitted, I hope, almost as much as he is. It is, in the vernacular, the only train through town during the rest of this session, and I hope the Senate will soon be able to take it up and be able to pass it.

With that, I yield.

Mr. MURKOWSKI. If I may respond to my colleague with reference to the Presidio in relation to the trust which is authorized in the legislation, it is my understanding the proposal advocated by some for the Government to manage that facility was somewhere in the area of $1.2 billion. The intention of the trust will be to use some of the extraordinarily talented people in San Francisco who are knowledgeable on finance, development, and environmental concerns to come together and operate this similar to the Pennsylvania Avenue effort here in Washington that has been so effective in rejuvenating the downtown area. Obviously, the people of San Francisco are closest to that and the justification for that application working, I am satisfied, having met several people that I assume would be appointed by the President if, indeed, the Presidio package becomes law.

Mr. GORTON. The Senator from Alaska is entirely correct. The National Park Service is not set up to be the manager of the extensive and varied kinds of buildings that are found on the Presidio, very expensive to keep up, very expensive in requiring a great deal of sensitivity to lease or to rent in a way that is consistent with the land around and in the Presidio itself. So the trust is clearly the right way to go, and that is the leading element of the bill that the Senator from Alaska has reported. It is by no means the only one. As I understand from his notes, as many as 41 States may have projects that are helped by that bill. I hope, as the Senator from Alaska does, that the Senate will take it up promptly and will pass it promptly and it will be signed by the President. But in any event, that is the only way we are going to get from here to there.

Mr. MURKOWSKI. I thank my friend from Washington. I remind him, too, that Washington has some other interests. There is the Vancouver Reserve establishment and the Hanford Reach protection that are associated with the State of Washington exclusively. There are currently 126 individual bills in this package, and the significance of it, as the Senator well knows, is the result of a great deal of individual Members' and staffs' time, commitment, and hearings that have resulted in the last 2 years of effort.

Now, some of my friends tell me they have been at their individual bills longer than that. I want to assure my friend from Washington that those items that the administration identified as items, in their opinion, warranting a veto—the Tongass was one, Utah wilderness, grazing, the Minnesota boundary waters—all have been removed. I am sure if the administration wants to find something to veto, why, they will choose to do that, but they should also bear the responsibility of accountability for the very positive aspects of this bill which do represent some 41 States' interests and 126 individual participations in this portion.

I thank my friend from Washington for his statement relative to the fact that this is the train. It has left the station. I encourage my colleagues to recognize that, if we do not do it now, it simply will not get done. I thank my friend from Washington.

I will conclude my references with the remainder of my statement, Mr. President, relative to a little more enlightenment on the issue. I again refer to the National Park Foundation Act and the aspects of ensuring that we will get the balance necessary to ensure that the parks are not victimized by commercialization associated with this amendment, which would simply relieve some of the appropriation process to ensure that the funds can be contributed by appropriate corporate sponsors related to legitimate activities that are allowed in the parks similar to what I have described relative to movie background and the tradition there has been no consideration given to the parks for that and other types of activities in keeping with the sanctity of the park.

I do want to expand on one more item of major importance which I think some would suggest is as important to some extent as the Presidio and that is the California bay delta environmental enhancement legislation which is in there. This provision is backed by virtually everyone and is equal to or certainly on a par with the Everglades initiative in its significance because those of us who are familiar with the bay area recognize what this bay delta environmental enhancement legislation would do to clean up the bay. The authorities in this bill will allow for massive restoration, massive cleanup in San Francisco Bay and the delta region.

As I have indicated in the colloquy with my friend from Washington, this legislation touches nearly every State in the Nation, and while we attempted to address the concerns of all of our colleagues, as I have indicated, some of the items fell by the wayside either because we could not agree among our conferees, the House and Senate could not agree, or the administration could not agree. Of course, as I have indicated earlier, President Clinton made it very clear that if certain provisions were included in the package, he would veto the entire effort, no matter how meritorious.

As I indicated, we addressed that in the wilderness bill which was abandoned, the grazing bill which was abandoned. Unfortunately, communities in our Western States are not too happy about this. A portion of Minnesota will not have the benefit of motorized portages in the Boundary Waters Canoe Area. In my State, the Ketchikan contract extension provision was left on the table because the President made it clear that he would veto the entire bill. This meant as many as potentially 4,000 jobs—1,000 direct, 3,000 indirect—would be the result of not including that contract extension. Those are the only year-round manufacturing jobs we have in the State. As a consequence, I feel very badly about this. These are jobs that this administration sacrificed in my State, in my opinion, to appease an environmental lobby, which I think is unfortunate because the environmental lobby has attempted to instill fear instead of reality and logic. There is a very positive reaction which could result from the Ketchikan contract extension leading to advanced technology in other mills. But, for reasons that are quite obvious, the objective is simply to terminate harvesting of all timber in forests. And this administration and the environmental community seem to be hell-bent to achieve that.

The administration seems to have continued to oppose any value-added use of the Tongass National Forest. I think it is difficult, and sad, when the Government turns its back on the men and women who have built communities and towns and made them livable for those who come after. I think it is a harsh action. It is one without compassion. And the explanation is, well, if there are people suffering, we will simply write a check; we will provide funds to offset their loss of jobs through various types of assistance.

That is not what built America. That is not what built my State. It is not what is going to continue to maintain our area. There are certain limitations on what taxpayers should be expected to do given what people want to do to help themselves. I think it is disappointing the administration has chosen to turn its back on our workers, again, effectively killing our only year-round manufacturing/processing plant in the State.

So, we have come full circle in the Tongass. Some of my Alaskan friends will reflect on the time when we were a territory, prior to 1959. They had a couple of sawmills. There was no real available timber at that time. There was no demand at that time. The Forest Service was not structured to any extent at that time. The theory was: How can we develop some jobs, some tax base, an economy in southeastern Alaska?

After the war, they began to look north towards the pulp stands. I might add, 50 percent of the standing timber is in the form usable for pulp. It does not meet sawmill requirements. It has virtually no other use than dissolving pulp. The question is, are we going to allow this 50 percent of timber in

southeastern Alaska to be exported to the pulp mills in the south 48, Washington, Oregon, British Columbia?

The head of the Forest Service, who later became Governor in the State of Alaska, Governor Hickel, initiated a plan to establish four pulp mills in Alaska. Two of those were built. Two years ago, under environmental opposition, the Sitka mill was closed. Today, or in the not too distant future, we are about to see the termination of the one remaining mill, the Ketchikan pulp mill. So we made full circle to where we were when we were a territory. We have no utilization of 50 percent of the timber, other than to export it to mills in the Pacific Northwest and British Columbia, exporting our jobs, exporting our tax base.

There are a lot of unhappy Alaskans as a consequence of the inability of this administration to consider the merits of extending the contract so the $200 million investment can be made in a new mill.

So, the administration eliminated the chances for the pulp mill contract extension because there are certainly not enough votes in a Presidential election year to override a Presidential veto. I think it is truly regrettable that this administration has seen fit to make Tongass management an election issue, to pander to some of the extreme environmental groups who have established themselves in our State. I think we have 62 of them now. If you are not in Alaska, you are not a legitimate environmental group. They send their lawyers up to do missionary work, because everybody has a little different view and vision of Alaska. Their vision is that somehow Alaska should not be subject to any responsible resource development. Whether it be timber, oil and gas, mining, we cannot do it safely, really selling American technology short. They use their presence, then, for their cause or causes, raising money and increasing membership by advanced rhetoric, fear tactics that we cannot do it safely.

Mr. President, we are currently 51.4 percent dependent on imported oil. In 1973, we were 36 percent dependent on imported oil. The Department of Energy says by the year 2000, 4 years away, we will be 66 percent dependent on imported oil.

We are exporting our jobs, we are exporting our dollars, we are exposing the national energy security interests of this country to the whims of the Mideast that we have become so dependent on. We will pay the piper. The public will blame Government. They will blame the industry. We have been producing 25 percent of the total crude oil for the last 18 years. It is in decline. We can replace it. We have the know-how. But America's environmental community says no.

They do not say no with an alternative; they simply say no, because it generates membership and the American people cannot go up and look at it. They cannot go up and look at Endicott, which is now the seventh largest producing field in North America. The footprint is 54 acres. If we could develop, with the technology we have, the ANWR area would be 12,500 acres or less, about the size of the Dulles International Airport if the rest of Virginia were wilderness. Those are the dimensions. That is the technology. We will pay the piper and the environmental groups will not take any of the responsibility.

Their cause is fear. They have been very effective. And those of us who have tried to be a little more objective, I guess, have failed. That is where we are, certainly, on this issue, with the loss of our only manufacturing plant.

In conclusion, all the controversial items have been removed from this bill. The administration may not like every detail of every provision, but in total it is a very acceptable, very profound, very worthwhile package because it is for our parks and for resource conservation. It addresses the concerns of our national parks and our public lands. I guess it also represents what is wrong with our system, because Member after Member will come to me, as does the media, and say: Why did you have to have this huge package of bills? Why did you not pass them out? You are the chairman of the committee.

In deference to all of us, we know how this place works. Virtually every bill we reported out, every one of these 126 bills that are in the package, have had holds placed on them after we moved them out of committee, reported them out of committee. This is a right, under the rules of the Senate, but that is what is wrong with the process. So, after our efforts to untangle this and put it together and take away those items that were poison pills that the administration addressed, we presented the package as a consequence of the conference last night and our ability to have the House accept and send over the package.

We had one senior Senator who placed a hold on committee bills because of totally unrelated bills which the full Senate eventually voted, 63 to 37, to pass.

The abuse of the hold has contributed to the construction of this package. I guess one bill cannot move without another and another and another. The system needs repair so the Senate can proceed to meritorious legislation in a timely fashion on the merits of each individual bill.

I see other Senators waiting. This Senator has been waiting to bring the Presidio package before this body since 1 o'clock. I understand there is some concern on the other side of the aisle. We have not heard an expression of what that concern is. As I have indicated, if they are looking for an excuse to hold it up, veto it, then let's say so. Let's say so. Let's have it out. I am sure they can find one.

But if not, as the Senator from Washington said, if you are expecting some of the issues, some of these bills to be taken out of the omnibus parks package and put in the reconciliation package as a consequence of work underway by the Interior Appropriations Subcommittee, you have just heard the Senator from Washington, the chairman of that subcommittee, indicate that this is the only train moving. He is not going to take bills out of this portion and put them in the Interior appropriations bill and put it on the CR.

This is the train that is moving. We are ready to move with it. If you are going to hold up the train, you have to bear the responsibility for 41 States that are affected here—37 to 41, depending. Some of them are double-counted, like New Jersey and New York, because they affect both States, or the 126 individual bills that are in the package.

I encourage my colleagues to either come to the floor and indicate why they find it unacceptable, or face up to the opportunity we have now and pass it now. Procedurally, the last point I want to make is, if there is a motion that prevails to recommit, the package is dead. It is over. That is it once and for all. It is gone. We have lost our opportunity.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, may I inquire what the procedure is at the current time?

The PRESIDING OFFICER. The Senators can speak in morning business.

PARTIAL-BIRTH ABORTION

Mr. COATS. Mr. President, I would like to take a few minutes to speak on the issue that we will be debating at some length tomorrow, partial-birth abortion. My understanding is we have reserved a considerable amount of time for debate tomorrow.

I think it is important we have that debate. Clearly, we are heading toward perhaps one of the most difficult, but most important, votes in the U.S. Senate, difficult because it deals with an issue of such immense consequences that I think it is important that each Senator focus very clearly on the issue at hand.

This is not another one of those issues where I think anybody can just simply say, ''Well, I'm pro-life.'' ''I'm pro-choice.'' ''What is the pro-life vote?'' ''What is the pro-choice vote?'' ''Tell me what that is and I'll vote and walk off the floor and go on with my business.'' In my opinion, whether you are of the pro-life persuasion or the pro-choice persuasion, this issue deals with something of even greater consequence than that issue which is of extreme consequence. But this deals with something beyond the normal discussion that has taken place on the issues that would be categorized under the ''pro-life, pro-choice'' issues.

The President's veto of legislation passed by the Senate and passed by the

House of Representatives banning partial-birth abortions, except in the case where the mother's life is jeopardized, forces us, I believe, to confront a fundamental question of whether we will have a society that is civilized or one that is uncivilized.

It is of such great importance and such consequence that I urge every Senator to examine carefully the facts—not the rhetoric—but the facts surrounding this issue. Facts that were—at least information that was purported to be fact during the original discussion of this issue have now fallen to new information, information that has indicated to us that we did not have all of the facts at hand when we made that original vote. Hopefully, that will cause some Senators to reconsider their vote. It certainly has caused some of those who have examined the subject and written about the subject to reconsider their position.

Richard Cohen, who less than a year ago, during the time of debate on the partial-birth question, wrote an article which was published in the Washington Post, and probably in other periodicals around the country, justifying his conclusion that the partial-birth abortion procedure was justified.

But after examination of what he called ''new data about this type of abortion,'' he wrote a second article in which he admitted to having been misled by the data supplied by, and I quote his writing, ''the usual pro-choice groups.''

Ruth Pabawer, writing for the Sunday Record in New Jersey, after extensive investigation determined that ''interviews with physicians who use the method''—that is the method of partial-birth abortion—''reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year—three times the supposed national rate.''

It was stated on this floor a number of times, and has been repeated on this floor a number of times, that we are talking about a very rare procedure, one that is used primarily, and almost exclusively, in cases of extreme health distress or extreme risk to the life of the mother; that it is performed roughly around 600 or so times a year on a national basis.

Yet, a respected reporter writing in New Jersey has concluded after her investigations that at least 1,500 partial-birth abortions are performed each year in that State alone, and that most of those 1,500 abortions are not performed in situations or instances when the life of the mother is at stake, not even performed for medical reasons, but simply performed because the mother-to-be of that child has changed her mind; that circumstances are different, that there has been some indication of a problem but, in most cases, not even that, merely a change of mind as to whether or not that child was a wanted child. And so the abortion is performed.

If we extrapolate the 1,500 in New Jersey out nationwide, we are talking about several thousand, if not tens of thousands, of these procedures occurring every year. This is data that was not available to us when we discussed this issue on the floor previously.

Mr. President, it was the Washington Post that reported that it is possible, and I am quoting, ''and maybe even likely, that the majority of the partial-birth abortions performed are performed on normal fetuses, not on fetuses suffering genetic or developmental abnormalities. Furthermore, in most cases where the procedure is used, physical health of the woman whose pregnancy is being terminated is not in jeopardy. In virtually all cases, there are alternative ways to perform the abortion safely.''

This is only part of the evidence that has been supplied to us and provided to us that was not available when we debated the issue earlier. I suggest this new data is something that every Member of the Senate ought to very carefully consider, because if a decision to support a procedure, a medical procedure, which, as Senator MOYNIHAN has suggested, really borders on infanticide—taking a child, sometimes five, six or even more months of gestation, a child that, if born, would, in most instances, easily survive, easily be nurtured to complete health—if that happened at that stage, then we clearly would have a situation that would require no medical procedure, no abortion procedure.

Yet, that child is, under partial-birth abortion, almost born, is within 3 inches and 3 seconds of birth and then killed, terminated. That life is terminated. The heart is beating, the brain is functioning, the body is complete, the child is ready—even though it might be premature—it is ready to become a functioning member of the human race, of the human society. Yet, that child, and I will talk more about this tomorrow, that child is then subjected to generally a probe or scissors punctured into its brain, a suction tube inserted through that hole, its brains sucked out of its skull, the skull then collapses to allow the abortion then of the dead child.

That is the procedure we are talking about. It may have been justified in some minds on the basis that this was a rare procedure. It may have been justified in some minds on the basis that this procedure was necessary to save a mother's life. We now know that that is not the case. We now know that in most instances of partial-birth abortion, that no such situation is reality. Rather, we now know that these are simply done as a feasible, medically feasible means of terminating the life of the child.

This Nation has, in its history, always sought to expand the circle of those who deserve equal rights under the Constitution, and deserve to be a part of this civilization. We have fortunately—and too late—but still fortunately shed the discomfort and disgust we once had, or at least some had, for people of different color, and we have brought them into the full civil rights of the Constitution and of people in this Nation.

We have extended those rights to people of the other gender, women in terms of their rights and ability to vote. Our impulses have extended rights to those who are disabled. The Americans With Disabilities Act extends those rights. But the history of civil rights in this country has been an ever-widening circle of inclusion.

Yet, for the most defenseless in our society, for the smallest, the weakest of our society, we refuse to extend that right. And in this situation, in the case where the child is clearly beyond the age of viability, under any definition, when birth of the child simply means an extended hospital stay until the child is a little stronger and able to go home, with his or her mother, we have a situation where, in most instances, for the sake of convenience that child's life is terminated.

But, Mr. President, I do not mean to imply that this is a matter of numbers, that even if there were only 660 abortions performed on an annual basis that that would justify that procedure. Because even if one abortion were performed using the medical procedures used in partial-birth abortions or performed at the age of the child which these abortions are performed, even if there was only one, we ought to have this debate on the Senate floor. And we ought to have this vote, because this is a procedure that it is now clear is a procedure that takes the life of a living human being, a human being fully viable, fully capable of living on its own.

If this procedure were performed in another country, I would guess that we would be down here debating the human rights of that country, and there would be amendments offered to deny trade, to deny foreign relations, to reach out and call out these unspeakable procedures that are taking place in nations around the world.

If this were a procedure that was being performed during conflict, in a war, we would have people standing on this floor arguing and debating and offering amendments calling for war criminal trials against those who were performing the procedure. And yet, here we are standing on the floor of the U.S. Senate, and calling this a choice, a medical procedure, chosen by a woman in consultation with her doctor. And those of us who believe that this procedure should not be performed are being labeled as those who attempt to interfere with that choice.

Mr. President, I will have a great deal more to say about this tomorrow as we engage in our full debate. But I hope again that each Member would avail themselves of the new information that has come to light about this procedure, about the number of times that it is performed, about why it is performed, and would think through very carefully about the consequences of allowing this procedure to continue,

the consequences to us as a society, as a civilization, and what it says about a society that, under the mantle of law, allows such a procedure to take place. Mr. President, with that, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE NATIONAL ENDOWMENT FOR THE ARTS, THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. PELL. Mr. President, during my last days in Congress, I wish to state my unequivocal support of the restoration of funds to the National Endowment for the Arts and the National Endowment for the Humanities. These fine agencies have sustained disproportionate and unreasonable cuts over the past 2 years, and the erosion must stop.

As coauthor of the legislation that created the endowments 31 years ago, I have felt like a proud father as both endowments have served the guiding principles upon which they were conceived. Overall, their programs have been remarkably successful. There has been overwhelming evidence of the positive impact of the arts and humanities on education, the economy, urban renewal, and cultural pride. It is important that two endowments are funded sufficiently to be able to continue their worthwhile and extremely effective endeavors to improve the quality of life for all Americans.

Mr. President, I am by no means alone today in favor of continued Federal funding for the arts and humanities. There is a strong bipartisan commitment. Earlier, Senator JEFFORDS and I circulated a letter signed by 31 Members that expressed their support of appropriations for the NEA, NEH, and IMS in fiscal year 1997 at current or slightly increased levels, and I ask that the letter be included in the RECORD. Other Members have spoken with us subsequently regarding their support.

The American public remains solidly and strongly behind Federal support for the arts and humanities. A recent Harris poll found that a 61 percent majority of Americans—to 37 percent saying ''no''—would be willing to be taxed $5 more in order to pay for Federal financial support for the arts. These people believe the arts to be important and would sorely miss them if they were not there.

In Rhode Island, the restored Humanities funding means quite literally survival for an extremely important project that provides fascinating information to all Americans, not just the residents of my State. With NEH funding, the Rhode Island Historical Society is reassembling the Papers of Nathanael Greene from over 100 libraries and collections scattered around the country, and is currently preparing the 10th of a total of 13 planned volumes. Nathanael Greene, you will recall was a Rhode Islander sent by George Washington to liberate the South—a task he accomplished with distinction. If work on the Papers stops now, it will be the history of Georgia and the Carolinas that would not be published. Interestingly, while Greene was alive, Congress promised to publish his daily letters and orders. How poignant that we fulfill this promise now.

As I enter my last days as a U.S. Senator—36 years among wonderful colleagues—I urge Congress to support the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services at a level where they can fulfill their potential and continue to bring American culture to all Americans. I hope to hear that the issues that are preventing the reauthorization of the programs of these agencies will be resolved amicably in the 105th Congress.

Mr. President, I ask unanimous consent that a letter to the chairman of the Subcommittee on Interior Appropriations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 18, 1996.

Senator SLADE GORTON,
Chairman, Subcommittee on Interior Appropriations, Washington, DC.

DEAR SLADE: As the appropriations process for fiscal year 1997 begins in the Senate, we wanted to take a moment to share with you our strong commitment to supporting continued funding for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH) and the Institute for Museum Services (IMS). As you know, this issue of continued federal funding for the arts and humanities is one of great importance to us—one which was successfully resolved last year, in large part due to your leadership in working out the differences between the House and the Senate.

As you recall, last July, the Labor and Human Resource Committee passed a bill to reauthorize the National Endowments for the Arts and Humanities and the Institute for Museum and Library Services—by a vote of 12–4. This strong show of bi-partisan support, we believe, demonstrates a continued sentiment on the part of the Senate to fund these agencies. Therefore, we strongly support your efforts to include appropriations for the NEA, NEH and IMS for the upcoming fiscal year and hope that we might see an increase over last fiscal year's appropriations for these agencies—enabling each one to continue the important job of making the arts and humanities more accessible to people all across our nation.

We recognize that you will face many difficult decisions in the weeks ahead, and ask only that you continue to keep in mind the positive and valuable effect that arts and humanities projects have in all of our respective States. The Senate's commitment to federal support will ensure that arts and humanities programs, activities and exhibitions will continue to be available in local communities—engaging and educating individuals of all ages—in addition to making an enormous contribution to expanding and enriching our nation's cultural heritage and artistic traditions.

We are grateful for your support of the reauthorization of the National Endowments as well as your leadership in managing the Interior Appropriations bill last year, and look forward to working with you again this year.

Sincerely,

Jim Jeffords, John Chafee, Al Simpson, Bill Frist, Jay Rockefeller, Barbara A. Mikulski, Frank R. Lautenberg, Paul D. Wellstone, Carol Moseley-Braun, Claiborne Pell, John Glenn, ———, Barbara Boxer, J. Lieberman, John Breaux, Bill Bradley, ———, Daniel Patrick Moynihan, Carl Levin, Bob Kerry, Wendell H. Ford, ———, Charles S. Robb, Olympia J. Snowe, ———, Patrick J. Leahy, Christopher J. Dodd, Ron Wyden, Daniel K. Akaka, ———, Thomas A. Daschle

HOW THE UNITED NATIONS BENEFITS AMERICANS: THE U.N. ENVIRONMENT PROGRAMME

Mr. PELL. Mr. President, last week, the 51st session of the U.N. General Assembly convened in New York City. To recognize the occasion, I spoke on the floor of the Senate to highlight some of the many benefits that the United Nations brings to the American public. The United Nation has furthered American national interests by working to promote peace and democracy, to protect human rights, to strengthen international stability, and to foster cooperation between states on a wide range of important issues. Today I wish to focus on one of these important issues—an area where the United Nations has made significant advances by enabling countries to work together and to find common solutions to common problems. Today I wish to discuss the unique role of the U.N. Environment Programme.

The 1972 U.N. Conference on the Human Environment in Stockholm was the catalyst for the creation of the U.N. Environment Programme [or UNEP]. As a participant in those meetings, I eagerly supported the effort to integrate human development and the protection of the environment as two equally important goals to the international community. The establishment of UNEP ensured that all countries would have access to technical information and skills in order to develop and improve national environmental policy. UNEP has also served as a valuable forum for reaching international and regional consensus on laws and operational standards that reinforce cooperative efforts to achieve long-term sustainable development.

Because of its unique role within the United Nations as the only agency with the mandate to make environmental concerns the top priority, UNEP has facilitated U.S. policy initiative in the environmental field. As Secretary of State Warren Christopher noted in an address at Stanford University last April:

> The environment has a profound impact on our national interests in two ways: First, environmental forces transcend borders and oceans to threaten directly the health, prosperity and jobs of American citizens. Second, addressing natural resource issues is frequently critical to achieving political and economic stability, and to pursuing our strategic goals around the world.

I wholeheartedly agree with Secretary Christopher that the United States must view environmental problems from a global perspective. The actions of one state inevitably affect the well-being of the citizens of its neighbors. The United States cannot afford to ignore the overpopulation, or the pollution, or the deforestation occurring in other countries because the consequences could be devastating right here at home.

That is why the United States has participated in and supported U.N. agencies like UNEP. It is in our own best interests to work together with other states to protect the international environment. Under the leadership of UNEP over the last 20 years, the international community has agreed upon several international conventions which directly further U.S. environmental objectives. These conventions include the 1973 Convention on International Trade in Endangered Species [or CITES] which prohibits or regulates trade in some 35,000 endangered species; the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, which have led to a 77 percent drop in global CFC emissions since 1988—saving millions of lives through the prevention of skin cancer—and the 1992 UN Framework Convention on Climate Change, which commits industrialized countries to reducing their emissions of greenhouse gases by the year 2000. These are but a few examples of international cooperation led by UNEP which have benefited U.S. citizens.

Despite these tangible benefits, however, I am concerned that the survival of UNEP is in jeopardy today. At a time when our Government's financial constraints are increasing, the United States should be looking for ways to increase cooperation with other states in order to avoid bearing the cost of acting alone. While I support the calls for making U.N. agencies more efficient and effective, it is important that the United States continue to play a leading role in promoting international environmental cooperation by supporting UNEP. The Clinton administration should persist in its efforts to streamline the programs and personnel of UNEP while making some real financial commitments at the upcoming meeting of the governing council in January. Equally important, the decision on the leadership of UNEP should be given high priority for United States attention during the next month.

This is a critical moment for UNEP as the agency's financial crisis has reached a point where many of its important programs may no longer be viable. Given the recent decrease in financial and political support for UNEP from its member states, the international community must decide whether or not environmental concerns are still a priority on the international agenda. If the answer is yes, then all member states must commit themselves to both reforming and financially supporting UNEP. We have seen 20 years of impressive progress in the environmental field that has often been achieved through the expertise and leadership of UNEP. With so much at stake, it would be a tragedy to allow this organization to founder today.

WORLD LEADERS SIGN TEST BAN TREATY

Mr. PELL. Mr. President, I was fortunate to be in New York at the United Nations yesterday with President Clinton for the signing of the Comprehensive Test Ban Treaty.

I can report to you that there is a tremendous sense of gratification of achievement in the United Nations with regard to this treaty. It was finally approved last week by an overwhelming majority of the Members in a 158-to-3 vote.

I will be serving this fall at the United Nations as a Member of the United States delegation. Fifty-one years ago, I had the honor of serving on the International Secretariat of the San Francisco Conference that drew up the United Nations' Charter. I was one of those flushed with youthful enthusiasm with regard to the potential future of the United Nations. In the years since, there have been excellent achievements and some disappointments. I must say that I rank the united effort that led to the comprehensive test ban as one of the paramount successes.

President Clinton has been able to bring to fruition an effort begun more than three decades ago by Presidents Eisenhower and Kennedy. The first test ban was negotiated under the direct and forceful leadership of President Kennedy, who drew upon the workable aspects of the Russian position in order to help bring about the Limited Test Ban Treaty of 1963, which restricted nuclear testing to underground environs.

The next test ban treaty came in 1974 under President Nixon's leadership, when the Threshold Test Ban Treaty was negotiated. The companion Peaceful Nuclear Explosions Treaty was signed in 1976 in the Ford administration.

President Carter attempted to achieve agreement on a comprehensive test ban, but lacked sufficient time to do so. President Clinton played a leading role in bringing the comprehensive test ban, which represents the culmination of those earlier efforts, to conclusion this summer.

Under this treaty, the parties will be obligated not to conduct any nuclear weapon test explosion or any other nuclear explosion. This very strong prohibition is a direct result of President Clinton's forward-thinking decision on August 11, 1995, not to agree to any exceptions to this ban, but instead to negotiate a true zero yield comprehensive test ban treaty.

Bringing this to fruition was a very high priority of Secretary of State Warren Christopher and ACDA Director John Holum. It involved years of painstaking work at the Conference on Disarmament in Geneva by Ambassador Stephen Ledogar and his delegation and in Washington by the backstopping team led by Dr. Pierce Corden of the Arm Control and Disarmament Agency.

There is no question in my mind that this treaty from this date forward will constrain the qualitative development of nuclear weapons. International controls and the inspection regime will become active upon entry into force. It will serve to ban the development of advanced new types of nuclear weapons and it will serve to demonstrate to the world that the declared nuclear powers—United States, Great Britain, France, Russia, and China—are truly committed to control their nuclear arsenals and genuinely desire to contribute to the prevention of nuclear proliferation.

This treaty truly represents a significant step toward nuclear disarmament.

Mr. President, we would be deluding ourselves if we thought that gaining Senate advice and consent to a comprehensive test ban treaty is going to be easy. It will not be. Once the treaty is submitted by the President, the Committee on Foreign Relations, of which I have been chairman or ranking member since 1981, will hold thorough and wide-ranging hearings. It is a process that I would enjoy very much, but will instead be viewing from a distance as a retired Senator.

The degree of contentiousness that is possible can be seen in the simple fact that the treaty was achieved by a Democratic President with the support of his party and is rejected in the Republican Party platform adopted this summer.

I hope that the hearings to be held by the Committee on Foreign Relations will serve to bring the sides together and will serve to assuage the fears and concerns of those who fear the possible consequences to our national security of a comprehensive ban on nuclear testing.

I believe that, since nuclear weapons design clearly is a mature science, we do not need further testing to assure that our scientists have done their work well and that we can move into a future without nuclear testing secure in the knowledge that we have a fine and reliable nuclear arsenal deterrent that will serve us well so long as we rely upon nuclear weapons to protect us.

Experts will testify that there are no safety and reliability issues that would necessitate further testing. Experts will also assure us that the restraints that this treaty will place on other nations are very much in our national security interests. Moreover, I would expect there will be expert testimony from the intelligence community that will provide the necessary reassurance to the Senate.

When all of that happens, I would expect that the Senate will, indeed, determine that it can proceed ahead with the comprehensive test ban without any jeopardy to our national security. That step forward will bring us well-deserved commendation from other nations and it will be a gift beyond value to the generations that will succeed us.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

PARTIAL-BIRTH ABORTIONS

Mr. INHOFE. Mr. President, like the Senator from Indiana, this is kind of a preview to coming attractions. I plan tomorrow to spend some time on the floor talking about one of the most serious issues we have been addressing here in the U.S. Senate, that is, the issue of partial-birth abortion.

As I was listening to the Senator from Indiana, the statements he made, it occurred to me that if we made one mistake during this entire debate, it has been to refer to this as an abortion, because most people think of abortions as something that is taking place prior to the time that, in their own minds, a fetus becomes a human being. I suggest that everyone has to make that decision as to when human life begins. I made my decision many years ago.

But I think when you deal with something as barbaric as a procedure such as the partial-birth abortion, you have to understand that this is something that happens at a time and can happen during a normal birth process.

I know the occupant of the Chair recently went through an experience when his wife delivered a new child. I am happy to tell you, Mr. President, that on Friday of this week, I will have my fourth grandchild, so I know something about this, too.

I remember so well, and I will be referring to this tomorrow, an experience I had about January of this year when we had the birth, at that time, of my third grandchild. My daughter called me up and said, ''Daddy, would you like to come over and come into the delivery room?'' Of course, back when we were having babies they would not let you in the same hospital, let alone the same delivery room. I remember so well when the baby was born, baby Jason was just a tiny, beautiful thing, and it had not been more than a minute since his first breath and she handed this baby to me, and I thought, this is just about the time this procedure has been customarily used; if only people knew what was happening, the fact that an incision would be made into the back of the head in a baby that is three-fourths of the way already born in this world, open up the head, and place a catheter and suck the brains out and the skull collapses. It is barbaric. It is a procedure that we have to do something about in this country.

I had occasion to ride back to Oklahoma with one of my fellow delegates, a Member of Congress, TOM COBURN, a medical doctor. TOM COBURN, Member of the House of Representatives, described this, because he saw this procedure take place one time. He said it was nightmarish.

Last Monday, I had occasion to be in a number of cities and small towns in Oklahoma, having a series of town meetings, places, Mr. President, you have never heard of, like Durant, OK, and Idabel, OK, and Pontotoc, OK. There was not one place where they did not bring up in the course of this meeting: Are you really going to do something back there like the House did, do away with this procedure? Well, when I told them that the votes were not there and that President Clinton had vetoed our attempt to make this procedure illegal, it became, all of a sudden, a character question on him: Why would he do that? I have no way of answering that.

Tomorrow I will present over 15,000 signatures of people from Oklahoma and the comments they have made, over 15,000 people who are saying: Whatever you do, override the veto as the House of Representatives did.

As I have served here and I see people who want to retain a medical procedure that allows this method of taking the life of a small baby and I think of the people who are behind this, and you know what the baby is going through, because tomorrow I will read a report that will lead you to the incontrovertible conclusion that a baby, even in the first trimester, feels and senses the same pain that you feel, Mr. President, or anyone else in this Chamber, or any baby that is fully born and out and breathing today.

It occurred to me when the distinguished Senator from Indiana, Senator COATS, was talking a few minutes ago and he talked about if this were happening in another country we would be invoking sanctions, we would be talking about how this might affect trade, talking about economic aid. I would go a step further than the Senator from Indiana. I would say if this had been happening, if this procedure were legal and taking place in an animal, a dog or a cat, those same people who are trying to keep this medical procedure in our law would be picketing back and forth outside our Senate offices.

Tomorrow we will have a chance to talk about it.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 2129 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I am advised by leadership that there will be no further votes today.

Mr. President, I rise to address the question of the partial-birth abortion ban.

Mr. President, I must disclose at the start of this discussion that I am pro-choice. I have been pro-choice ever since I entered public life. I have been pro-choice in my voting pattern in the Senate and pro-choice in my voting pattern in the House of Representatives. I was pro-choice in my voting pattern in the State legislature of Colorado. I have been pro-choice in the discussions and debates we have had in Colorado, as well as in Washington, DC. So I come to this question of partial-birth abortions with a clear pro-choice record.

I must say that I am not for subsidizing abortions. In that regard, no one is liable to give you a perfect score—even the pro-choice groups of which I feel part of, because occasionally those votes get counted. But then I have not been very good at subsidizing anything with public funds. So perhaps I can be seen as unforgiving in that area.

Mr. President, I am pro-choice because I believe in limited Government. I know many of my friends and colleagues have described someone who is pro-choice as being liberal. My own sense is that it is exactly the opposite. A society that gives citizens maximum choice and discretion in their lives is conservative, in my way of thinking, not liberal. For those who have suggested that this unreasonably or unfairly restricts a person's right to choose, I submit that that is a mistake. If someone shares my view that part of limited Government involves maximizing individual freedom and choice, then they rightly wish to preserve rights for people, even though they may not agree with them. Such, I think, is the case with many people who seek to preserve people's rights or the freedom to choose with regard to abortions. That does not mean—in spite of what the critics say—that one has to be in favor of abortions. It does mean that one has to understand that sometimes things happen in a free society, that we don't like, and where we do not think it is the Government's right to dictate the answer.

Mr. President, it seems to me that it is important for Members, as they cast this very important vote on the veto override, to take a look at the specifics of the bill itself. Here are some observations, that I see as I look at it. The expert testimony we had before the committee indicated that as many as 1,000 to 1,500 abortions a year, perhaps more are done using this procedure. The actual number of partial-birth abortions performed in a year is unknown. Second, it is a very rare procedure and very limited in scope, primarily confined to a late-term pregnancies. If one approaches this issue with concern about preserving the right to choose, and suggests that banning this procedure eliminates the right to choose, I think they would be mistaken. It is quite clear, if one looks at the facts and the number of these procedures that are performed, that restricting them or prohibiting them does not eliminate someone's right to choose. The bill is extremely tightly drawn.

Mr. President, I played a small part in helping to make it a tighter bill. As Members are aware, the bill does involve potential liability claims for people who violate the law. That liability was more broad than I thought it ought to be. To limit the scope of the bill on the issue of liability, my amendment was adopted to prohibited a complainant from suing those who assist the doctor in performing the procedure. Prior to that amendment, it was possible to sue the nurses, anesthesiologist, and attendants associated with one of these procedures. My amendment eliminated those potential liability claims because those people primarily respond to the initiatives of the patients and physicians and not acting on their own authority. I also offered the amendment that prohibited the father from suing under these circumstances, if he was not married to the mother at the time of the procedure and if he had not stepped forward to acknowledge the child and provide support for the child. I see no reason for us to provide a windfall to deadbeat dads. We ought to be encouraging people to take responsibility, not think up rewards for those who don't.

But, Mr. President, we cannot ignore the medical evidence. Let me be specific in this case.

The experts that testified before the committee not only indicated quite clearly that this is an extremely rare procedure but they disagreed dramatically with regard to the effectiveness of this procedure.

Here I call to mind Dr. Warren Hern. Dr. Warren Hern is a resident of Colorado. He runs an abortion clinic in Boulder, CO. He runs a clinic that probably does more late-term abortions than any clinic in the State of Colorado and perhaps one of the largest number of late-term abortions of any clinic in the country. By anyone's description, Dr. Warren Hern is pro-choice. We were contacted by Dr. Hern a few days ago. He is director of the Boulder Abortion Clinic and the assistant clinical professor of the Department of Obstetrics and Gynecology at the University of Colorado Health Science Center.

Dr. Hern has written three books, is an avowed advocate of abortion choice, and has written over 40 academic papers concerning abortions and other aspects of women's health and fertility. He is clearly regarded as an expert in this field and an expert in this field who is clearly pro-choice. Dr. Hern's message, as it was relayed to me, is consistent with the testimony he submitted to our committee hearings; and, that was simply that the partial-birth abortion procedure is not a safe procedure for women and that he himself, who practices in this field and performs late-term abortions, would not use it because of the danger involved.

Mr. President, some Members will choose to vote on this issue solely on the question of whether they are pro-choice or pro-life. Let me suggest that Members ought to give a little more deep thought to what this bill involves. It does not, in this Senator's belief, involve whether or not you are pro-choice or pro-life. It involves taking a look at a procedure that is judged by many experts to be extremely dangerous. We ought to be concerned about that.

The partial-birth abortion ban does not preclude someone from having a late term abortion, it precludes the use of this horrific procedure. It protects women and protects those involved from what many experts consider a procedure that is not safe, is not advised and is not necessary.

Former Surgeon General Everett Koop said.

> Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true. The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility. It is clear that late abortion is a dangerous procedure, and in the instance of partial-birth abortion is not necessary.

Mr. President, let me reiterate that. Dr. C. Everett Koop says it is not necessary.

Mr. President, I want to quote from one of our editorials in Colorado. I must say that in Colorado our newspapers and our population are probably some of the most pro-choice newspapers and pro-choice population of any State in the Nation. We were one of the first States in the Nation to eliminate the legal restrictions on abortions.

This is an editorial from the Grand Junction Sentinel that has traced the Roe versus Wade decision and has consistently been pro-choice. Here are the Grand Junction Sentinel comments.

> Much will be made about the politics of the House vote Thursday to override President Clinton's veto of a bill to ban partial-birth abortions and whether it is possible to get enough votes in the Senate to override.
>
> Lost in the haze if political rhetoric is information about the procedure Congress seeks to ban.
>
> This corner historically has been supportive of the right to choose, and in support of Roe vs. Wade, the 1973 Supreme Court decision that guaranteed that right. But partial-birth abortion, usually performed after the fifth month of pregnancy, is quite simply an unconscionable procedure in which the brain of the infant is sucked out after the baby has been partially delivered.
>
> When he vetoed the bill in April, Clinton produced five women whose lives, he said, were endangered by pregnancy complications but saved by partial-birth abortions.
>
> This week four nationally recognized doctors who specialize in obstetrics and gynecology, part of a growing national medical group opposed to this, said Clinton's claims were wrong. All of the conditions presented by the president could have been treated by methods safer than partial-birth abortions, they said.
>
> Women who have partial-birth abortions risk being cut, having excessive bleeding and lifelong infertility.

They close with this sentence.

> One doesn't have to be a member of the Christian Coalition or an antiabortion zealot to believe that partial-birth abortions should be outlawed.

Mr. President, I am pro-choice and I believe partial-birth abortions should be outlawed, and I believe claims that outlawing partial-birth abortions interferes with the right to choose are simply not accurate. I believe a careful review of the medical evidence that is before us and that has been presented in the committee will clearly document this.

Mr. President, what we need here is not Members lining up on the side of pro-life or pro-choice, although that surely will happen. It happens every time we vote on this issue. But we do need some common sense, and we do need to listen to each other. When we vote on this issue, I believe it is appropriate to look to the medical authorities that have condemned this practice. There are those who will cast a vote because they believe this procedure is immoral. Moreover, they believe that all abortions are immoral and wrong. I am one who has not fallen into that camp. But I do believe we would be remiss if we didn't take the time to look at the facts of the bill and look at the reality of the situation.

These operations are disgusting and horrible and not essential for a woman's right to choose.

I hope Members will go deeper than just their political party or their affection for the President. I hope they will go deeper in making their vote on just whether they are pro-life or pro-choice. I hope they will take the time to look at this procedure, and I believe an objective review of the procedure will lead to the conclusion that this is not an appropriate procedure that should be allowed in the United States.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I want to congratulate my friend from Colorado.

The Senator from Nebraska was talking earlier about some Member who had distinguished himself in his ability to articulate his position well and to take stands on principles, ones he deeply believes in, not be afraid to cross the line sometimes and to take controversial stands that are outside of maybe what would be expected of him.

I think the Senator from Colorado has done that in this case, and he will be missed for his thoughtful and thorough analysis of the issue. I think anyone who listened to his presentation had to come away with an understanding that this is someone who did exactly what I had been hoping and what he called for all Members of the Senate to do, which is to step back. It is not, SANTORUM, don't put your pro-life hat on, or, Hank BROWN, don't put your pro-choice hat on, but let us look at the bill, let us look at the facts, and let us try to see whether this is something

that we want to have to continue in this country. I think what you saw in the House of Representatives is just that.

No one can stand up on this floor and say that two-thirds of the House of Representatives are people who are pro-life. They are not. They are not pro-life. Two-thirds of the House is not pro-life. I am not even sure if half of them would consider themselves or call themselves pro-life by the traditional definitions used in this town and across the country. But two-thirds of the House said no to this procedure; said it is time to draw the line irrespective of your opinion on the issue.

So for those who did in the House and already have done so in the Senate to come here and say, well, this is just some of these pro-life extremists trying to meddle again in the right to an abortion does not hold water. It did not happen in the House. That was not a group of pro-life extremists. It was in fact a bipartisan coalition. It was people of both opinions on the issue of abortion as it was here.

You heard from the Senator from Colorado. You will hear, I hope, tomorrow the Senator from New York [Mr. MOYNIHAN] and others who are prochoice say this goes too far, this crosses the line.

I think we have done an injustice by, as the Senator from Oklahoma said, referring to this procedure as partial-birth abortion, because I know in having discussed this issue many times you mention the word abortion and people scurry to their column—pro-life, pro-choice, and tend to only listen to those who agree with them on that issue, as to what their opinion should be on this issue of abortion.

That is why I wanted to thank the Senator from Colorado for his courage in not only offering amendments, as he did, to improve the bill and tighten the bill as he said, but for his courage to stand up and talk to people who may listen and identify with his position on that issue and recognize that it is anything but extremism to say that a child that is delivered all but the head, that in many, many cases is fully viable outside of the womb, is then killed by a blunt instrument to the back of the head and the suctioning procedure, banning that procedure is not extremism.

I have not mentioned but I will—I do not like to talk about these things when I talk about issues of this nature—polls. I hesitate to talk about polls because this should not be an issue that we have to take a poll on. But the polls say that as people understand this and once it is explained to them what the procedure is, over three-quarters of the American public find this abhorrent—in some cases much higher than that. I would think if three-quarters of the American public once informed of this procedure find it to be abhorrent, that two-thirds of the Senate could find it to be abhorrent.

I discussed in my comments earlier the medical necessity for doing this, and the Senator from Colorado did the same and quoted a different physician who said this is not a medically necessary procedure, this is in fact contraindicated as other physicians have said, that this in fact is dangerous to the woman's health, and I went through physicians and what they said about it. I talked about, as I just did, other Members of the House and now Members of the Senate who feel differently on the issue of abortion who have looked at all the evidence and decided that now with this new evidence—one thing the Senator from Colorado did not mention was the new evidence that this is not a rare procedure. I think he still referred to it as a rare procedure, and that is what everyone was led to believe when this bill was first passed, that this was a rare procedure. Planned Parenthood provided information that there was only a few hundred, 300 to 500 of these performed every year. And yet we hear from the report in the Washington Post by Dr. Brown, I think David Brown, on September 17 that this procedure is performed in this area more than just a few hundred times, just here. In fact, Planned Parenthood said this is only done by a doctor in Ohio and the doctor in California. They are the only two. And the Post found that in fact there are physicians in other areas who do it. It was found in the area around Bergen County there are 1,500 such abortions performed, partial-birth abortions performed on fetuses 20 to 24, 26 weeks. I do not refer to a 26-week-old fetus as anything but a baby because it is viable, clearly viable outside of the mother's womb.

So we have had all of that new information, and again I hope to share that and I hope that people do look at that and realize that with this information and with the medical—this is a medical procedure and should be judged not based on your opinion on abortion but based on medical evidence and whether this is medically necessary.

That is one thing it should be judged on. Obviously, you cannot avoid the effect a decision like this has on our culture; about what we say is legal and permissible in our culture. It obviously has an impact on who we are. If the Government says that this is OK, it will have an impact on who we are. And so that is something that you have to think about, too.

The other thing that is not talked about much that I think is important to discuss in light of those who support the procedure, and particularly the President, is the whole issue of fetal abnormality. The President of the United States brought to the White House when he decided to veto this legislation five women, all of whom said that they needed this procedure to be done to protect their health. All of these women had babies—some of them were late-term abortions—had babies who had some sort of fetal abnormality.

In the House and in the previous debate in the Senate many of the supporters of this legislation and the President said that this is a very good reason to have an abortion, that a fetal abnormality, many of which are fatal, some of which are not always, is a good reason to have an abortion, a late-term abortion, and this type of abortion. We have discussed the health aspects of this, is this type of procedure necessary for the health reason. And clearly the evidence, the facts show physicians, both prolife and prochoice, say, no, it is not necessary.

I think there is a bigger issue here. It really goes beyond this whole debate on abortion. And that is the debate on this whole issue of fetal abnormality as a good reason to kill a child, a baby. In some cases we are talking about very late term, we are talking about in the thirties weeks, very late-term abortion, because then we are getting into the fact that, well, it is OK to perform this procedure because the quality of life of the baby will not be what we believe is good, which is the perfect baby.

Now, you have some extreme examples of this in this debate with Dr. McMahon out in California who said that he had nine third-trimester abortions—that is 7th, 8th and 9th month—he had nine such abortions that were done electively, which means there was no health risk to the mother in delivering the baby—nine such abortions done because the child had a cleft palate—a cleft palate. And we have the President of the United States and people in the Senate who are saying it is a decision between the mother and the doctor, it is not our job to say that that is wrong; that the mother has the determination as to what is perfect in her eyes and then the Government, the State has no decision.

I said earlier that the very same people who make that argument are the very same people who stood in this Chamber and the House, and I am proud they did, and argued for the Americans with Disabilities Act. They said that people who are not perfect, who have a disability, have a right to be able to get around to different places, to have employment opportunities, to be treated equally.

We did not bring up this issue. I do not know whether we will before we leave, but the issue of I-D-E-A, IDEA, which is education for the mentally disabled in our school system and the physically disabled—again, the very same people, many of them, not all, but many of whom will stand and say this feature is OK because we have a deformed baby, say that we have an obligation to provide equal education to children with disabilities.

If we have an obligation as a State, as a government, to provide equal opportunities for education for people who are not perfect, at least in the eyes of some, those who have disabilities should have the equal right to education, should have the equal right under the ADA to treatment in the workplace and other places, how can you stop short and say they do not

have an equal right to life? How can you be for all those things and not be for giving this poor—in some cases, yes, badly deformed—baby a right to die with dignity, if that is the case, a right to live?

There is an article in the Washington Times today. It quotes a man, a correspondent. I should not say it is a man because it does not say that. I apologize for that. The article is written by a woman, Maggie Gallagher. It may, in fact, be a woman. It says:

I ran across excerpts from a letter to the editor of the London Spectator. The correspondent wrote: ''I have severe spina bifida, and am a full-time wheelchair user . . . Every day I read in the press about 'exciting breakthroughs' which mean yet another way to kill people like me before birth.

I think that is the point I want to make here. Let us just put aside the whole issue of partial-birth abortion for just one second. Think about what message we are sending out to the people who have disabilities, who have suffered through some of the disabilities described by some of the women that the President brought to justify his decision here. Yes, many of the people who had these disabilities—in fact, in some cases, all of the people who had these deformities—died. But some lived. Some lived for a short period of time, some for a long period of time. What are we saying to them? What are we saying to our culture? What are we saying about these people who came to the floor for month after month on the issue of disabilities, on the issue of welfare, and said, ''What about the children? Don't you care? Where is your compassion? Where is your concern for the least of us as a society?''

Did these children do anything to end up disabled? Is it their fault that they were abnormal, that we should look upon them and say, ''Well, because you are abnormal, you are therefore expendable, and it is justifiable to treat you that way''?

I am going to read an article from a doctor who wrote this just last month in the Los Angeles Times, the Washington edition. The doctor's name is Katherine Dowling. She is a family physician at USC School of Medicine. The title of the article is, ''What Constitutes a Quality Life?''

The nights can be long and frustrating for we doctors whose shifts fall with regularity in the wee hours. A young lady comes in demanding to know if she is pregnant, then fussing for instant termination when she is found to be. An elderly lady wants a cure for her constipation. An addict arrives, angling for a legal fix.

But every once in a while, like the astronomer whose long nocturnal vigils are rewarded one clear night with the smudge of a new comet on his photography plate, we sometimes encounter the extraordinary. I did one recent night.

I doubt you'd peg the couple as extraordinary if you saw them on the street. She had perhaps once been somewhat of a beauty. Her brown hair was cropped short and hung limply, and she clearly had put on a bit more weight with each of her pregnancies. His tummy flopped over his belt, and he had a kind smile. Their child was a young adult based on his birth date, but his brain hadn't really developed much beyond that of a 4-year-old. As he lay on the gurney, occasionally using words only his mother could understand, she calmly told of the recent worsening of his medical problems. When she left the room, he searched for her with the tenacity of an infant, and like an infant, looked into her eyes with pure joy when she returned. Dad waited outside, ready with a smile and a little joke.

They had been caring for their child with love and patience since early infancy, when his problem first began. I suspect that he was a happy young man, in spite of his bad neurologic luck. He'd certainly had good luck in his choice of parents.

To me, these parents showed a caliber of heroism that only a few humans are called on to exhibit in a lifetime. They had put aside their own wants, had accepted a child who would never be capable of doing things even the most ordinary of nonhandicapped children could, had given their son enough love and physical help to make his life not just bearable but apparently happy. In the process, they'd raised a bunch of other children now doing well, and they'd stayed together in a strong and supportive marriage.

Far too often, we assume that a child born with a medical problem is a child whose life is not worth living. We think that parenting such a child is an impossible task. When President Clinton vetoed the bill that would have banned partial birth abortions, implicit in the stories of the women he gathered around him was that they were doing a noble thing for their children and themselves. Extracting the brain from a living, sensate fetus was felt to be better than allowing that fetus to be born with a body that was less than perfect.

In 1995, James McMahon, a leading Los Angeles abortion doctor (recently deceased), sent a submission to the House Judiciary subcommittee on the Constitution, which was holding hearings on partial birth abortion. This document revealed the reasons partial birth abortions were done in a survey of more than 1,000 babies. More than 10% were done because of fetal death, but by definition, this is not abortion. Twenty-four were done for cystic hydroma (a benign lymphatic mass, usually treatable in a child of normal intelligence). Nine were done for cleft lip-palate syndrome (a friend of mine, mother of five, and a colleague who is a pulmonary specialist both were born with this problem). Other reasons included cystic fibrosis (my daughter went through high school with a classmate with cystic fibrosis) and duodenal atresia (surgically correctable, but many children with this problem are moderately mentally retarded). Guess they can't enjoy life, can they? In fact, most of the partial birth abortions in that survey were done for problems that were either surgically correctable or would result in some degree of neurologic or mental impairment, but would not harm the mother. Or they were done for reasons that were pretty skimpy: depression, chicken pox, diabetes, vomiting.

I'd like to commend those parents who have the courage to raise handicapped children. Whenever I see a mother or father holding a sickly baby and looking into its eyes with love, each time there's a Down's syndrome child learning from its sibling how to pile blocks on top of each other, I'm awed by the power of the family to make a ''less than perfect'' life a thing of happiness. And then I know how lucky I am to be in a profession where every once in a while, I get a glimpse of the best in humanity.

Is what we are doing here today a sign of the best of humanity? If we allow this procedure to continue, is this the best we can be? Is this the seminal point? Is this the moment of pride that we came to the Senate to allow to happen on our watch?

For those who voted to allow this procedure to continue, when we vote tomorrow, look around, look inside and tell me whether you think we are exhibiting the best of humanity.

Dr. Dowling said that she had so much respect for parents who went through with difficult pregnancies possibly and maybe with the knowledge of an abnormal child being born.

I would like to read—and I hope I can read, because they are sometimes very difficult to read—letters from mothers who knew that the child within them had fetal abnormalities. I believe all of the letters included here represent all of the conditions that the women that President Clinton had at his side when he vetoed this bill, all of the women—I shouldn't say that, I should read them—certainly a lot of the things that the fetuses of the mothers at President Clinton's veto ceremony—those conditions are represented in these cases.

In some of these cases, the child didn't live an hour, and in some, miracles happened. But in every case, there is a case of courage, and their expressed purpose in writing was not to say that you won't hear this about partial-birth abortion, it was to deliver the point that, ''Mr. President, and those who are arguing for this bill to be defeated, for the override to be sustained, please understand, that this procedure doesn't need to be done to protect the health of the mother, No. 1, and No. 2, that we went through with these pregnancies that you say are necessary to have these abortions, are necessary to preserve our health, that we actual actually did the alternative, and were alive and were well, and we had beautiful experiences. Tragic but, yes, in many cases beautiful experiences. And, please, Mr. President, please the Members who argue for the sustaining of the President's veto on this bill, don't use the baby, don't use the children as a shield. Don't use them as the reason for allowing this to continue. Don't make them the enemy of the mother. In fact, they are not.''

I would like to read a letter first from Jeanne French, from Oak Park, IL, dated July 1996, to the President. And I think she conveys much better than I that point:

DEAR MR. PRESIDENT: I write to you today as a fellow Democrat with something to say about a difficult subject, partial-birth abortion.

You may know that last November I testified before the Senate Judiciary Committee on the partial-birth abortion ban legislation. I was on the same panel as those mothers who chose partial-birth abortions. It was ironic to see you veto the ban framed by the women whose stories I got to know as I sat beside them that day. In my naivete, I expected that your administration would be more open to hearing the other side of the partial-birth abortion question.—I was deeply saddened to be excluded from the dialog you sought on this issue.

In recent months, I've had the opportunity to get to know many women who have carried and given birth to children with fatal conditions from anacephaly encephaloceles, Trisom 18, hydrocephaly, and even a rare disease called body stalk anomaly in which internal organs develop outside a baby's body. We gave birth to our children knowing that their serious physical disabilities might not allow them to live long.

I do not tell you this because we are, or want to appear heroic. We simply want the truth to be heard regarding the risks of carrying disabled children to term. You say that partial-birth abortion has to be legal for cases like ours, because women's bodies would be ''ripped to shreds'' by carrying the very sick children to term. By your repeated statements, you imply that partial-birth abortion is the only or most desirable response to children suffering severe disabilities like our children.

Perhaps inadvertently, you send a message of hopelessness to women and families who anticipate the birth of children with serious or fatal disabilities.

This message is so wrong. We feel that it is imperative that you reconsider the way you talk about options available to mothers carrying very sick babies like ours. Will you consider meeting with me and a few of the women I have come to know over this issue? Will you please extend to the Morsmans, Heinemans, Sheridans, and to me the same courtesy extended to those families who had partial-birth abortions? Will you meet with us personally, and hear our stories?

Thank you for considering this request. I look forward to your response.

The response came back 13 days later that ''the President appreciated the letter but will not have the opportunity to speak with you or your group.''

I ask unanimous consent to have printed in the RECORD the President's response after the reading of the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 30, 1996.

Ms. JEANNIE W. FRENCH,
Oak Park, IL.

DEAR MS. FRENCH: Thank you for interest in speaking with President Clinton on the subject of partial birth abortion. President Clinton appreciates your kind letter.

At this time, it seems that the tremendous demands on the President will not give him the opportunity to speak with you and your group. However, we will keep your invitation on file and will be sure to contact you if any changes in his schedule allow him to accept.

Once again, thank you for your thoughtful letter. Your continued interest and support are deeply appreciated.

Sincerely,

STEPHANIE S. STREETT,
Director of Scheduling.

ANNE HAWLEY,
Director of Scheduling.

Mr. SANTORUM. What are those stories? Why are they important in this debate? I think Mrs. French said why they are important. I think they are important for the purposes of this whole idea that we need to have these abortions legal because of the health of the mother. That is important. That is why, the President said, he vetoed the bill.

We have all sorts of medical evidence and testimony, and even newer testimony, testimony from both pro-choice and pro-life physicians, who say that there is absolutely no health-of-the-mother or life-of-the-mother reason for doing this procedure. In fact, it is contraindicated. It is more dangerous, according to Dr. Hern, who performs abortions and late-term abortions, to do this procedure. So we have lots of medical testimony about the cold medical aspect of it.

What Mrs. French is getting to is something that is maybe more important for us who are nonphysicians, who do not, frankly, feel comfortable about making medical decisions but, hopefully, feel more comfortable about making cultural decisions. That is where we are. The cultural decision is, as Dr. Dowling said, what constitutes quality of life? We are making that decision here. If we sustain the President's veto, the children who just do not measure up, are not perfect, for that reason alone, that we should allow this procedure to continue because they are not wanted in the human family here in the United States of America.

The Senator from Indiana said just a few minutes ago, if we knew that a civilization, a country, was deliberately killing disabled children, what an outcry—what an outcry—there would be from a lot of the very same people who say it is OK to do it if they are only 24 weeks old in their life.

So I think it is necessary to read these stories. I do not know whether I will be able to read them all tonight because I find it very difficult to read them. I have been very lucky as a father of three children that we did not have any ''fetal abnormalities'' with our children. My wife Karen had three healthy pregnancies and is having another healthy pregnancy to date.

But I cannot help but hear these stories and feel such great empathy, as a father, who stood there in the birthing room, in the delivery room, and just waited, with incredible anticipation, for that child to be born, and encouraging my wife, and seeing that little baby, and wondering how that little baby is. ''Please cry. Please take that first breath.'' Jeannie and William and Teresa, Whitney and Bruce, Margaret, the people who wrote these letters, knowing that they were delivering a baby, that once it took its first breath, how difficult that breath would be and how many breaths will they be able to take, and how to deal with them.

The first story is of William and Teresa Heineman of Rockville, MD. I will read their story as they dictated it.

We have noted with concern statements made by several couples suggesting, from their very personal and very tragic experiences, that the partial birth abortion is the only procedure available to a women when the child she is carrying is diagnosed with a severe abnormality.

We have had experiences that were very similar and yet so very different. We have had three children biologically and have adopted three more. Two of our children were born with a genetic abnormality—5–p Trisomy. One also had hydrocephalus. The medical prognosis for these children was that they would have at best a short life with minimal development. Some medical professionals recommended abortion; others were ready to help support their lives. We chose life. That decision carried some hardships. However, God blessed us immeasurably through their short lives.

Our first child, Elizabeth, was diagnosed after her birth. We were deeply saddened but desired to give her the best life we could. Though she never could say a word and could not sit up on her own, she clearly knew us. she learned to smile, laugh, and clap her hands. She was a joy to us for two and one half years. We clearly saw how many lives she had touched with over 200 people attended her Memorial Mass! One child was touched in a very personal way when he received Elizabeth's donated liver. Two others received sight through her eyes.

Our third child, Mary Ann, had been diagnosed with hydrocephalus in utero and shortly after birth with the same genetic abnormality that our oldest daughter had. (We could have known this during pregnancy via amniocentesis, but refused the procedure due to the risk to the baby.) Terry's obstetrician said that we were fortunate, though, that Mary Ann would have the chance to go home with us. We learned to feed her through a gavage tube as she was unable to suck to receive nourishment. Our son, Andrew, developed a special bond with his sister. We spent the next five months as a family, learning, growing and caring for our children. When our precious daughter died, we celebrated her life at a memorial Mass with family and friends.

Our belief in Jesus Christ and His gift of salvation provided comfort for us as our daughters entered their new home in heaven. They remain a part of our family and are always in our hearts. They enriched our lives and touched the lives of many others. Our Creator sent these children to us and we were privileged to love and care for them. What a tremendous loss to all of us who know them to terminate their lives because they were not physically perfect. We look forward to a joyous reunion with them in heaven.

It is so easy to see the half of the glass that is empty when we face difficult problems; will we have the courage to allow our children to have the half of the glass that is full? We pray for other mothers and fathers who are faced with agonizing decisions that they will remain open to the gift being entrusted to them. God's love is ever-present during our times of joy and sadness. He is with us now as well are parents to Andrew, now nine years old, and three children: Maria, Christina, and Joseph; ages 11, 9, and 7, who joined our family through adoption.

Again, this is a story about children who die as a result of the fetal abnormalities that some would suggest are medically necessary to save the life of the mother or health of the mother.

I think what Terry Heineman and Bill Heineman said is that not only is it not necessary to do this procedure to preserve the health of the mother, but I think it says something about how we value life in this country. It is a very disturbing thing, indeed.

Whitney and Bruce Goin from Orlando, FL:

On March 20, 1995 my husband and I found out that we were expecting a precious baby. The discovery was an incredible surprise. We were not trying to become pregnant, but knowing that the Lord's plan for our lives

was being carried out, we were overjoyed, a little overwhelmed, but completely thrilled. I began my prenatal vitamins immediately and followed all known guidelines to protect my unborn child.

Three months later, on June 18, I had an uneasy feeling, nothing that I felt physically, just an anxious, strange feeling. I called my obstetrician and requested a fetal heart check. They dismissed my concern as the first-time-mother jitters but agreed to let me come into the office. unable to find a heart beat, the nurse sent me down the hall for a sonogram to reassure me that there were no problems. This would be my first sonogram where I would actually be able to see the baby. I was five months pregnant.

The nurse began pointing out our baby's toes and feet, and when the baby kicked I smiled, believing that everything was alright. Then, the nurse suddenly stopped answering my questions and began taking a series of pictures and placed a videotape into the recorder. Unaware of what a normal sonogram projects, I did not decipher the enormous abdominal wall defect that my child would be born with four months later.

My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a surgical baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations, etc.

I describe my situation in such detail in hopes that you can understand our initial feelings of despair and hopelessness, for it is after this heartbreaking description that the doctor presented us with the choice of a late-term abortion. My fear is that under this emotional strain many parents do and will continue to choose this option that can be so easily taken as a means of sparing themselves and their child from the pain that lies ahead. With our total faith in the Lord, we chose uncertainty, wanting to give us as much life as we could possibly give to our baby.

On October 26, 1995, the doctors decided that, although a month early, our baby's chance of survival became greater outside the womb than inside, due to a drop in amniotic fluid. At 7:53 am, by cesarean section, Andrew Hewitt Goin was born. The most wonderful sound that I have ever heard was his faint squeal of joy for being brought into the world. Two hours after being born he underwent his first of three major operations.

For two weeks Andrew lay still, incoherent from drugs, with his stomach, liver, spleen and small and large intestines exposed. He was given drugs that kept him paralyzed, still able to feel pain but unable to move. Andrew had IV's in his head, arms and feet. He was kept alive on a respirator for six weeks, unable to breathe on his own. He had tubes in his nose and throat to continually suction his stomach and lungs. Andrew's liver was lacerated and bled. He received eight blood transfusions and suffered a brain hemorrhage. Andrew's heart was pulled to the right side of his body. He contracted a series of blood infections and developed hypothyroidism. Andrew's liver was severely diseased, and he received intrusive biopsies to find the cause. The enormous pressure of the organs being replaced slowly into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments as he overcame a physical addiction to the numerous pain killers he was given.

The pain and suffering was unbearable to watch, but the courage and strength of our child was a miraculous sight. We were fortunate. The worst case scenarios that were painted by the doctors did not come to fruition, and we are thankful that our son was allowed the opportunity to fight. His will to live overcame all obstacles, and, now, we are blessed by his presence in our lives each and every minute. Our deepest respect and prayers go out to the courageous parents who knew that their baby would not survive and yet chose to love them on earth as long as God allowed and intended for them to be.

This is an issue that goes beyond abortion. This is an issue that goes beyond a medical procedure. This is an issue about what we view as life, as good enough life, to be born or to live. To use as a reason for allowing this procedure to continue, fetal abnormality, so badly misses the mark, sends a message to the women of this country, families of this country who are listening, who are having to deal with this issue today, right now the President of the United States said because of fetal abnormality these women should have abortions, it is a good reason to have an abortion, this kind of a partial-birth abortion.

What these women are saying is that we do not need to do that to protect our health and that there is an alternative out there, and that the message from the President of hopelessness for their situation is, as Mrs. French said, wrong. There may be no hope for an encephalitic child to survive long, hours if that, but that does not mean that the situation is as hopeless as you have heard from these letters.

We have an obligation here in the U.S. Senate when we vote on an issue to look at every aspect of that issue, particularly one of this importance and consequence, to look at every aspect of that issue and to weigh all the facts and to weigh the message that we send out when we do something—not only the direct consequences. The direct consequences are clear: Thousands of children, of babies that are 20 weeks and later, will be allowed to be partially delivered, feet first, the entire body delivered except for the head, and will be allowed to be killed—that far, inches away from its first breath.

We know that. That is a fact. That will happen if this bill is not passed here by the Senate over the President's objection. That is what we sort of focused on. We focused on, rightfully, the horror of that procedure being given a legal imprimatur by the U.S. Senate and by the President of the United States of America. That is a tough one for many of us to swallow. It is a tough one for many Americans to swallow. But there is more, and I think the stories of these women and the children involved is another element to this story. I think I am going to save these last couple of letters for tomorrow to read because I don't want to be repetitive tomorrow.

My colleagues, many of whom are otherwise involved right now with meetings and receptions and other kinds of things here on Capitol Hill, I just hope that at some point tomorrow when we are debating this, their television sets are turned on, or they happen to be on the floor, and that they understand this is not just an issue—although it is an issue—of a medical procedure being performed. This is a horrific procedure. It is not just an abortion, it is infanticide. It is infanticide. It is killing a baby. If you can accept that, I guess the argument that we are also making a decision on regarding the quality of life in America sort of pales in comparison, maybe—I don't know. But if you are troubled by that, if it causes you to think again, with all the new information that has been provided over the past several months and weeks, if it bothers you enough to rethink, then also think about that message that we are sending to the less-than-perfect children of America and the mothers who are, right now, dealing with the possibility of delivering an abnormal baby.

My wife is due in March. We haven't had a sonogram done. We are hopeful that everything is fine. What message would it send to me, in looking at that sonogram in a week or two, if they say that if that child just isn't what you want, if that baby of 20-some weeks is just not what you bargained for, you have our permission to go through this procedure. In fact, it is your right to do so. I don't think we want to send that out. As Dr. Dowling said, I don't think that's a glimpse of the best in humanity. I don't think that is a moment that many of the retiring Senators here want to look back and say, ''That was one of my last actions here in the U.S. Senate.'' I don't think we as Americans want our legislative bodies to say those things—that infanticide is OK, as long as the mother and the doctor agree that it is OK. And the children who just are not what we wanted them to be is a justification for terminating a pregnancy of a viable baby.

But let's make no mistake about this; that is what we are saying if we do not override the President's veto. That will be the message to America, to the world, to children who have been so afflicted, and to mothers and fathers who have to make that decision. I think we are better than that.

As HANK BROWN, the Senator from Colorado, came down here and talked about his position on abortion, which is pro-choice, he said that this is the proper place to draw the line. That is all we are asking. Are there no more lines in this country?

(Mr. SMITH assumed the chair.)

Mr. BENNETT. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to yield to the Senator from Utah.

Mr. BENNETT. Mr. President, I remember the original debate on this issue when the Senator from California talked about the very few numbers of

procedures and insisted that medical personnel—doctors—were solidly in favor of allowing these things to continue. I ask the Senator if he has seen the article that appeared in the Wall Street Journal a few days ago, where a group of doctors said it is time to stop listening to the politicians, stop listening to the special interest groups, and let the doctors speak. And they then said, ''We know the vast majority of these procedures are done for elective purposes only and that the health of the mother is, in fact, never in danger.''

I ask the Senator if he is familiar with that presentation and if my memory of it is correct?

Mr. SANTORUM. The Senator's memory is accurate. I, in fact, discussed that article yesterday on the floor and entered it into the RECORD for anyone who would like to see it, as well as other articles from physicians concerning this. Yesterday, a columnist, Richard Cohen—who is pro-choice and liberal, and who wrote an article a year ago supporting partial-birth abortions—wrote an article saying he was wrong, that what he was told by the pro-choice establishment here in Washington, the special interest establishment, was incorrect. He did not say this, but I will say it for him. They lied to him, or they deliberately misled him, based on an incomplete presentation of the facts. But in either case, he did not have all the information. He admits that he still doesn't have all the information as to how many of these procedures are done and when they are done. But what we do know is that that argument by Members who oppose this bill, who want to continue this procedure to be legal, no longer exists.

Those who stood and said, well, this is a very rare procedure that is only used to protect the life of the mother—I can refer you to speaker after speaker in the Congressional RECORD of last week in the House who defended this procedure, who got up and said, ''But, Mr. Speaker, we have to do this to protect the life of the mother.''

Well, we have all sorts of medical testimony that that is not the case, No. 1. No. 2, even if it were the case, the bill provides an exception for the life of the mother.

Mr. BENNETT. Mr. President, that was going to be my next question of the Senator. It is my understanding that the bill says that in those circumstances where the life of the mother is in danger, the prohibitions of the bill would not apply.

Mr. SANTORUM. That is correct.

Mr. BENNETT. It is also my understanding that according to the medical information the health of the mother might in fact be in danger by this process.

Mr. SANTORUM. There is testimony that I entered in the RECORD yesterday—and I know Senator SMITH has entered into the RECORD previously, and we will do so again tomorrow—that provides ample testimony of how this procedure is in fact more dangerous than the alternatives, including and particularly delivering the baby at term through either a vaginal delivery or cesarean section. The Senator from Colorado again reminded everyone—who is pro-choice and talked about a physician in Boulder, CO, who performs late-term abortions—saying that this procedure is more dangerous than other abortion techniques used at that stage.

So even if you are for, as I am, the belief that it is important that these mothers have that—we respect all life, even those who are less than perfect, and give them every opportunity to live—even if you do not believe in that, even if you believe that a child that has a fetal abnormality at 35 weeks, premature 5 weeks, should be allowed to be killed before it is born, even though you can deliver the baby without any additional health risks, if you waited 5 weeks, even if you believe that could happen, according to the Senator from Colorado, that is a still a more dangerous procedure.

Mr. BENNETT. I will not prolong the conversation. I thank the Senator for yielding for these questions.

I make this comment. My personal position on abortion is under the pro-life banner. I am one who would be willing to consider an abortion in a circumstance where the pregnancy came about as a result of a rape or incest—which is really nothing more than another form of rape—or where the life of the mother is in fact in jeopardy by virtue of the pregnancy. I was, therefore, somewhat troubled with the initial debate by those who kept insisting that the sole justification for this procedure was because the life of the mother was at risk, and I worried about Congress micromanaging medical procedures. But I have come completely to the conclusion that we did the right thing in passing the bill in the first place. I voted for it.

I intend to vote for the override, and I am heartened by the comment of my friend from New York, who is known for his independence, who is a pro-choice Senator on this issue but who summarized I think better than any of us can in a single sentence when he said, ''For me, this comes too close to infanticide.'' Infanticide, for whatever purpose, is not something with which I wish to be associated.

I congratulate the Senator from Pennsylvania on his leadership on this issue. I congratulate him for his compassion. I congratulate him for the depth of his commitments to an issue that I think should touch the hearts of all Americans. I thank him for yielding.

Mr. SANTORUM. I thank the Senator from Utah. If I can, I would like to deflect the praise, frankly, that in every respect should be deflected to the Senator who is sitting in the chair, the Presiding Officer, who in spite of calls against him of being an extremist, and, in spite of—as this issue was just beginning to rise in the political arena—being cast in an extreme pro-life position because, as the Senator from Utah, there is a lot of misinformation out there when this procedure was originally considered and even more misinformation when the Senator from New Hampshire introduced the bill to outlaw this procedure. But Senator SMITH, to his credit, got all of the information, studied it, and presented a bill that was reasonable, mainstream—not by definition when you have 70 percent to 80 percent of the people in this country saying this procedure should not be legal—it is not extreme to agree with them. You can say a lot of things. But when you are with 80 percent of the American public you are not an extremist by definition. Yet, I guarantee that you will hear Member after Member—I do not know how many Members will actually come up and speak against the override, but those that do will come up and will charge the Senator from New Hampshire, the Senator from Pennsylvania, the Senator from Utah, and other Senators with extremism for supporting this bill.

Mr. BENNETT. Mr. President, if I might be allowed, I thank the Senator from Pennsylvania for his correction about the leadership of the Senator from New Hampshire. I agree that is where the credit goes. I say to the people of New Hampshire that PAT MOYNIHAN is not generally thought of as a right-wing extremist, and to have him join the Senator from New Hampshire in this circumstance should provide sufficient cover for anyone who thinks the issue through.

Mr. SANTORUM. The Senator from Utah is absolutely correct. I just have to finish my comment on the Senator from New Hampshire.

The Senator from New Hampshire took this issue when no one else would take it. The Senator from New Hampshire stood on the floor of the Senate and carried the debate the last time in spite of enormous criticism for doing so. The Senator from Pennsylvania is a Johnny-come-lately to this issue, admittedly. I was not aware of this issue until the Senator from New Hampshire was standing on the floor debating one day. I became aware of it, and couldn't believe that we were actually debating something like this on the floor of the U.S. Senate. Are you serious? This actually happens in this country? I will never forget listening to him and listening to the volleys that were lobbed at him and listening to him trying to stand up and present the facts although they were continually obfuscated by the other side. He stood tall, and he can stand tall because he is a tall guy. But he stood tall, and we were able to get this bill through.

So now we are back. But I can tell you, as I said earlier, I had never wanted to debate the issue of abortion on the floor of the U.S. Senate, or in the House when I was there. The Senator from New Hampshire out of courage of

his conviction stands up and says we believe. I saw him that day going toe to toe with the opponents of this legislation. I said to myself ''Where were you? Where were you when they needed to count the people to stand up for what you believe in?

So I came down to the floor for a few minutes. And the Senator was on the floor for hours. I was on the floor, in comparison, for a second, but entered into the debate for the first time. And I want to say to the Senator from New Hampshire that the inspiration that he showed is the reason I am here today, and the reason we are all here today is we won a tough battle. People now are thinking, ''Well, 75 or 80 percent of the American public''—in fact then it was 75 to 80 percent. They had no idea. And there was a lot of misinformation out there that has now been clarified by thankfully a lot of obstetricians coming forward—hundreds of them coming forward—saying that we need to do this. The only people who are coming forward saying that this procedure is an acceptable medical procedure are those performing the procedure. No one else is. Some are saying we should allow this to continue because doctors should be able to do what they want to do; that we should not limit doctors' choices and women's choices. That is not the same as saying that this procedure is a healthy, good procedure; that they would do it, because they are not doing it and they wouldn't do it. And the Senator from New Hampshire stood up here and made the case. Unfortunately, by the skin of our teeth, we won here in U.S. Senate. I say ''unfortunately.'' We should have won by more, if people had had all of the information that they have today. We found that out over the last several months.

I am hopeful that Republicans and Democrats alike who voted against this legislation will examine the facts. I am not even going to ask you to examine your conscience or examine your morals. Make that decision outside of that, although I hope you would not.

Examine the facts as we now know them, not as given to us by the advocates of abortion, the National Abortion Federation or Planned Parenthood, but of doctors who are out there performing these procedures, of reporters, physicians, in some cases, who have done investigative reporting to find out what is going on out there—not what they tell us but what actually is going on.

Now, you cannot hide behind what people who agree with you on this issue would like to have you believe. You have to face facts that this is not a rare procedure done to protect the lives and health of women. Anyone who stands up in this Chamber and says that this is a rare procedure done to protect the lives and health of women is not stating the facts. The facts counter that, are absolutely opposite to it.

So let us have a debate about the facts. Let us not have a debate about the right to choose. This is not about the right to choose. Whether I like it or not, and, frankly, admittedly, I do not like it, late-term abortions will continue to be performed if this procedure is outlawed. And they have been described. We can enter into the RECORD all the varieties of other abortion procedures that can be done. So do not argue the right to choose. Do not argue it is a decision between the doctor and the patient, because the doctor and the patient have plenty of alternatives.

This is an issue about what 100 Senators believe is the line in this country. Where is that line? Or do we not have a line anymore? Have we gotten to the point in our culture that any drawing of lines is offensive to us, any determination of what is right and what is wrong is for every individual to make a choice, that there is no right and wrong anymore, it is just whatever you decide to do is OK, no matter who it affects and how it affects them.

I do not think that any Member of this Chamber believes there are no rights and wrongs and that there are no limits to what any individual can do to themselves or to somebody else. But you cannot hide from the fact that that is exactly what we are talking about here. We are talking about right and wrong. We are talking about how far we are going to let people go to infringe on the rights of others even if those others are less than perfect, are fetally abnormal.

I hope we would stand up for those children, the lesser as some would suggest, lesser children. I would suggest—and the women more importantly, the women whose letters I read earlier would suggest—that they are not lesser, not by any stretch of the imagination are they lesser. They are important members of the human family and they make a significant contribution. I bet you could ask some of those mothers and they would tell you that the child who lived 2 months made more contributions to them and to their community than people who lived there for 30 years.

I remember we in my generation always like to say when it comes to our children it is not the quantity of time, it is the quality of time you spend with your kids. How many times do you hear that? I wish that were true, but it is both. But certainly quality of time is important. Are we going to say that because their quantity of time is not going to be such for our standards, that their quality of life is not normal by our standards, that they are expendable by the most brutal procedure I think any of us have ever heard?

Oh, I have faith in the Senate. I have faith that, as I look at these empty chairs—and most of them are empty, all but the Senator from Iowa—I look at those chairs, and I can see in those chairs every Senator sitting there as they will be tomorrow, or standing down in the well, and they will have to be making a decision that they have to come to terms with what is right and wrong, about what comes up to the line and what crosses the line. I believe that enough Senators will look inside and see that this calls for a moment to look at what the best of our humanity is about, not the worst, and they will do the right thing. I will pray for that tonight. I hope you will, too.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I compliment the Senator from Pennsylvania for all the time he has devoted to this issue and how he causes everyone in this body and throughout America to think of the importance of this issue. I also compliment the Presiding Officer, the Senator from New Hampshire, for his leadership and his work as well.

I agree with everything the Senator from Pennsylvania has said. I am going to speak tomorrow on this issue during final debate.

CHILD PORNOGRAPHY PREVENTION ACT

Mr. GRASSLEY. Mr. President, I rise today in strong support of S. 1237, the Child Pornography Prevention Act, introduced by Senator HATCH. I am proud to be an original cosponsor of this very important piece of legislation, which would close loopholes in the current child pornography statutes created by computer technology. Now, due to the marvels of modern technology, child pornographers can use computers to create synthetic child pornography which is so realistic and life-like that no expert can distinguish it from traditional kiddie porn. S. 1237 would close that gap.

But the bill has not come up for a vote yet, even though the bill was put on the calendar over a month ago. Why is that? Why has not the Senate moved to pass this legislation quickly and send it to the House as the 104th Congress comes to an end?

The reason, Mr. President, is that some Senators from the other side of the aisle will not let the bill come up for a vote because they oppose stiff new mandatory penalties for child pornographers.

In the Judiciary Committee, I offered an amendment which would create a three-strikes-and-you're-out penalty structure for the production of child pornography. First time offenders will receive a 10-year minimum sentence. For a second offense, there would be a 15-year minimum sentence, and for a third offense, there would be a minimum sentence of 30 years to life. My amendment passed the committee after much debate.

But now, some Senators from the other side of the aisle are using senatorial privilege in order to have my amendment stripped out of the bill without ever having a vote on the matter. These Senators are literally holding the Senate hostage. In contrast,

Senators on my side of the aisle have informally offered to have another vote on this issue. But to no avail.

Mr. President, this is outrageous. I believe that the American people want tougher penalties for child molesters and child pornographers. And I am proud to have taken a leadership role on the issue. To the Democrat Senators who oppose minimum sentences for child pornographers, I say let's have a vote. Secret tricks like holds should not be used to drop the bottom out of the penalties for child pornographers.

I think that this is shameful, Mr. President. And I believe that the American people have a right to know why the Child Pornography Prevention Act is bottled up on the Senate floor. The roadblock to passage of this vitally important bill with tougher child pornography penalties is not the Republican caucus. It is not my side of the aisle which is blocking this bill trying to lower the penalties for child pornographers.

If the bill does not pass this year, the fault will rest squarely on the shoulders of the other side of the aisle.

I remain ready to vote on this matter. I encourage my friends on the other side of the aisle to come out and debate minimum sentences for child pornographers.

THE NATIONAL DEFENSE AUTHORIZATION ACT

Mr. GRASSLEY. Mr. President, I think the leadership of the Armed Services Committee deserves a lot of credit for wrapping up the conference on the fiscal year 1997 Defense authorization bill in record time.

This measure was ready before the August recess. We just could not get to it because of other pending business.

The chairman of the committee, Senator THURMOND, and the ranking Democrat, Senator NUNN, have done an outstanding job.

They resolved a number of very complicated and difficult issues, and they did it in a very timely and businesslike way.

I would also like to thank the committee for protecting my amendments:

Section 217 that establishes a 1991 baseline for the independent cost estimate for the F–22 fighter; and

Section 809 that places a $250,000 per year cap on executive compensation.

However, I am very unhappy with one part of the final bill—section 405.

I am very disappointed to see this provision in the final bill.

Section 405 authorizes an increase in the number of general officers on active duty in the Marine Corps.

It raises the current ceiling from 68 to 80 generals.

That is an increase of 12 generals.

I attempted to block this measure but failed. My amendment was defeated by a vote of 79 to 21.

The House had rejected it earlier but could not prevail in conference.

So we lost the fight.

The Marine Commandant, General Krulak, visited me in late July and helped to soften some of my objections.

For example, he assured me that the 12 new generals will be assigned to warfighting billets. That is good.

He promised me that the new generals will not fill mushrooming headquarters billets.

Those are the billets that Marine General Sheehan is so worried about.

But General Krulak's guarantees do not overcome my basic objection to the idea of adding brass at the top when the military is downsizing.

From that standpoint, section 405 of the bill defies understanding.

With 80 generals on board, the Marine Corps will have more generals than it had at the height of World War II when the Marine Corps was three times as big as it is today.

The Marine Corps is critically short of platoon sergeants. That is where we should add money—not for generals.

The Marine Corps is already topheavy with brass.

That came through loud and clear during Operation Restore Hope in Somalia, according to Col. David Hackworth.

Colonel Hackworth's thoughts are presented in his new book entitled:

Hazardous Duty: America's Most Decorated Living Soldier Reports From the Front and Tells It the Way It Is.''

Marine Lt. Gen. Robert Johnson was in charge of Operation Restore Hope in late 1992.

He had 12 rifle companies under his command or about 1,200 fighters.

But as Colonel Hackworth points out, General Johnson's headquarters strength was 1,141.

So General Johnson's headquarters staff almost outnumbered the fighters.

In all, he said, there were 12 American generals in Somalia, one for every rifle company.

A rifle company is commanded by a captain, and a captain does not need a bunch of generals giving him orders.

All he needs is one good colonel.

Colonel Hackworth concludes with this thought: ''Never had so few been commanded by quite so many.''

So why does a shirinking Marine Corps need more generals? The Marine Corps already has too many generals commanding troops in the field. Somalia proved that point. They aren't needed for combat. They are needed for bureaucratic infighting in the Pentagon budget wars.

The Committee makes that point crystal clear in its report. I quote: ''The increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of the Navy-Secretariat staff and in the joint arena.''

The Marines think more generals at the table will mean a bigger slice of the pie or a better piece of the action somewhere down the road.

That's what this is all about: capturing important bureaucratic real estate.

Mr. President, in my mind, this is bad public policy. It's going to backfire—big time. Giving in to the Marine Corps's request will not lay this issue to rest. This is not the end of it. It's just the beginning.

It is an ominous sign of interservice rivaalry that could ignite a war over who can get the most stars.

The Army, Navy, and Air Force are now going to complain: The Marines got theirs. Now we want ours.

The floodgates are about to open.

The Army, Navy, and Air Force are already lining up with their requests for more generals.

The Navy went on record in March, saying it has ''331 valid flag officer requirements.''

The Navy is authorized to have 220 today. Does this mean the Navy needs another 111 admirals?

The Navy is already topheavy with brass, having just about one admiral per ship.

The Army and the Air Force are even more topheavy—fatter with brass.

Yet both the Army and the Air Force are lobbying Secretary Perry to get their requests for more generals approved.

Now, while Mr. Perry is doing this, he is also telling the military to continue downsizing.

Does this make sense, Mr. President? Does it make sense to topsize when you're downsizing?

Former Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, shed some light on this issue back in 1990 when post-cold-war downsizing began in earnest.

General Powell's thinking on this issue was outlined in an article that appeared in the August 1 issue of the Washington Post.

The article was written by Mr. Walter Pincus.

I ask unanimous consent to have this report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 1, 1996]

MARINES LAND GENERALS DESPITE SOME OPPOSITION

(By Walter Pincus)

The Marines have landed their 12 more generals and despite some opposition appear to have the situation well in hand.

House conferees yesterday reached an agreement on the fiscal 1997 defense authorization bill that will allow the Corps to appoint a dozen more generals, enlarging its top tier so that the Marines will have a fair share of representatives in joint commands and be able to fill vacant positions.

If the conference report passes both houses and is signed by President Clinton, the Marines will be entitled to raise the number of active duty generals from 68 to 80. That would give the 174,000-member Corps, one more general than it had in June 1945 when the force was 475,000 strong, according to Rep. G.V. ''Sonny'' Montgomery (D-Miss.), who opposed the increase.

Sen. Charles E. Grassley (R-Iowa), who led the opposition in the Senate, said yesterday he was ''very disappointed and frustrated'' by the House conferees' action. He said he had hoped the increase could have been held off pending a study ''based on recent downsizing in the rank and file.''

But the Marines have insisted that the increase is warranted. ''We don't ask for something unless it is truly needed,'' Marine Commandant Gen. Charles C. Krulak said in a letter to Grassley.

The Iowa Republican warned that other services will now be encouraged to request more admirals and generals, despite the military drawdown. ''This is just a small snowball rolling down a hill that is going to expand very rapidly the number of brass in all services,'' he said.

Last March, Adm. Frank L. Bowman, chief of naval personnel, told the Senate Armed Services Committee, ''I am convinced the Navy needs 25 to 30 more flag officers in order to have a manageable number of people to assign without having to rely on gapped billets or filling flag officer billets with senior captains.''

Yesterday, Capt. Jim Kudla, spokesman for Bowman, said the Navy proposal ''is not yet out of the hopper,'' but added that a number is under study in the office of Navy Secretary John H. Dalton.

The Navy, which this year has 428,000 officers and enlisted personnel, currently is authorized to have 216 flag officers plus four more allowed by the Joint Chiefs of Staff. That is down from a total force of 535,000 in 1990 when it had 256 admirals.

Under current plans, Navy personnel will go down to 395,000 by late 1998 and level off there. Nonetheless, according to Bowman, the Navy's increase in admirals is justified because ''I believe we went too far in flag officer reductions in the Navy. We are feeling the pinch.''

In 1990, then-Defense Secretary Richard B. Cheney and his chairman of the Joint Chiefs of Staff, Gen. Colin L. Powell, agreed that as they reduced overall service levels, they would as a ''matter of good faith'' look at cutting generals and flag officers ''proportional to the reductions in base forces,'' a former senior Powell aide said yesterday.

Since the main forces were being reduced by 25 percent, Cheney and Powell looked at cutting the number of generals and admirals by at least 20 percent. Powell argued that the military services were like a pyramid. ''You can't just cut at the bottom,'' the former aide said in describing Powell's position. ''You have to take some off at every level so it still had the proper shape to it.''

Powell regularly met with other members of the Joint Chiefs to have them ''pledge their commitment'' to the cuts which, the former aide said, ''were painful.'' Those chiefs have now retired and the services, starting with the Marines, have begun to relieve the pain, the aide added.

The issue has led to some tough back-room politicking while House and Senate conferees worked out their differences.

Recently, House and Senate aides said they had been told by Pentagon sources that Arnold L. Punaro, minority staff director of the Armed Services panel, aide to Sen. Sam Nunn (D-Ga.) for 23 years and a Marine Corps Reserve brigadier general, had masterminded the move. The sources, from other services, alleged that Punaro was preparing a billet for himself for next year after Nunn retires from the Senate.

Punaro, who had heard the rumor, reacted sharply to it.

''The new active-duty Marine Corps general officer positions have nothing whatsoever to do with my future,'' he said. ''I will remain a civilian when I leave my current position with the Senate Armed Services Committee.''

Committee sources said Punaro stayed out of the issue other than to sit in on briefings by Krulak in Nunn's office.

Mr. GRASSLEY. I will quote from the article:

As a matter of good faith, General Powell reportedly said, ''you have to look at cutting generals and flag officers proportional to the reductions in base forces.''

General Powell said the military services were organized like a pyramid. He said, ''you can't just cut at the bottom. You have to take some off at every level so it still has the proper shape to it.''

Mr. President, that is Colin Powell talking, and he should know something about how the military is supposed to be organized. Colin Powell says we should reduce the number of generals when the force structure is shrinking.

So why are we adding brass at the top when the force is getting smaller? Someone needs to provide an honest answer to that question. I have not heard one yet.

If we keep adding at the top and cutting at the bottom, pretty soon the military pyramid will lose its shape. We will have an upside-down pyramid.

Congress must not allow its decisions to be driven by interservice rivalry. There has to be a better way to determine the right number of generals.

On July 19, I wrote to the President, asking him to intervene in this matter. He is our Commander in Chief and needs to take charge and show some leadership.

I asked him to delay this decision until an independent review is conducted to determine how many general officer positions are needed, based on real military requirements. I have never received a response.

I am afraid he's been steamrollered by the generals, just like the Congress.

ILLEGAL DRUG TRADE

Mr. GRASSLEY. Mr. President, a few steps from this Capitol Building is a combat zone. In just a few blocks from here lies the killing ground that is one of the consequences of the illegal drug trade in this country. On average, over 400 people in Washington are murdered every year. That is roughly 60 lives lost per 100,000 population. The national average is 6 per 100,000. That makes Washington the Nation's murder capital. Those casualties, the lives lost and maimed, occur in just a few neighborhoods. They are not spread out over the whole city. Much of this carnage is directly the result of drugs and the harm that they cause, a harm that falls disproportionately on a few neighborhoods.

Now, virtually every ounce of illegal drug you can buy within a stone's throw of here—and that is just about any drug you could want in any quantity you care to buy—is produced overseas. It is imported into this country. Washington is not on the border with Mexico. We don't grow poppies in ward 6 or coca in Anacostia. These drugs find their way here in commercial cargo, in motor homes, in peoples' stomachs. They fly, walk, drive, and float into this country every day in a thousand ways. That availability is killing us. But the story does not stop here.

The criminal thugs that bring drugs into this country are not philanthropists. They are in the business to make money. And lots of it. That's why they come to the world's largest emporium. And they do well. But that leaves them with the problem of what to do with all the loot: how to turn all that dirty money into nice, clean cash. To do this, they exploit our banks and business. They smuggle cash out in bulk. They use our electronic highways.

As the Center for Technology Assessment noted last year, our ''Financial institutions and their wire transfer systems provide the battleground to control money laundering.'' Criminal gangs employ a thousand techniques that fertile imaginations—the best that money can buy—can devise. They do all of this in defiance of our laws, in vicious contempt for common decency. And when these sorry riches find their way into secure havens, they are then used to corrupt and intimidate individuals, institutions, and whole governments. The vicious cycle is complete and begins again.

These criminal gangs, to push their drugs and launder their millions, make use of the very same systems that are the sources of our prosperity. They smuggle drugs in and they sneak the cash out. They exploit our financial processes and our commercial mechanisms to do this. We must not permit this to happen. There in lies our dilemma.

On the one hand, we must decide on those policies and practices that will most effectively facilitate our trade and finance. We must do this in order to sustain our continued prosperity and competitiveness. On the other hand, we must decide how best to discourage the criminal exploitation of our financial systems and our commercial arrangements. This clash of interests is no easy problem to deal with, but deal with it we must.

Unfortunately, this country has a major drug problem. As it is in virtually every other area of economic activity, the United States is the world's largest market for illegal drugs. Americans have more money and more time than do many other people. This means that every entrepreneur in the world is out to make it big in the U.S. market. Some of the most skilled, intelligent, and ruthless of these entrepreneurs are drug traffickers.

We are not dealing here with mom-and-pop operations. We are dealing with well-financed, international business enterprises with a global reach. They are sophisticated and dangerous. Let there be no mistake, the criminal organizations that traffic in drugs or other illegal goods are among the most significant threats to our well-being that we currently face.

The major international criminal organizations—based in Asia, Europe, Africa, and Latin America—now dispose

of economic resources that enable them to defy local and international law. They are richer than many countries. They are ruthless, and they are remorseless. Either through a process of threat and intimidation or by bribery and financial manipulation, they are able to challenge the authority of governments. They are able to undermine the integrity of public and private institutions. Where they cannot suborn they subvert. Where they cannot corrupt they kill.

The rollcall of countries currently facing direct and serious challenges from these groups is disturbing. Today criminal gangs in Russia, China, Italy, Nigeria, Mexico, and Colombia openly operate or have been able to penetrate into the depths of the political, social, and economic systems in those countries. Many smaller countries, without the range of resources available elsewhere, are simply overmatched and outmaneuvered in trying to enforce their own sovereignty. In some cases, criminal penetration has become so serious that it raises questions about the future stability of the country in question. There is growing concern about the ability of many governments, often deeply penetrated by criminal corruption, to respond meaningfully—if at all—to these criminal gangs.

In addition, banks and businesses pay out billions of dollars every year, directly or indirectly, to these same criminal gangs. Whether in protection money or in losses suffered from sophisticated scams. Whether in extortion or swindles, individual businesses and national economies are routinely ripped off, to the tune of billions of dollars annually, by ruthless criminal thugs.

The cost of their activities are not paid out just in the crimes that they commit. They also exact a cost in terms of trust. They undermine good faith. When left unchecked, they pervert the very ideas of a free market. The bleed public establishments of public support. They threaten democratic institutions and the social, political, and economic circumstances that must sustain those institutions. We can see that process at work in Colombia, and Russia, and next door in Mexico. But the problem does not stop here.

In this country, these criminal gangs daily kill and maim more Americans than have suffered at the hands of terrorist bombs. They have done more damage to our social fabric and well-being than has any rogue political leader in Libya or Iran. They have caused more real harm in a day than all the illegal videotapes produced in China. Through the drugs that these scoundrels make and sell, they sow havoc in our homes and neighborhoods, on our streets, and in our clinics.

We must take the steps necessary to ensure that our citizens are secure from harm and that the very processes of our well-being are protected from abuse. We must ensure that the free-trade highway does not become an expressway for drug smuggling. We have to ensure that banking without borders does not become an opportunity for banking without conscience. But how to do that without smothering legitimate activity? We must devise the means to disrupt criminal enterprise without destroying free markets. We must ensure effective international cooperation and yet work with countries often incapable of taking effective action. We must lead, but we cannot succeed without cooperation.

That is what this hearing is about. We must look at what we are doing and what we can do better. We need to consider what works and what does not. We need to cast a critical eye on our actions and those of our allies and friends to determine what more we can do. I am concerned that our policies are not up to the task. I am concerned that we have put our priorities in the wrong places. Frankly, we have a long way to go and a lot of work ahead of us. More kids are starting to use drugs. We are seeing more calls for legalization. We have dropped the ball on fighting back.

In the meantime, the criminals are getting richer and more sophisticated. As we face 21st century thugs, we need 21st century G-men. We need to be smarter and faster. We need to be focused and consistent. As one Treasury official put it, money laundering is a ''crime hidden in the details of legitimate commerce.'' The same is true for smuggling. The devil is in the details. It is the details that we want to get at. It is how to respond effectively to the details of these criminal activities that we must address in our policies.

THE NET EFFECT

Mr. GRASSLEY. Mr. President, the Congress is now engaged in the business of passing a budget to fund this Government for another year. This process is one of the most important pieces of business that this body engages in. In discussing where and how and for what we spend the public's money on public business in the public interest is one of the most compelling stories of government. I wish that more of our fellow citizens watched the debates on this floor as we argue among ourselves on their behalf how best to spend their hard earned dollars. It is an important lesson in civics. It is a course in practical politics, on how real differences on important matters of substance are resolved. It is sometimes not an elegant process but it is one of the critical features of democratic government.

One of the most inelegant parts of the process, is the fact that legislating budgets is not coherent in the sum of its parts. We divide our budget consideration into many pieces. It's the only practical way to deal with the problem of how to spend money. This means, however, that money and the politics that it is spent on is similarly considered in its many parts, not as a whole.

Rarely, legislatively, does a program receive strategic or comprehensive consideration that combines all the elements. Doing that is typically one of the responsibilities of the executive branch. We look to the administration to present the comprehensive plan, to integrate all the pieces into meaningful policy. It is Congress' role to ensure that the net results are what is intended. That the money is buying what it is meant for.

We may not always agree with how things are put together, but a dialog on our disagreements is how a democracy makes up its mind. This process, however, does not lend itself to central direction. Congress may, through the oversight process, seek to encourage cohesiveness. It may, through legislation, require strategic thinking. But, while you can lead an administration to water, you cannot necessarily make it take the plunge. You cannot give it coherence. You cannot supply a vision that is wanting, a conviction that is simply not there. You cannot enforce wisdom. When these are lacking, Congress is not always the best body to provide uniform direction. It is, however, bound to try.

That is the situation we face now is so many areas of our international policy. Things are drifting. There is no coherence, no vision. And, sometimes, I wonder about the wisdom behind what passes for policy. This is painfully clear in looking at our drug policy.

I have spoken a number of times about the incoherence in our present efforts. I have documented, recently, the consequences of these failed policies for drug use in this country. Unless we simply do not expect our policies to make any difference. Unless we are committed to the idea that we spend the public's money for the heck of it. Unless we believe that words are meant to substitute for results. Then, we cannot look at our current efforts and the trend in youthful drug use and conclude that what we are doing is working.

Simply put, the present strategy from this administration on drugs is a failure. It has been a failure from the beginning. The most recent effort at a written strategy, while an admirable attempt by the new drug czar, is thin. It lacks substance. It has no measurable standards of performance. It contains little new. It has few measures of success. Even more disappointing, the administration has been noticeably invisible on the Hill in defending its own programs. This, also, is not new. Even in the Democratic-controlled Congress, the administration largely left the drug program to fend for itself.

This under-supported policy was also the program that the administration took to the public. Its most remembered hallmarks are ''I didn't inhale'', and the Surgeon General's call for serious consideration of legalization. Hardly substitutes for ''Just Say No.'' The consequences were vanishing interest

in serious counter-drug efforts and renewed calls for legalization—given encouragement by this administration's Surgeon General. The results of that indifference and incoherence are clear for anyone who wants to take a look at the recent reporting on youthful drug use in this country over the past 3½ years. The picture is sobering. The results are dramatic increases of drug use among kids. All the recent surveys confirm this. In addition, the forthcoming annual PRIDE survey will add further weight to the body of evidence.

In response to this fact, the congressional leadership, led by Bob Dole, commissioned a joint House-Senate task force last year to do what the administration has not done: develop a coherent view of what needs to be done. The task force report, which came out earlier this year, provides us with guidance on where we need to be going with our drug policy. In particular, as Congress now considers the international drug budget in its many parts, the report indicates the direction that we need to be taking to give us more coherence and sense of purpose in our efforts.

In the absence of meaningful policies from the administration, we have a responsibility to the public to make up for the deficit. As we construct our separate drug budgets, we must take this need into our deliberations.

In essence, our overall drug programs are an effort to build a fisherman's net—a web of programs, efforts, and policies that will catch and hold the school of drug problems. We must construct a balanced weave. One without gaping holes. One that is suited to the circumstances of our needs and our capabilities. The budget process is our net. It is here that we must ensure that we bring more consistency to our deliberations over the various parts of our drug budget to ensure that the result is more than the sum of its parts.

We need to ensure, as we balance the many conflicting needs represented in our budgets, that our drug program is adequately funded in its constituent elements. We must ensure that DOD bears responsibility for doing something more than it has recently in supporting drug operations. We must see that Customs programs along the Southwest border, in Puerto Rico, and in support of interdiction operations are adequately supported, after years of neglect. We need to refurbish DEA's international effort. We need to support Coast Guard's drug enforcement mission. We need to provide support to the efforts to develop a Midwest high intensity drug trafficking area to stem the flow of methamphetamine.

These things we can do more immediately. In the longer term, we in Congress need to exercise more vigorous oversight over present programs to ensure that the public is getting a proper return on its investment. We need more accountability. In the next days and weeks, as we work to do the people's business, we must keep in mind our responsibility to provide adequate, consistent support to drug programs. In doing so, we help to put our drug policy back on track. We engaged a problem that we cannot afford to ignore or wish away. In responding, we must consider the net effect. I urge my colleagues to support funding for the programs I have mentioned above as we work on the appropriations bills before us.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LORET RUPPE

Mr. COVERDELL. Mr. President, today the Senate Foreign Relations Committee reported House Joint Resolution 158, a joint resolution commending the Peace Corps and its volunteers for their 35 years of service to America and the world. I was especially pleased that my colleagues on the committee agreed to an amendment to this resolution offered by Senator DODD and myself which honors the memory of Loret Ruppe, the longest serving director of the Peace Corps. When I became director of the Peace Corps in 1989, I had the privilege of inheriting a corps that had been revitalized by Loret Ruppe's great leadership, vision, and dedication. Under her direction the Peace Corps began or revived programs in Sri Lanka, Haiti, Burundi, Guinea-Bissau, Chad, Equatorial Guinea, and the Cape Verde Islands and she energized a new generation to take up the challenge of serving in the corps. Her great accomplishments and belief in the Peace Corps won the respect of volunteers and built bipartisan support for the Peace Corps' mission of peace through development. I feel that it is especially appropriate that the Members of this great legislative body, so many of whom on both sides of the aisle count themselves as admirers of this great woman, pass this resolution to stand as a testament to her great service to America and to the millions of the world's citizens touched by her efforts.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, 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 a nomination which was referred to the Committee on Rules and Administration.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1791. An act to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

H.R. 3217. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 132. Concurrent resolution relating to the trial of Martin Pang for arson and felony murder.

H. Con. Res. 200. Concurrent resolution honoring the victims of the June 25, 1996, terrorist bombing in Dhahran, Saudi Arabia.

H. Con. Res. 212. Concurrent resolution endorsing the adoption by the European Parliament of a resolution supporting the Republic of China on Taiwan's efforts at joining the community of nations.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 501) and the Senate amendment (except

section 1001), and modifications committed to conference: Mr. SHUSTER, Mr. CLINGER, Mr. DUNCAN, Mr. OBERSTAR, and Mr. LIPINSKI;

From the Committee on Transportation and Infrastructure, for consideration of section 501 of the House bill and section 1001 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. CLINGER, and Mr. OBERSTAR;

As additional conferees from the Committee on Rules, for consideration of section 675 of the Senate bill, and modifications committed to conference: Mr. DREIER, Mr. LINDER, and Mr. BEILENSON;

As additional conferees from the Committee on Science, for consideration of sections 601–605 of the House bill, and section 103 of the Senate amendment, and modifications committed to conference: Mr. WALKER, Mrs. MORELLA, and Mr. BROWN of California;

As additional conferees from the Committee on Science, for consideration of section 501 of the Senate amendment and modifications committed to conference: Mr. WALKER, Mr. SENSENBRENER, and Mr. BROWN of California;

As additional conferees from the Committee on Ways and Means, for the consideration of section 501 of the bill H.R. 3539, and sections 417, 906, and 1001 of the Senate amendment and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. GIBBONS.

ENROLLED BILLS SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks announced that the Speaker has signed the following enrolled bills:

H.R. 3666. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 12:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

At 4:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing penalties for alien smuggling and for document fraud, and be reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3217. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

MEASURE READ THE FIRST TIME

The following measure was read the first time:

H.R. 4134. An act to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 25, 1996, he had presented to the President of the United States, the following enrolled bill:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

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–4161. A communication from the Acting Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–4162. A communication from the Acting Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–4163. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation concerning the sale of excess federal aircraft to facilitate the suppression of wildfire; to the Committee on Armed Services.

EC–4164. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule concering migritory bird hunting (RIN 1018–AD69) received on September 24, 1996; to the Select Committee on Indian Affairs.

EC–4165. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report for fiscal year 1995 with respect to outer continental shelf lease sales; to the Committee on Energy and Natural Resources.

EC–4166. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule regarding migratory bird hunting (RIN 1018–AD69) received on September 24, 1996; to the Committee on Environment and Public Works.

EC–4167. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule regarding migratory bird hunting (RIN 1018–AD69) received on September 23, 1996; to the Committee on Environment and Public Works.

EC–4168. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule regarding migratory bird hunting (RIN 1018–AD69) received on September 19, 1996; to the Committee on Environment and Public Works.

EC–4169. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation entitled ''The Environmental Crimes and Enforcement Act of 1996''; to the Committee on Environment and Public Works.

EC–4170. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, three rules including one entitled ''Operating Permits Program Interim Approval Extentions'' (received on September 19, 1996); to the Committee on Environment and Public Works.

EC–4171. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, a rule regarding the Puget Sound Air Quality Ozone (received on September 19, 1996); to the Committee on Environment and Public Works.

EC–4172. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 96–49 (received on September 24, 1996); to the Committee on Finance.

EC–4173. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 96–45 (received on September 23, 1996); to the Committee on Finance.

EC–4174. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 96–49 (received on September 20, 1996); to the Committee on Finance.

EC–4175. A communication from the Chief of Staff, Office of the Commissioner of Social Security, transmitting, pursuant to law, a report with respect to a rule regarding income exclusions (RIN 0960–AE22) received on September 19, 1996; to the Committee on Finance.

EC–4176. A communication from the Chief of Staff, Office of the Commissioner of Social Security, transmitting, pursuant to law, a report with respect to a rule regarding income exclusions (RIN 0960–AE22) received on

September 19, 1996; to the Committee on Finance.

EC–4177. A communication from the Assistant Secretary of Legislative Affairs, Department of State, tramnsmitting, pursuant to law, the report of a Presidential Determination regarding Mongolia; to the Committee on Finance.

EC–4178. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 96–49 (received on September 19, 1996); to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 3815. A bill to make technical corrections and miscellaneous amendments to trade laws.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 3846. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises, and for other purposes.

H.R. 3916. A bill to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments and an amendment to the title and an amended preamble:

H.J. Res. 158. A joint resolution to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and an amended preamble:

S. Res. 285. A resolution expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking, and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2130. An original bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

The following individual for appointment as a permanent regular commissioned officer in the U.S. Coast Guard in the grade of lieutenant commander:

Laura H. Guth.

The following officers of the U.S. Coast Guard Permanent Commissioned Teaching Staff at the Coast Guard Academy for promotion to the grade indicated:

To be commander

Robert R. Albright, II
Lucretia A. Flammang

To be lieutenant commander

James R. Dire

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

Joseph F. Ahern
Jeffrey G. Lantz
Adan D. Guerrero
Walter S. Miller
Mark E. Blumfelder
Richard W. Goodchild
Jon T. Byrd
David W. Ryan
Jeffrey Florin
John C. Simpson
William C. Bennett
Joel R. Whitehead
James J. Lober, Jr.
Wayne D. Gusman
Michael J. Devine
Scott F. Kayser
James B. Crawford
William J. Hutmacher
Glenn L. Snyder
Douglas P. Rudolph
John L. Grenier
Timothy S. Sullivan
Mark G. Vanhaverbeke
James Sabo
Paul C. Ellner
Steven A. Newell
Douglas E. Martin
Richard A. Rooth
Lawrence M. Brooks

The following Reserve officer of the U.S. Coast Guard for promotion to the grade of captain:

Catherine M. Kelly

The following Regular officers of the U.S. Coast Guard for promotion to the grade of commander:

George A. Russell, Jr.
Patrick J. Cunningham, Jr.
Dane S. Egli
Jeffrey S. Gordon
Bret K. McGough
Jody B. Turner
Mark L. McEwen
Mark A. Skordinski
Donald K. Strother
Francis X. Irr, Jr.
Robert A. Farmer
Richard M. Kaser
Kurtis J. Guth
Gary E. Felicetti
Daniel A. Laliberte
Kurt W. Devoe
Robert J. Legier
Robert E. Korroch
Thomas P. Ostebo
Mark A. Prescott
Kenneth H. Sherwood
Mark S. Guillory
Preston D. Gibson
David L. Hill
Michael P. Farrell
Richard A. Stanchi
Scott S. Graham
Mark R. Devries
Kenneth R. Burgess, Jr.
Warren L. Haskovec
Jennifer L. Yount
Barry P. Smith
William D. Lee
John R. Lindley, Jr.
Robert R. O'Brien, Jr.
Scott G. Woolman
William W. Whitson, Jr.
Larry E. Smith
Mark A. Frost
Mitchell R. Forrester
Patrick J. Nemeth
Curtis A. Stock
Christopher K. Lockwood
Barry L. Dragon
Michael D. Brand
Bruce E. Grinnel
Brian K. Swanson
Robert J. Malkowski
Brian J. Goettler
Charles W. Ray
Stephen J. Minutolo
Virginia K. Holtzman-Bell
Matthew M. Blizard
Richard A. Rendon
Bryan D. Schroder
John W. Yager, Jr.
Marshall B. Lytle III
Thomas D. Criman
Stephen J. Ohnstad
Carol C. Bennett
Thomas E. Hobaica
David S. Stevenson
James T. Hubbard
George P. Vance, Jr.
Robert M. Atkin
Christine D. Balboni
Mark D. Rutherford
Patrick B. Trapp
Dennis D. Blackall
Bradley R. Mozee
Richard J. Ferraro
Richard L. Matters
Ekundayo G. Faux
David L. Lersch
Ricki G. Benson
Norman L. Custard, Jr.
Gregory B. Breithaupt
Steven E. Vanderplas
Frederick J. Kenney, Jr.
Steven J. Boyle
Thomas K. Richey
Dennis A. Hoffman
David M. Gundersen
Jeffrey N. Garden
James E. Tunstall
Kevin G. Quigley
John R. Ochs
Ronald D. Hassler
Timothy J. Dellot
Kenneth D. Forslund
Tomas Zapata
Dennis M. Sens
Peter V. Neffenger
Alvin M. Coyle
Daniel R. MaCleod
Melissa A. Wall
Robert M. Wilkins
Curtis A. Springer
Timothy G. Jobe
Christian Broxterman
Rickey W. George
Elmo L. Alexander II

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. PRESSLER. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS on July 29, and September 3, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of July 29, and September 3, 1996, at the end of the Senate proceedings.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104–15 Income Tax Convention with Kazakstan (Exec. Rept. 104–34)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with the Protocol, signed at Almaty on October 24, 1993, and Two Related Exchanges of Notes, dated August 1 and September 7, 1994, and dated August 15 and September 7, 1994 (Treaty Doc. 103–33); an Exchange of Notes dated at Washington July 10, 1995, Relating to the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with a Related Protocol, signed at Almaty on October 24, 1993 (Treaty Doc. 104–15); and in Exchange of Notes, dated June 16 and 23, 1995 (EC–1431). The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

''The United States shall not exchange the instruments of ratification with the Government of the Republic of Kazakstan until such time as the Government of the Republic of Kazakstan has notified the Government of the United States that its laws no longer permit anonymous bank accounts to be established.''

Treaty Doc. 104–23 Protocol Amending Article VIII of the 1948 Tax Convention with Respect to the Netherlands Antilles (Exec. Rept. 104–35)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Kingdom of the Netherlands in Respect of the Netherlands Antilles Amending Article VIII of the 1948 Convention with Respect to Taxes on Income and Certain Other Taxes as Applicable to the Netherlands Antilles, signed at Washington on October 10, 1995 (Treaty Doc. 104–23).

Treaty Doc. 104–32 Taxation Protocol Amending Convention with Indonesia (Exec. Rept. 104–36)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise

and consent to the ratification of the Protocol, signed at Jakarta on July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes signed at Jakarta on July 11, 1988 (Treaty Doc. 104–32).

By Mr. HELMS, from the Committee on Foreign Relations:

Arma Jane Karaer, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Arma Jane Karaer.

Post: Port Moresby, Papua New Guinea.

Contributions, amount, date, and donee:

1. Self: Arma Jane Karaer, none.

2. Spouse: Yasar Karaer, none.

3. Children and spouses: Alexandra Karaer and Ceren Karaer, none. (Both children are unmarried)

4. Parents: Alexander Szczepanski, father, (deceased), Ida Szczepanski (mother), none.

5. Grandparents: Bronislaw Szczepanski (deceased), Caroline Szczepanski (deceased), Irving E. Anderson, Sr. (deceased), and Hedwig L. Anderson (deceased).

6. Brothers and spouses: Bruce Szczepanski, none, Edith Szczepanski, none. David J. Szczepanski, $50.00, 3/20/95, Republican Party; $100.00 8/23/95, Dennis Newinski. Currently a member of the Dennis Newinski finance committee. Joan Szczepanski (deceased). Michael Szczepanski, none; Nancy Szczepanski, none; Steven Szczepanski (unmarried), none; Thomas Szczepanski, none; Cynthia Szczepanski, none.

Sisters and spouses: I have no sisters.

Anne W. Patterson, 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 El Salvador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Anne W. Patterson.

Post: El Salvador.

Contributions, amount, date, and donee:

1. Self: Anne W. Patterson, none.

2. Spouse: David R. Patterson none.

3. Children and Spouses Names: Edward C. Patterson (age 14), Andrew Patterson (age 8), none.

4. Parents Names: John and Carol Woods, none.

5. Grandparents Names: Sarah Ackley, none.

6. Brothers and Spouses Names: John Davis Woods, Jr., none; Jean Byers Woods, none.

7. Sisters and Spouses Names: none.

John Francis Maisto, of Pennsylvania, 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 Venezuela.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John E. Maisto.

Post: U.S. Ambassador to Venezuela.

Contributions, amount, date, and donee:

1. Self: John F. Maisto, none.

2. Spouse: Maria Consuelo G. Maisto, none.

3. Children and Spouses Names: John Joseph Maisto/Karen Nelson, none.

4. Parents Names: John Maisto (deceased), Mary P. Maisto, none.

5. Grandparents Names: Elpedio Maisto (deceased), Luisa Maisto (deceased).

6. Brothers and Spouses Names: Albert L. Maisto, none; Mary Jean Mills Maisto, none.

7. Sisters and Spouses Names: none.

Dennis K. Hays, of Florida, 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 Suriname.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Dennis K. Hays

Post: Suriname

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses Names: none.

4. Parents: Ronald and Jane Hays; $50.00 per year Richard Matsuura (D-Hawaii); $25.00 per year Gene Ward (R-Hawaii); $25.00 per year Tom Okamura (D-Hawaii); $1,000.00 1995 Orson Swindle (R-Hawaii); $100.00 per year Republican National Committee.

5. Grandparents Names: none.

6. Brothers and Spouses Names: none.

7. Sisters and Spouses Names: none.

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, as Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Nominee: Genta Hawkins Holmes

Post: Australia

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: none.

3. Children and Spouses Names: none

4. Parents Names: deceased.

5. Grandparents Names: deceased.

6. Brothers and Spouses Names: Ronald H. Hawkins, none; Lynn A. Hawkins none.

7. Sisters and Spouses Names: none.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

Madeleine Korbel Albright, of the District of Columbia, to be Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Edward William Gnehm, Jr., of Georgia, to be Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Karl Frederick Inderfurth, of North Carolina, to be Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Victor Marrero, of New York, to be Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Richard W. Bogosian, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Rwanda/Burundi.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of June 26, September 9, and September 19, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 26, September 9 and 19, 1996, at the end of the Senate proceedings.)

The following-named Career Member of the Senior Foreign Service of the U.S. Information Agency for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Marilyn McAfee, of Florida

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Paul Albert Bisek, of Virginia

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Susumo Ken Yamashita, of Maryland

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Susan Kucinski Brems, of the District of Columbia

Christine M. Byrne, of Virginia

James Eric Schaeffer, of Florida

DEPARTMENT OF COMMERCE

Karla B. King, of Florida

Terry J. Sorgi, of Wisconsin

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Tania Bohachevsky Chomiak, of Florida
Linda Joy Hartley, of California
Sharon Hudson-Dean, of Pennsylvania
Constance Colding Jones, of Indiana
Steven Louis Pike, of New York
David Michael Reinert, of New Mexico

DEPARTMENT OF STATE

Sarah J. Metzger, of Virginia

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretary in the Diplomatic Service of the United States of America effective June 28, 1996:

DEPARTMENT OF STATE

Marc C. Johnson, of the District of Columbia

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Robert L. Adams, of Virginia
Veomayoury Baccam, of Iowa
Douglass R. Benning, of the District of Columbia
Steven A. Bowers, of Virginia
Michael A. Brennan, of Connecticut
Kerry L. Brougham, of California
Andrea Brouillette-Rodriguez, of Minnesota
Paal Cammermeyer, of Maryland
Priscilla Carroll Caskey, of Maryland
Julianne Marie Chesky, of Virginia
Carmela A. Conroy, of Washington
julie Chung, of California
Edward R. Degges, Jr., of Virginia
Thomas L. Elmore, of Florida
Wayne J. Fahnestock, of Maryland
Denis Barrett Finotti, of Maryland
Kenneth Fraser, of Maryland
Gary R. Guiffrida, of Maryland
Patricia M. Gonzalez, of Texas
David J. Greene, of New York
Raymond Franklin Greene III, of Maryland
Ronald Allen Gregory, of Tennessee
Deborah Guido-O'Grady, of Virginia
Audrey Louise Hagedorm, of Virginia
Patti Hagopian, of California
Charles P. Harrington, of Virginia
Ronald S. Hiett, of Virginia
Ruth-Ercile Hodges, of New York
Kristina M. Hotchkiss, of Virginia
Andreas O. Jaworski, of Virginia
Ralph M. Jonassen, of New York
Marni Kalapa, of Texas
Jane J. Kang, of California
Sarah E. Kemp, of New York
Frederick J. Kowaleski, of Virginia
Steven W. Krapcho, of Virginia
Gregory R. Lattanze, of Virginia
Charles W. Levesque, of Illinois
Janice O. MacDonald, of Virginia
C. Wakefield Martin, of Texas
Brian I. McCleary, of Virginia
Alan D. Meltzer, of New York
David J. Mico, of Indiana
Christopher S. Misciagno, of Florida
Joseph P. Mullin, Jr., of Virginia
Burke O'Connor, of California
Edward J. Ortiz, of Virginia
Maria Elena Pallick, of Indiana
David D. Potter, of South Dakota
Eric N. Richardson, of Michigan
Heather C. Roach, of Iowa
Taylor Vinson Ruggles, of Virginia
Thomas L. Schmitz, of South Dakota
Jonathan L.A. Shrier, of Florida
James E. Smeltzer III, of Maryland
Christine L. Smith, of Virginia
Keenan Jabbar Smith, of Pennsylvania
Brian K. Stewart, of Virginia
Christine D. Stuebner, of New York
Stephanie Faye Syptak, of Texas
Erminido Telles, of Virginia
Mark Tesone, of Virginia
Michael Anthony Veasy, of Tennessee
Glenn Stewart Warren, of California
Mark E. Wilson, of Texas
Anthony L. Wong, of Virginia
Gregory M. Wong, of Missouri
Kim Woodward, of Virginia
Martha-Jean Hughes Wynnyczok, of Virginia
Teresa L. Young, of Virginia

Secretary in the Diplomatic Service of the United States of America:

John Weeks, of Virginia

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

John C. Kornblum, of Michigan
Edward S. Walker, Jr., of Maryland

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Marshall P. Adair, of Florida
Jeffrey A. Bader, of Florida
Lawrence Rea Baer, of California
Donald Keith Bandler, of Pennsylvania
James W. Bayuk, of Illinois
James D. Bindenagel, of California
Ralph L. Boyce, Jr., of Virginia
Prudence Bushnell, of Virginia
Wendy Jean Chamberlin, of Virginia
Lynwood M. Dent, Jr., of Virginia
C. Lawrence Greenwood, Jr., of Florida
John Randle Hamilton, of Virginia
Howard Franklin Jeter, of South Carolina
Charles Kartman, of Virginia
Kathryn Dee Robinson, of Tennessee
Peter F. Romero, of Florida
Wayne S. Rychak, of Maryland
Earl A. Wayne, of California
R. Susan Wood, of Florida

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Lawrence E. Butler, of Maine
James Philip Callahan, of Florida
James J. Carragher, of California
John R. Dinger, of Iowa
Ben Floyd Fairfax, of Virginia
Nick Hahn, of California
William Thomas Harris, Jr., of Florida
Ann Kelly Korky, of New Jersey
Richard E. Kramer, of Tennessee
Richard Burdette LeBaron, of Virginia
Antoinette S. Marwitz, of Virginia
Robert John McAnnenny, of Connecticut
Edward McKeon, of the District of Columbia
William T. Monroe, of Connecticut
Lauren Moriarty, of Hawaii
Michael C. Mozur, of Virginia
Stephen D. Mull, of Pennsylvania
Michael Eleazar Parmly, of Florida
Jo Ellen Powell, of the District of Columbia
David E. Randolph, of Arizona
Victor Manuel Rocha, of California
Anthony Francis Rock, of New Hampshire
Lawrence George Rossin, of California
John M. Salazar, of New Mexico
Sandra J. Salmon, of Florida
Janet A. Sanderson, of Arizona
Ronald Lewis Schlicher, of Tennessee
Joseph B. Schreiber, of Michigan
Richard Henry Smyth, of California
William A. Stanton, of California
Gregory Michael Suchan, of Ohio
Laurie Tracy, of Virginia
Frank Charles Urbancic, Jr., of Indiana
Harry E. Young, Jr., of Missouri

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

John R. Bainbridge, of Maryland
Bernard W. Bies, of South Dakota
Melvin L. Harrison, of Virginia
George N. Reinhardt, of Colorado
Bernardo Segura-Giron, of Virginia
Mark Stevens, of Florida
Frederick J. Summers, of California
Brooks A. Taylor, of New Hampshire
William L. Young, of Virginia
Joseph DeMaria, of New Jersey
Michael Ralph DeTar, of New York
Rodger Jan Deuerlein, of California
Stephen A. Druzak, of Washington
Mary Eileen Earl, of Virginia
Linda Laurents Eichblatt, of Texas
Jessica Ellis, of Washington
Stephanie Jane Fossan, of Virginia
Christopher Scott Hegadorn, of the District of Columbia
Harry R. Kamian, of California
Marc E. Knapper, of California
Blair L. LaBarge, of Utah
William Scott Laidlaw, of Washington
Kaye-Anne Lee, of Washington
Brian Lieke, of Texas
Bernard Edward Link, of Delaware
Lee MacTaggart, of Washington
Richard T. Reiter, of California
Kai Ryssdal, of Virginia
Norman Thatcher Scharpf, of the District of Columbia
Jennifer Leigh Schools, of Texas
Justin H. Siberell, of California
Anthony Syrett, of Washington
Herbert S. Traub III, of Florida
Arnoldo Vela, of Texas
J. Richard Walsh, of Alabama
David K. Young, of Florida
Darcy Fyock Zotter, of Vermont

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Derek A. Bower, of Virginia
Steven P. Chisholm, of Virginia
Henry J. Heim, Jr., of Virginia
Holly Ann Herman, of Virginia
E. Keith Kirkham, of Maine
Mary Pat Moynihan, of Virginia
John W. Ratkiewicz, of New Jersey

Secretary of the Diplomatic Service of the United States of America:

William B. Clatanoff, Jr., of Virginia

The following-named Career Members of the Foreign Service of the Department of State for promotion in the Senior Foreign Service to the class indicated, effective October 18, 1992:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Elizabeth B. Bollmann, of Missouri
Marsha D. von Duerckheim, of California

The following-named Career Members of the Foreign Service of the Department of State, previously promoted in the Senior Foreign Service to the class indicated on October 18, 1992, now to be effective April 7, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Larry Corbett, of Nevada

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Hans J. Amrhein, of Virginia

DEPARTMENT OF STATE

Phyllis Marie Powers, of Texas
Michael S. Tulley, of California

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Kimberly J. Delaney, of Virginia
Edith Fayssoux Jones Humphreys, of North Carolina

DEPARTMENT OF STATE

Jemile L. Bertot, of Connecticut

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alfred B. Anzaldua, of California
David A. Beam, of Pennsylvania
Donald Armin Blome, of Illinois
P.P. Declan Byrne, of Washington
Lauren W. Catipon, of New Jersey
James Patrick DeHart, of Michigan
Joan Ellen Corbett, of Virginia
Judith Rodes Johnson, of Texas
Mary Elizabeth Swope, of Virginia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted in the Senior Foreign Service to the class indicated on October 18, 1992, now to be effective October 6, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Sylvia G. Stanfield, of Texas

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on November 6, 1988, now effective October 12, 1986:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Joan Ellen Corbett, of Virginia
Judith Rodes Johnson, of Texas
Mary Elizabeth Swope, of Virginia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on November 6, 1988, now effective January 3, 1988:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Sylvia G. Stanfield, of Texas

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on April 7, 1991, now effective November 19, 1989:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Virginia Carson Young, of the District of Columbia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 6, 1991, now effective April 7, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Judith M. Heimann, of Connecticut

The following-named Career Members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 18, 1992, now effective April 7, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor

Judyt Landstein Mandel, of the District of Columbia
Mary C. Pendleton, of Virginia

The following-named Career Members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 18, 1992, now effective October 6, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Jean Anne Louis, of Virginia
Sharon K. Mercurio, of California
Ruth H. van Heuven, of Connecticut
Robin Lane White, of Massachusetts

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 Mrs. KASSEBAUM (for herself and Mr. INOUYE):

S. 2117. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Indian Affairs.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to allow casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 2119. A bill to establish the Commission to Study the Federal Statistical System, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN:

S. 2120. A bill to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. JEFFORDS, Mr. BAUCUS, Mr. SIMON, Mr. HOLLINGS, and Mr. WELLSTONE):

S. 2121. A bill to ensure medicare beneficiaries participating in managed care have access to emergency and urgent care; to the Committee on Finance.

By Mr. DEWINE:

S. 2122. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. COHEN, Mr. DOMENICI, Mr. PRESSLER, Mr. GRASSLEY, Mr. LEAHY, Mr. GREGG, Mrs. KASSEBAUM, Mr. AKAKA, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mr. D'AMATO, Mrs. FRAHM, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. THOMAS, Mr. DODD, Mr. DORGAN, Mr. BRADLEY, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 2123. A bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KEMPTHORNE:

S. 2124. A bill to provide for an offer to transfer to the Secretary of the Army of certain property at the Navy Annex, Arlington, Virginia; to the Committee on Armed Services.

By Mr. LOTT:

S. 2125. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2126. A bill to temporarily waive the enrollment composition rule under the medicaid program for certain health maintenance organizations; to the Committee on Finance.

By Mr. KENNEDY:

S. 2127. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 2128. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 2129. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 2130. An original bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MOYNIHAN:

S. 2131. A bill to establish a bipartisan national commission on the year 2000 computer problem; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. INOUYE):

S. 2117. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Indian Affairs.

THE HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996

Mrs. KASSEBAUM. Mr. President, I rise today to introduce the Haskell Indian Nations University Administrative Systems Act of 1996. I am pleased to have the vice-chairman of the Indian Affairs Committee, Senator INOUYE, as a cosponsor. The purpose of this bill is to give Haskell Indian Nations University the authority and flexibility it needs to make a successful transition

from a junior college to a 4-year university.

Founded in 1884 as the U.S. Indian Industrial Training School, Haskell provided agricultural education in grades one through five. Ten years later, the school had changed its name to Haskell Institute and expanded its academic training beyond the eighth grade. By 1927 the secondary curriculum had been accredited, and in 1970 the school became Haskell Indian Junior College. In October 1993, after receiving accreditation to offer a bachelor of science degree in elementary teacher education, the school changed its name to Haskell Indian Nations University.

Haskell is a Kansas treasure and an institution cherished by native Americans and Alaska Natives. At any one time, as many as 175 tribes are represented in the student body. Integrating the perspectives of various native American cultures have assured Haskell's growth and success. As the first baccalaureate class graduates in May 1997, Haskell Indian Nations University is developing 4-year programs in other fields and continues to accept the challenge of enriching the lives of young native Americans and Alaska Natives.

As the school has changed, so should the system by which it is administered. Haskell's ability to make a successful transition from a junior college to a 4-year university is being compromised by the present system under which the Bureau of Indian Affairs must approve its appointments and the Office of Personnel Management establishes rankings for its professors.

This legislation allows the school to remain within the Bureau of Indian Affairs and its employees to continue to participate in Federal retirement and health benefit programs. However, the Haskell president and Board of Regents will have authority over organizational structure, the classification of positions, recruitment, procurement, and determination of all human resource policies and procedures. This legislation will give Haskell the autonomy enjoyed by the tribally controlled community colleges and BIA elementary and secondary schools. This bill has been introduced in the House of Representatives by Representative JAN MEYERS.

Mr. President, I am aware that we are near adjournment and it is unlikely that we can get this bill passed in the time remaining. However, I wanted to introduce it now because I am convinced that such legislation is essential to the success of Haskell Indian Nations University and that it should be a priority in the next Congress.

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. 2117

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 ''Haskell Indian Nations University Administrative Systems Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the provision of culturally sensitive curricula for higher education programs at Haskell Indian Nations University is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to Haskell Indian Nations University, while maintaining the university as an integral part of the Bureau of Indian Affairs, will facilitate the transition of the university to a 4-year university.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions shall apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) UNIVERSITY.—The term ''Haskell Indian Nations University'' or ''university'' means the Haskell Indian Nations University, located in Lawrence, Kansas.

SEC. 4. PERSONNEL MANAGEMENT.

(a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Chapters 51, 53, and 63 of title 5, United States Code (relating to classification, pay, and leave, respectively) and the provisions of such title relating to the appointment, performance evaluation, promotion, and removal of civil service employees shall not apply to applicants for employment with, employees of, or positions in or under the university.

(b) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—

(1) IN GENERAL.—The president of the university shall by regulation prescribe such personnel management provisions as may be necessary, in order to ensure the effective administration of the university, to replace the provisions of law that are inapplicable with respect to the university by reason of subsection (a).

(2) PROCEDURAL REQUIREMENTS.—The regulations prescribed under this subsection shall—

(A) be prescribed in consultation with the board of regents of the university and other appropriate representative bodies;

(B) be subject to the requirements of subsections (b) through (e) of section 553 of title 5, United States Code; and

(C) not take effect without the prior written approval of the Secretary.

(c) SPECIFIC SUBSTANTIVE REQUIREMENTS.—Under the regulations prescribed under this subsection—

(1) no rate of basic pay may, at any time, exceed—

(A) in the case of an employee who would otherwise be subject to the General Schedule, the maximum rate of basic pay then currently payable for grade GS–15 of the General Schedule (including any amount payable under section 5304 of title 5, United States Code, or other similar authority for the locality involved); or

(B) in the case of an employee who would otherwise be subject to subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems), the maximum rate of basic pay which (but for this section) would then otherwise be currently payable under the wage schedule covering such employee;

(2) the limitation under section 5307 of title 5, United States Code (relating to limitation on certain payments) shall apply, subject to such definitional and other modifications as may be necessary in the context of the alternative personnel management provisions established under this section;

(3) procedures shall be established for the rapid and equitable resolution of grievances;

(4) no university employee may be discharged without notice of the reasons therefor and opportunity for a hearing under procedures that comport with the requirements of due process, except that this paragraph shall not apply in the case of an employee serving a probationary or trial period under an initial appointment; and

(5) university employees serving for a period specified in or determinable under an employment agreement shall, except as otherwise provided in the agreement, be notified at least 30 days before the end of such period as to whether their employment agreement will be renewed.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the applicability of any provision of law providing for—

(A) equal employment opportunity;

(B) Indian preference; or

(C) veterans' preference; or

(2) the eligibility of any individual to participate in any retirement system, any program under which any health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees.

(e) LABOR-MANAGEMENT PROVISIONS.—

(1) COLLECTIVE-BARGAINING AGREEMENTS.—Any collective-bargaining agreement in effect on the day before the effective date specified under subsection (f)(1) shall continue to be recognized by the university until altered or amended pursuant to law.

(2) EXCLUSIVE REPRESENTATIVE.—Nothing in this Act shall affect the right of any labor organization to be accorded (or to continue to be accorded) recognition as the exclusive representative of any unit of university employees.

(3) OTHER PROVISIONS.—Matters made subject to regulation under this section shall not be subject to collective bargaining, except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave).

(f) EFFECTIVE DATE.—

(1) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—The alternative personnel management provisions under this section shall take effect on such date as may be specified in the regulations, except that such date may not be later than 1 year after the date of the enactment of this Act.

(2) PROVISIONS MADE INAPPLICABLE BY THIS SECTION.—Subsection (a) shall take effect on the date specified under paragraph (1).

(g) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the alternative personnel management provisions under this section shall apply with respect to all applicants for employment with, all employees of, and all positions in or under the university.

(2) CURRENT EMPLOYEES NOT COVERED EXCEPT PURSUANT TO A VOLUNTARY ELECTION.—

(A) IN GENERAL.—A university employee serving on the day before the effective date specified under subsection (f)(1) shall not be subject to the alternative personnel management provisions under this section (and shall instead, for all purposes, be treated in the same way as if this section had not been enacted, notwithstanding subsection (a)) unless, before the end of the 5–year period beginning on such effective date, such employee elects to be covered by such provisions.

(B) PROCEDURES.—An election under this paragraph shall be made in such form and in such manner as may be required under the regulations, and shall be irrevocable.

(3) TRANSITION PROVISIONS.—

(A) PROVISIONS RELATING TO ANNUAL AND SICK LEAVE.—Any individual who—

(i) makes an election under paragraph (2), or

(ii) on or after the effective date specified under subsection (f)(1), is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a university position from a non-university position with the Federal Government or the government of the District of Columbia,

shall be credited, for the purpose of the leave system provided under regulations prescribed under this section, with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment, as the case may be.

(B) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—

(i) ANNUAL LEAVE.—Upon termination of employment with the university, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and section 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so liquidated.

(ii) SICK LEAVE.—Upon termination of employment with the university, any sick leave remaining to the credit of an individual within the purview of this section shall be creditable for civil service retirement purposes in accordance with section 8339(m) of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so creditable.

(C) TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any university employee who is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a position in the Federal Government (or the government of the District of Columbia) under a different leave system, any remaining leave to the credit of that individual earned or credited under the regulations prescribed under this section shall be transferred to such individual's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

(4) WORK-STUDY.—Nothing in this section shall be considered to apply with respect to a work-study student, as defined by the president of the university in writing.

SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate to the president of the university procurement and contracting authority with respect to the conduct of the administrative functions of the university.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997, and for each fiscal year thereafter—

(1) the amount of funds made available by appropriations as operations funding for the administration of the university for fiscal year 1996; and

(2) such additional sums as may be necessary for the operation of the university pursuant to this Act.

By Mr. FAIRCLOTH (for himself and Mr. HELMS:)

S. 2118. A bill to amend the Internal Revenue Code of 1986 to allow casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

DISASTER LOSSES LEGISLATION

• Mr. FAIRCLOTH. Mr. President, joined by my colleague from North Carolina, Mr. HELMS, I introduce a bill that addresses a real concern for millions of middle-class people in disaster-prone areas.

The Tax Code permits the deduction of uninsured casualty losses. The Tax Code, however, requires these losses to total more than 10 percent of the taxpayer's adjusted gross income. Consequently, although a large number of middle-class taxpayers are faced with large repair and cleanup bills, these bills often fall short of the 10 percent of adjusted gross income threshold.

Mr. President, 43 North Carolina counties—home to more than half of the State population—were declared Federal disaster areas as a result of Hurricane Fran. Thousands of houses were destroyed and tens of thousands of houses suffered serious damage. These losses are clearly substantial enough to fall within the scope of the deduction.

However, there are hundreds of thousands of North Carolina families that suffered uninsured damage that, although substantial, falls short of the 10 percent limitation.

In fact, Mr. President, homeowners' insurance policies cover removal of trees that strike the house, but these policies do not otherwise cover downed or damaged trees. Further, insurance payments for tree removal are often capped far below the real cost of these efforts, which leaves insured homeowners, too, with a large bill.

It is estimated that Hurricane Fran caused $500 million in tree damage in North Carolina. The foresters estimate that the hurricane downed between 1 and 25 percent of the trees in affected areas.

I drove back to Sampson County, NC, during the hurricane, and the roads were littered with trees and branches. It was a sight of pure devastation.

Unfortunately, standard insurance policies do not cover much of this damage, so homeowners face some large and unexpected bills for cleanup costs.

For example, in the city of Raleigh, which is more than 100 miles inland, thousands of homeowners lost trees. Families across North Carolina face tree removal bills that range from $1,000 to $3,000 and upward. In fact, Mr. President, many families were required to hire crane crews to remove downed trees. The tree loss was remarkable in much of North Carolina.

These are middle-class families that earn under $50,000 per year. These tree removal bills are a real hit. However, because these bills often do not quite reach the 10 percent threshold, the deduction is unavailable.

As you know, Mr. President, an unanticipated $3,000 bill is a tremendous blow for most middle-class families. Consequently, many families are forced to dip into their savings, and others are required to borrow thousands of dollars.

It is a shame to see these people forced to raid their savings due to the 10 percent floor on the uninsured loss deduction. The Tax Code acknowledges that uninsured casualty losses are appropriate deductions. This bill, however, further acknowledges the burdens of catastrophic storms on the families that live in these areas.

This legislation thus eliminates the 10-percent requirement in Federal disaster areas. It permits working Americans to hold on to a bit more of their own earnings in the wake of a catastrophic storm.

Many families enjoy incomes sufficient enough to disqualify them for Federal grant assistance. These middle-class families do not want handouts. This bill, however, represents an acknowledgment of the special burdens on hard-working families in Federal disaster areas.

I think that this is reasonable legislation, Mr. President, and I hope that my colleagues will join me and Senator HELMS in this effort.•

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 2119. A bill to establish the Commission to Study the Federal Statistical System, and for other purposes; to the Committee on Governmental Affairs.

THE COMMISSION TO STUDY THE FEDERAL STATISTICAL SYSTEM ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with Senator KERREY of Nebraska, legislation that would establish a Commission To Study the Federal Statistical System.

The United States has the oldest and by and large finest data gathering system in the world. Statistics are part of our constitutional arrangement, which provides for a decennial census that, among other purposes, is the basis for apportionment of membership in the House of Representatives. I quote from article I, section I:

> . . . enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

But, while the Constitution directed that there be a census, there was, initially, no Census Bureau. The earliest censuses were conducted by U.S. marshals. Later on, statistical bureaus in State governments collected the data, with a Superintendent of the Census overseeing from Washington. It was not until 1902 that a permanent Bureau of the Census was created by the Congress, housed initially in the Interior Department. In 1903 the Bureau was transferred to the newly established Department of Commerce and Labor.

The Statistics of Income Division of the Internal Revenue Service, which was originally an independent body, began collecting data in 1866. It too was transferred to the new Department of Commerce and Labor in 1903, but

then was put in the Treasury Department in 1913 following ratification of the 16th amendment, which gave Congress the power to impose an income tax.

The Bureau of Labor Statistics, created in 1884, was also initially in the Interior Department. The first Commissioner of the BLS, appointed in 1885, was Col. Carroll D. Wright, a distinguished Civil War veteran of the New Hampshire Volunteers. A self-trained social scientist, Colonel Wright pioneered techniques for collecting and analyzing survey data on income, prices, and wages. He had previously served as chief of the Massachusetts Bureau of Statistics, a post he held for 15 years, and in that capacity had supervised the 1880 Federal Census in Massachusetts.

In 1888, the Bureau of Labor Statistics became an independent agency. In 1903 it was once again made a Bureau, joining other statistical agencies in the Department of Commerce and Labor. When a new Department of Labor was formed in 1913—giving labor an independent voice, as labor was removed from the Department of Commerce and Labor—the Bureau of Labor Statistics was transferred to it.

And so it went. Statistical agencies sprung up as needed. And they moved back and forth as new executive departments were formed. Today, some 89 different organizations in the Federal Government comprise parts of our national statistical infrastructure. Eleven of these organizations have as their primary function the generation of data. These 11 organizations are:

Agency	Department	Date Established
National Agricultural Statistical Service.	Agriculture	1863
Statistics of Income Division, IRS.	Treasury	1866
Economic Research Service	Agriculture	1867
National Center for Education Statistics.	Education	1867
Bureau of Labor Statistics	Labor	1884
Bureau of the Census	Commerce	1902
Bureau of Economic Analysis	Commerce	1912
National Center for Health Statistics.	Health and Human Services	1912
Bureau of Justice Statistics	Justice	1968
Energy Information Administration.	Energy	1974
Bureau of Transportation Statistics.	Transportation	1991

NEED FOR LEGISLATION

President Kennedy once said:

> Democracy is a difficult kind of government. It requires the highest qualities of self-discipline, restraint, a willingness to make commitments and sacrifices for the general interest, and also it requires knowledge.

That knowledge often comes from accurate statistics. You cannot begin to solve a problem until you can measure it.

This legislation would require the new Commission to conduct a comprehensive examination of our current statistical system and focus particularly on the agencies that produce data as their primary product—agencies such as the Bureau of Economic Analysis [BEA] and the Bureau of Labor Statistics [BLS].

This week I received a letter from nine former chairmen of the Council of Economic Advisers [CEA] endorsing this legislation. Excluding the two most recent chairs, who are still serving in the Clinton administration, the signatories include virtually every living chair of the CEA. While acknowledging that the United States ''possesses a first-class statistical system,'' these former chairmen remind us that ''problems periodically arise under the current system of widely scattered responsibilities.'' They conclude as follows:

> Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your Bill has great promise of showing the way to major improvements.

The letter is signed by: Michael J. Boskin, Martin Feldstein, Alan Greenspan, Paul W. McCracken, Raymond J. Saulnier, Charles L. Schultze, Beryl W. Sprinkel, Herbert Stein, and Murray Weidenbaum.

I ask unanimous consent that the full text of this letter be printed in the RECORD following my statement.

It happens that this Senator's association with the statistical system in the executive branch began over three decades ago. I was Assistant Secretary of Labor for Policy and Planning in the administration of President John F. Kennedy. This was a new position in which I was nominally responsible for the Bureau of Labor Statistics. I say nominally out of respect for the independence of that venerable institution, which as I noted earlier long predated the Department of Labor itself. The then-Commissioner of the BLS, Ewan Clague, could not have been more friendly and supportive. And so were the statisticians, who undertook to teach me to the extent I was teachable. They even shared professional confidences. And so it was that I came to have some familiarity with the field.

For example, at that time the monthly report of the unemployment rate was closely watched by capital and labor, as we would have said, and was frequently challenged. Committees regularly assembled to examine and debate the data. Published unemployment rates, based on current monthly survey methodology appeared, if memory serves, in 1948, and so the series was at most 14 years in place at this time.

There is, of course, a long history of attempts to reform our Nation's statistical infrastructure. From the period 1903 to 1990, 16 different committees, commissions, and study groups have convened to assess our statistical infrastructure, but in most cases little or no action has been taken on their recommendations. The result of this inaction has been an ever expanding statistical system. It continues to grow in order to meet new data needs, but with little or no regard for the overall objectives of the system. Janet L. Norwood, former Commissioner of the BLS, writes in her book ''Organizing to Count'':

> The U.S. system has neither the advantages that come from centralization nor the efficiency that comes from strong coordination in decentralization. As presently organized, therefore, the country's statistical system will be hard pressed to meet the demands of a technologically advanced, increasingly internationalized world in which the demand for objective data of high quality is steadily rising.

In this era of government downsizing and budget cutting it is unlikely that Congress will appropriate more funds for statistical agencies. It is clear that to preserve and improve the statistical system we must consider reforming it, yet we must not attempt to reform the system until we have heard from experts in the field.

The Commission established in the legislation will also examine the accuracy of our statistics. In the past few years there has been a growing concern that the methodology used to generate U.S. statistics may be outdated and can be improved.

It is clear there is a need for a comprehensive review of the Federal statistical infrastructure. For if the public loses confidence in our statistics, they are likely to lose confidence in our policies as well.

DESCRIPTION OF LEGISLATION

The legislation establishes the Commission to Study the Federal Statistical System. The Commission would consist of 13 members: 5 appointed by the President with no more than 3 from the same political party, 4 appointed by the President pro tempore of the Senate with no more than 2 from the same political party, and 4 appointed by the Speaker of the House with no more than 2 from the same political party. A chairman would be selected by the President from the appointed members. The members must have expertise in statistical policy with a background in disciplines such as actuarial science, demography, economics, and finance.

The Commission will conduct a comprehensive study of all matters relating to the Federal statistical infrastructure, including:

An examination of multipurpose statistical agencies such as the Bureau of Labor Statistics [BLS];

A review and evaluation of the mission and organizational structure of statistical agencies, including activities that should be expanded or deleted and the advantages and disadvantages of a centralized statistical agency;

An examination of the methodology involved in producing data and the accuracy of the data itself;

A review of interagency coordination and standardization of collection procedures;

A review of information technology and an assessment of how data is disseminated to the public;

An examination of individual privacy in the context of statistical data;

A comparison of our system with the systems of other nations; and

Recommendations for a strategy to maintain a modern and efficient statistical infrastructure.

All of these objectives will be addressed in an interim report due no later than June 1, 1998, with a final report due January 15, 1999.

The Commission is expected to spend $10 million: $2.5 million in FY 1997, $5 million in FY 1998, and $2.5 million in FY 1999. The Commission will cease to exist 90 days after the final report is submitted.

This legislation is only a first step, but an essential one. The Commission will provide Congress with the blueprint for reform. It will be up to us to finally take action after nearly a century of inattention to this very important issue.

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:

S. 2119

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 ''Commission to Study the Federal Statistical System Act of 1996''.

SEC. 2. FINDINGS.

The Congress, recognizing the importance of statistical information in the development and administration of policies for the private and public sector, finds that—

(1) accurate Federal statistics are required to develop, implement, and evaluate government policies and laws;

(2) Federal spending consistent with legislative intent requires accurate and appropriate statistical information;

(3) business and individual economic decisions are influenced by Federal statistics and contracts are often based on such statistics;

(4) statistical information on the manufacturing and agricultural sectors is more complete than statistical information regarding the service sector which employs more than half the Nation's workforce;

(5) experts in the private and public sector have long-standing concerns about the accuracy and adequacy of numerous Federal statistics, including the Consumer Price Index, gross domestic product, trade data, wage data, and the poverty rate;

(6) Federal statistical data should be accurate, consistent, and continuous;

(7) the Federal statistical infrastructure should be modernized to accommodate the increasingly complex and ever changing American economy;

(8) Federal statistical agencies should utilize all practical technologies to disseminate statistics to the public; and

(9) the Federal statistical infrastructure should maintain the privacy of individuals.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Study the Federal Statistical System (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 13 members of whom—

(A) 5 shall be appointed by the President;

(B) 4 shall be appointed by the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate; and

(C) 4 shall be appointed by the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the House of Representatives.

(2) POLITICAL PARTY LIMITATION.—(A) Of the 5 members of the Commission appointed under paragraph (1)(A), no more than 3 members may be members of the same political party.

(B) Of the 4 members of the Commission appointed under subparagraphs (B) and (C) of paragraph (1), respectively, no more than 2 members may be members of the same political party.

(3) CONSULTATION BEFORE APPOINTMENTS.—In making appointments under paragraph (1), the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives shall consult with the National Science Foundation and appropriate professional organizations, such as the American Economic Association and the American Statistical Association.

(4) QUALIFICATIONS.—An individual appointed to serve on the Commission—

(A) shall have expertise in statistical policy and a background in such disciplines as actuarial science, demography, economics, and finance;

(B) may not be a Federal officer or employee; and

(C) should be an academician, a statistics user in the private sector, or a former government official with experience related to—

(i) the Bureau of Labor Statistics of the Department of Labor; or

(ii) the Bureau of Economic Analysis or the Bureau of the Census of the Department of Commerce.

(5) DATE.—The appointments of the members of the Commission shall be made no later than 150 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN.—The President shall designate a Chairman of the Commission from among the members.

SEC. 4. FUNCTIONS OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive study of all matters relating to the Federal statistical infrastructure, including longitudinal surveys conducted by private agencies and partially funded by the Federal Government.

(2) STUDY AND RECOMMENDATIONS.—The matters studied by and recommendations of the Commission shall include—

(A) an examination of multipurpose statistical agencies that collect and analyze data of broad interest across department and function areas, such as the Bureau of Economic Analysis and the Bureau of the Census of the Commerce Department, and the Bureau of Labor Statistics of the Labor Department;

(B) a review and evaluation of the collection of data for purposes of administering such programs as Old-Age, Survivors and Disability Insurance and Unemployment Insurance under the Social Security Act;

(C) a review and evaluation of the mission and organization of various statistical agencies, including—

(i) recommendations with respect to statistical activities that should be expanded or deleted;

(ii) the order of priority such activities should be carried out;

(iii) a review of the advantages and disadvantages of a centralized statistical agency or a partial consolidation of the agencies for the Federal Government; and

(iv) an assessment of which agencies could be consolidated into such an agency;

(D) an examination of the methodology involved in producing official data and recommendations for technical changes to improve statistics;

(E) an evaluation of the accuracy and appropriateness of key statistical indicators and recommendations of ways to improve such accuracy and appropriateness;

(F) a review of interagency coordination of statistical data and recommendations of methods to standardize collection procedures and surveys, as appropriate, and presentation of data throughout the Federal system;

(G) a review of information technology and recommendations of appropriate methods for disseminating statistical data, with special emphasis on resources, such as the Internet, that allow the public to obtain information in a timely and cost-effective manner;

(H) an examination of individual privacy in the context of statistical data;

(I) a comparison of the United States statistical system to statistical systems of other nations;

(J) a consideration of the coordination of statistical data with other nations and international agencies, such as the Organization for Economic Cooperation and Development; and

(K) a recommendation of a strategy for maintaining a modern and efficient Federal statistical infrastructure as the needs of the United States change.

(b) REPORT.—

(1) INTERIM REPORT.—No later than June 1, 1998, the Commission shall submit an interim report on the study conducted under subsection (a) to the President and to the Congress.

(2) FINAL REPORT.—No later than January 15, 1999, the Commission shall submit a final report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, and recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) CHAIRMAN.—The Chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission. Such travel may include travel outside the United States.

(c) STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint an executive director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code. The Commission shall appoint such additional personnel as the Commission determines to be necessary to provide support for the Commission, and may compensate such additional personnel without regard to the provisions of title 5, United States Code, relating to the competitive service.

(2) LIMITATION.—The total number of employees of the Commission (including the executive director) may not exceed 30.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final report of the Commission.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,500,000 for fiscal year 1997, $5,000,000 for fiscal year 1998, and $2,500,000 for fiscal year 1999 to the Commission to carry out the purposes of this Act.

SEPTEMBER 23, 1996.

Hon. DANIEL P. MOYNIHAN,
Hon. J. ROBERT KERREY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MOYNIHAN AND KERREY: All of us are former Chairmen of the Council of Economic Advisers. We write to support the basic objectives and approach of your Bill to establish the Commission to Study the Federal Statistical System.

The United States possesses a first-class statistical system. All of us have in the past relied heavily upon the availability of reasonably accurate and timely federal statistics on the national economy. Similarly, our professional training leads us to recognize how important a good system of statistical information is for the efficient operations of our complex private economy. But we are also painfully aware that important problems of bureaucratic organization and methodology need to be examined and dealt with if the federal statistical system is to continue to meet essential public and private needs.

All of us have particular reason to remember the problems which periodically arise under the current system of widely scattered responsibilities. Instead of reflecting a balance among the relative priorities of one statistical collection effort against others, statistical priorities are set in a system within which individual Cabinet Secretaries recommend budgetary tradeoffs between their own substantive programs and the statistical operations which their departments, sometimes by historical accident, are responsible for collecting. Moreover, long range planning of improvements in the federal statistical system to meet the changing nature and needs of the economy is hard to organize in the present framework. The Office of Management and Budget and the Council of Economic Advisers put a lot of effort into trying to coordinate the system, often with success, but often swimming upstream against the system.

We are also aware, as of course are you, of a number of longstanding substantive and methodological difficulties with which the current system is grappling. These include the increasing importance in the national economy of the service sector, whose output and productivity are especially hard to measure, and the pervasive effect both on measures of national output and income and on the federal budget of the accuracy (or inaccuracy) with which our measures of prices capture changes in the quality of the goods and services we buy.

Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your Bill has great promise of showing the way to major improvements.

Sincerely,

PROF. MICHAEL J. BOSKIN,
The Hoover Institution.
DR. MARTIN FELDSTEIN,
National Bureau of Economic Research.
ALAN GREENSPAN.
PROF. PAUL W. MCCRACKEN,
University of Michigan.
RAYMOND J. SAULNIER.
CHARLES L. SCHULTZE,
The Brookings Institution.
BERYL W. SPRINKEL.
HERBERT STEIN,
American Enterprise Institute.
PROF. MURRAY WEIDENBAUM,
Center for the Study of American Business.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. JEFFORDS, Mr. BAUCUS, Mr. SIMON, Mr. HOLLINGS, and Mr. WELLSTONE):

S. 2121. A bill to ensure medicare beneficiaries participating in managed care have access to emergency and urgent care; to the Committee on Finance.

THE MEDICARE ACCESS TO EMERGENCY MEDICAL CARE ACT

Mr. GRAHAM. Mr. President, today I will introduce legislation entitled Medicare Access to Emergency Medical Care Act, joined by Senators GRASSLEY, MOSELEY-BRAUN, CHAFEE, BAUCUS, JEFFORDS, SIMON, HOLLINGS, and WELLSTONE.

This legislation would require Medicare health maintenance organizations to pay for emergency care services provided to prudent beneficiaries seeking emergency care and would preclude health maintenance organizations from requiring prior authorizations in such situations. This language, Mr. President, was previously approved by unanimous consent in the Senate during consideration of the Balanced Budget Act of 1995.

Why is this bill necessary? Mr. President, lack of a ''prudent lay person'' definition places Medicare beneficiaries in the unreasonable position of having emergency room visits for experiences, such as chest pain, denied for reimbursement by managed care organizations, in some cases significantly subsequent to the visit to the emergency room. Why denied? Denied because the beneficiary did not seek prior authorization, or denied because the beneficiary was diagnosed not to have an emergency condition, even if a reasonable person believed that they had an emergency condition.

According to the congressionally established Physician Payment Review Commission's 1996 annual report to Congress:

> Medicare requires health plans to provide or pay for care needed in an emergency, but what constitutes an emergency may be misunderstood or disputed by plans and beneficiaries. The definition of ''emergency'' is central to resolve such disputes and guide beneficiaries before they seek emergency care.

Mr. President, currently, 60 percent of the claims that are disputed between Medicare beneficiaries and managed care plans involve emergency room services. Let me repeat that. Sixty percent of the claims that are disputed between Medicare beneficiaries and managed care plans involve emergency room services. As a result, the Physician's Payment Review Commission recommends, ''A prudent lay person's perspective should be considered as one of the factors in determining when a health plan that participates in Medicare should pay for initial screening and stabilization, if necessary, in an emergency.

That is the standard which this legislation adopts. This legislation would protect Medicare beneficiaries who appear to act prudently from the perspective of a lay person—such as thinking that chest pain may be an indication of a heart attack and seeking emergency care. It would protect those Medicare beneficiaries from facing substantial,

or in some cases even catastrophic, financial liabilities. The irony of this situation is that the Federal Emergency Medical Treatment and Labor Act requires that all persons who come to a Medicare-participating hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency and, if so, that they receive stabilizing treatment before being discharged or moved to another facility. And that facility, that Medicare-participating hospital emergency room is required to provide those services without regard to the financial ability of the individual to pay.

As a result, emergency room doctors and hospitals face a Catch-22. They are required by Medicare law and their own professional ethics to perform diagnostic tests and examinations to rule out emergency conditions. But those same health care providers may be denied reimbursement due to prior authorization requirements or a finding that the condition was not of an emergent nature, even though symptoms, such as extreme pain, shortness of breath, chest pains, loss of blood, or others, would prompt most lay persons to conclude that they need to seek medical care immediately.

Dr. Paul Lindeman wrote in an article in the Miami Herald on July 30, 1995, about an 85-year-old woman with a hip fracture who was denied admission to his hospital's emergency department by her health maintenance organization so that she could be transferred to an emergency department across town. The patient had to wait 3 hours for the HMO ambulance service. According to Dr. Lindeman, ''No matter how well-trained or talented the emergency physician, there are also times when he or she requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed care bureaucracy can become a legitimate hazard to the patient.''

Now, Mr. President, some might be concerned that this legislation would preclude health maintenance organizations from limiting reimbursement for frivolous emergency room use and abuse by some beneficiaries. Such concern is unwarranted because this legislation does not prevent managed care plans from retrospectively reviewing services delivered in the hospital emergency department to Medicare beneficiaries. All it does is require the plans to base their review on whether the patient acted prudently given the patient's symptoms. Frivolous or abusive emergency room use by a patient would not be prudent and, therefore, could still be denied by the HMO.

Mr. President, in 1993, the Network Design Group, a group which is best known for their work as a national mediator and arbiter of disputes between Medicare beneficiaries and their health maintenance organizations, wrote a report for the Federal Government. In that it stated, ''Definitions of 'emergency' in regulation should be modified so that a reasonable and prudent lay person can anticipate claims that would be covered versus denied.''

Michael Stocker, the president and chief executive officer of Empire Blue Cross/Blue Shield in New York, argued a similar point in an editorial entitled ''The Ticket To Better Managed Care,'' which was published in the New York Times on October 28, 1995. Mr. Stocker wrote, ''At times, managed care is a euphemism for cost-cutting that puts the patient second. Because of the industry's financial success, too few organizations are paying attention to people's rising worries about how they will fare in HMO's that restrict access to specific doctors and hospitals.''

Mr. Stocker further argues that plans must ''provide high-quality service in ways that can be proved and readily understood.''

As part of providing quality of care to patients that is readily understood, Mr. Stocker concludes that, ''Health plans should pay for emergency room coverage for consumers who believe they have a legitimate emergency, even if it turns out that they do not.'' That is a perfect description of this bill's ''prudent lay person'' standard.

Finally, since the Federal Government and beneficiaries are paying through Medicare for emergency room services—that is, emergency room services are on the list of medical services that a Medicare beneficiary contracts to receive when they join a health maintenance organization—it makes sense to require that those services be provided and paid for on a reasonable basis.

Without it, Medicare becomes like a horribly ineffective Government program where money goes in but results and the delivery of services are lacking to the beneficiary. We in this Congress have a financial responsibility to demand that the services which we pay for are being delivered.

Mr. President, as we know managed care is becoming an increasing part of our health care system as it relates to Medicare beneficiaries. In 1990, there were only 3.5 percent of all Medicare beneficiaries enrolled in a managed care plan. Today that number exceeds 9 percent. The importance and need for this legislation will only increase as more and more Medicare beneficiaries are encouraged to elect managed care over fee-for-service as the form of receiving their Medicare services.

As a result, with the cosponsors, a broad bipartisan group of my colleagues, I am introducing this important legislation today. And I urge its adoption in the remaining days of this session, or in the next Congress.

Mr. President, I ask unanimous consent that copies of newspaper articles which I have cited from the Miami Herald and the New York Times regarding this issue be printed in the RECORD.

Mr. GRAHAM. Mr. President, I send to the desk this legislation, and request its immediate referral.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, July 30, 1995]

HMO'S IN THE ER: A VIEW FROM THE TRENCHES

(By Paul R. Lindeman)

I arrived for my 12-hour shift in the Emergency Department at 7 p.m. As the departing physician and I went over the cases of the current patients, I was told the woman in Room 2 was being transferred to a psychiatric facility. The patient was pregnant, addicted to crack cocaine and had been assessed as suicidal by a psychiatrist.

An obstetrician was required to care for the patient during her stay at the mental health facility. The only two groups of practicing obstetricians who were on this woman's HMO ''panel'' and on staff at this facility both refused to accept this high-risk case. That left this unfortunate woman, and our staff, caught in the ''never-never land'' of managed care.

When I left the Emergency Department at 7:30 the following morning, she was still in Room 2. It took hospital administrators and attorneys all day to arrange disposition, and the patient was eventually transferred—at 6:30 that evening.

Managed-care health plans typically limit choice of doctors and hospitals and attempt to closely monitor services provided. Their goal is to curb unnecessary tests and hospitalizations to keep costs down. In the case of for-profit managed-care companies, the additional purpose is obvious. But what happens when managed care meets the emergency room?

Federal law requires a screening exam at emergency facilities, but HMOs are not required to pay. By exploiting this fact, managed care is able to shift costs onto hospitals, doctors and policyholders, thereby ''saving'' money.

Consider the case of a 50-year-old male who awakes at 4 a.m. with chest pain and goes to the hospital 10 blocks away—instead of his HMO hospital an extra 30 minutes away. After examination and testing, it's determined that the patient is not having a heart attack and that it's safe for him to go home.

His diagnosis is submitted on a claim form with a code for ''gastritis.''

His insurance company denies payment, stating that ''gastritis'' is not an emergency. As a result, the hospital and the company who employs the emergency department physician both bill the patient.

While this ''retrospectoscope'' is widely employed and industry standard for denying payment, there are many other ''savings'' techniques. For instance, many HMOs require ''pre-authorization'' to treat a patient in the ER.

Consider now a 60-year-old female who arrives at the emergency room complaining also of chest pain. The triage nurse examines the patient, obtaining a brief history and vital signs. A call is placed to the insurance company and a recorded message is obtained without specific instruction regarding emergencies. The patient is treated but the payment is denied. Reason: Authorization was never obtained.

Here's an alternate scenario, same patient, again waiting for pre-authorization. (Noncritical patients often wait for more than an hour.) This time ''the insurance company'' answers the phone. Reading from a list, a series of questions is asked, limited almost exclusively to obtaining recorded numbers.

Based on these numbers, the individual speaking for the company determines that it is safe for the patient to be transferred to its hospital. The emergency physician disagrees. The patient stays and is admitted to the hospital.

The HMO denies payment for the ER visit and the 24-hour hospitalization, stating that the patient should have been transferred. Again, the patient/policyholder, who pays a monthly premium for his or her insurance, is billed for all hospital and physician services.

The representative for the insurance company who decides on preauthorization can range from someone with no medical background at all to another physician (albeit with a vested economic incentive). Generally the level of expertise is somewhere between this. Thus, the near-Orwellian scenario frequently plays out whereby a doctor who has seen and examined a patient is trying to convince a nurse, over the telephone, that a patient is sick.

Rudy Braccili Jr., business operations director for the North Broward Hospital District, was quoted in The Herald as saying. ''It's just a game they play to avoid paying, and it's one of the ways they save money. They do not see the realities of people who in the middle of the night come into emergency rooms.'' He estimates that North District hospitals have lost millions of dollars a year because of HMOs' reluctance to pay bills.

Part of the problem is that what managed-care organizations are trying to do is often quite difficult: determine prospectively which patients are truly deserving of emergency-room care. Indeed, this may in fact be a Catch-22. I know of no way to accurately discern acute appendicitis from a ''tummy ache'' without a history and physical examination. Furthermore, medicine does not always lend itself to black and white. For instance, is a woman who screams and gyrates hysterically as a result of a squirming cockroach in her ear an emergency?

Unfortunately, problems with HMOs in the ER go beyond cost shifting and denial of payment. They often turn an otherwise brief encounter into a harrowing ordeal. Another example from ''the trenches'' is illustrative.

Our patient this time is an 85-year-old woman with a hip fracture. But instead of being admitted, her HMO mandates that she be transferred across town to the emergency department at another facility where they contract their surgical hip repairs. The patient waits three hours for the HMO ambulance service, which is ''backed up.''

Consumers note: Had the patient not sold her Medicare privileges to this HMO, she would have been admitted to our hospital uneventually in a fraction of the time required to complete her managed-care sojourn.

No matter how well trained or talented the emergency physician, there are also times when she or he requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed-care bureaucracy can become a legitimate hazard to the patient.

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, has said, ''In some ways, it's less frustrating for us to take care of homeless people than HMO members. At least we can do what we think is right for them, as opposed to trying to convince an HMO over the phone of what's the right thing to do.''

In my experience that is not an exaggeration. In the emergency department, the homeless—while certainly deserving of medical care—often receive better and more prompt care than the HMO policyholder.

Conventional political wisdom holds that health-care reform is dead, in fact, nothing could be further from the truth. Reform has been taking place at breakneck speed entirely independent of Washington. In the last five to 10 years, managed-care companies and the private sector have changed profoundly the manner in which many Americans now receive their health care.

As for-profit managed care has usurped decision-making authority from physicians, so have they also diverted funds from hospitals, physicians and policyholders to their own CEOs and stockholders. Last year, HMO profits grew by more than 15 percent, with the four largest HMOs each reporting more than $1 billion in profits. What Democrats and Republicans alike fail to appreciate is that the allegiance of managed care is to neither the patient nor the reduction of the federal deficit, but to its CEOs and stockholders.

So next time you see one of those warm and fuzzy television commercials for an HMO that promises the world, remember this: ''choose your own doctor'' really means choose your own doctor from our list. And as for the claim ''no premiums, no deductibles, no copayment'' (health insurance for free?), you may as well pencil in: ''no doctor.'' At least, not one likely to get up in the middle of the night.

[From the New York Times, Oct. 28, 1995]

THE TICKET TO BETTER MANAGED CARE

(By Michael A. Stocker)

The central question about the future of health care goes beyond the outcome of the debate over Medicare and Medicaid: Can health maintenance organizations and other managed care plans truly provide low-cost and high-quality health care?

Like many people, I am dismayed at the way some managed care organization work. At times, managed care is a euphemism for cost-cutting that puts the patient second. Because of the industry's financial success, too few organizations are paying attention to people's rising worries about how they will fare in H.M.O.'s that restrict access to specific doctors and hospitals.

H.M.O.'s can no longer expect to prosper simply because they are less expensive than traditional fee-for-service medical care. They must keep proving that their goal, first and foremost, is to provide high-quality service in ways that can be proved and readily understood. Not every health plan will succeed, but there are some avenues that every health plan executive should follow.

Learning about a good health plan by word of mouth is insufficient. The industry needs to provide information that enables people to compare plans and chose intelligently among them when they are not sick.

In my view, in New York State that means establishing a public-private system that compares the performances of competing plans and requires all plans to participate. The criteria might include the time it takes to get problems solved properly and to see an appropriate doctor when one needs to do so.

Like the rest of the medical profession, H.M.O.'s need to improve the way they measure the outcome of their treatments. While the art of diagnosis is well-developed, often treatment involves more uncertainty. In New York, the Department of Health has been releasing risk-adjusted mortality data about common types of heart surgery. However uneasy doctors are about such findings, the data have pointed out real differences in the quality of care among doctors and hospitals. We need more information like this. Most companies are not investing enough money in developing and operating patient-information banks. Keeping inferior records is self-defeating.

Most people thing a high-quality health plan is one that lets them choose their doctors. While such a choice is important, it is not the whole story. Some plans that limit access to physicians and hospitals can be very high in quality. But they really have to prove it.

H.M.O's must go out of their way to involve patients in their own care. Studies show that when patients know more about their alternatives, and participate with their doctors in decision-making, the result is not only happier but also healthier patients, and even cost savings.

Legislation should be introduced in Albany that lays down a number of requirements: First, intelligible full-disclosure literature is imperative. Health plans must make clear the guidelines they want their doctors to follow when treating patients. The plans should disclose the treatments not covered. Second, the plans should full disclose their payment to physicians, including bonuses related to cost containment and quality of care.

Third, health plans should pay for emergency room coverage for consumers who believe they have a legitimate emergency, even if it turns out they do not. Fourth, patients should be aware of the drugs that managed care plans allow doctors to prescribe. They should also know how to appeal decisions about drugs.

In short, health plans have to stop ignoring the public's fears and acting so much like cold insurance companies. They have to start listening more like doctors.

[From the New York Times, July 9, 1995]

H.M.O.'S REFUSING EMERGENCY CLAIMS, HOSPITALS ASSERT

TWO MISSIONS IN CONFLICT

''Managed Care'' Groups Insist They Must Limit Costs—Doctors Are Frustrated

(By Robert Pear)

WASHINGTON, July 8.—As enrollment in health maintenance organizations soars, hospitals across the country report that H.M.O.'s are increasingly denying claims for care provided in hospital emergency rooms.

Such denials create obstacles to emergency care for H.M.O. patients and can leave them responsible for thousands of dollars in medical bills. The denials also frustrate emergency room doctors, who say the H.M.O. practices discourage patients from seeking urgently needed care. But for their part, H.M.O.'s say their costs would run out of control if they allowed patients unlimited access to hospital emergency rooms.

How H.M.O.'s handle medical emergencies is an issue of immense importance, given recent trends. Enrollment in H.M.O.'s doubled in the last eight years, to 41 million in 1994, partly because employers encouraged their use as a way to help control costs.

In addition, Republicans and many Democrats in Congress say they want to increase the use of H.M.O.'s because they believe that such prepaid health plans will slow the growth of Medicare and Medicaid, the programs for the elderly and the poor, which serve 73 million people at a Federal cost of $267 billion this year.

Under Federal law, a hospital must provide ''an appropriate medical screening examination'' to any patient who requests care in its emergency room. The hospital must also provide any treatment needed to stabilize the patient's condition.

Dr. Toni A. Mitchell, director of emergency care at Tampa General Hospital in Florida, said: ''I am obligated to provide the care, but the H.M.O. is not obligated to pay for it. This is a new type of cost-shifting, a way for H.M.O.'s to shift costs to patients, physicians and hospitals.''

Most H.M.O.'s promise to cover emergency medical services, but there is no standard

definition of the term. H.M.O.'s can define it narrowly and typically reserve the right to deny payment if they conclude, in retrospect, that the conditions treated were not emergencies. Hospitals say H.M.O.'s often refuse to pay for their members in such cases, even if H.M.O. doctors sent the patients to the hospital emergency rooms. Hospitals then often seek payment from the patient.

Dr. Stephan G. Lynn, director of emergency medicine at St. Luke's-Roosevelt Hospital Center in Manhattan, said: ''We are getting more and more refusals by H.M.O.'s to pay for care in the emergency room. The problem is increasing as managed care becomes a more important source of reimbursement. Managed care is relatively new in New York City, but it's growing rapidly.''

H.M.O.'s emphasize regular preventive care, supervised by a doctor who coordinates all the medical services that a patient may need. The organizations try to reduce costs by redirecting patients from hospitals to less expensive sites like clinics and doctors' offices.

The disputes over specific cases reflect a larger clash of missions and cultures. An H.M.O. is the ultimate form of ''managed care,'' but emergencies are, by their very nature, unexpected and therefore difficult to manage. Doctors in H.M.O.'s carefully weigh the need for expensive tests or treatments, but in an emergency room, doctors tend to do whatever they can to meet the patient's immediate needs.

Each H.M.O. seems to have its own way of handling emergencies. Large plans like Kaiser Permanente provide a full range of emergency services around the clock at their own clinics and hospitals. Some H.M.O.'s have nurses to advise patients over the telephone. Some H.M.O. doctors take phone calls from patients at night. Some leave messages on phone answering machines, telling patients to go to hospital emergency rooms if they cannot wait for the doctors' office to reopen.

At the United Healthcare Corporation, which runs 21 H.M.O.'s serving 3.9 million people, ''It's up to the physician to decide how to provide 24-hour coverage,'' says Dr. Lee N. Newcomer, chief medical officer of the Minneapolis-based company.

George C. Halvorson, chairman of the Group Health Association of America, a trade group for H.M.O.'s, said he was not aware of any problems with emergency care. ''This is totally alien to me,'' said Mr. Halvorson, who is also president of HealthPartners, an H.M.O. in Minneapolis. Donald B. White, a spokesman for the association said, ''We just don't have data on emergency services and how they're handled by different H.M.O.'s.''

About 3.4 million of the nation's 37 million Medicare beneficiaries are in H.M.O.'s. Dr. Rodney C. Armstead, director of managed care at the Department of Health and Human Services, said the Government had received many complaints about access to emergency services in such plans. He recently sent letters to the 164 H.M.O.'s with Medicare contracts, reminding them of their obligations to provide emergency care.

Alan G. Raymond, vice president of the Harvard Community Health Plan, based in Brookline, Mass., said, ''Employers are putting pressure on H.M.O.'s to reduce inappropriate use of emergency services because such care is costly and episodic and does not fit well with the coordinated care that H.M.O.'s try to provide.''

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, a teaching hospital in Boston, said: ''H.M.O.'s are excellent at preventive care, regular routine care. But they have not been able to cope with the very unpredictable, unscheduled nature of emergency care. They often insist that their members get approval before going to a hospital emergency department. Getting prior authorization may delay care.

''In some ways, it's less frustrating for us to take care of homeless people than H.M.O. members. At least, we can do what we think is right for them, as opposed to trying to convince an H.M.O. over the phone of what's the right thing to do.''

Dr. Gary P. Young, chairman of the emergency department of Highland Hospital in Oakland, Calif., said H.M.O.'s often directed emergency room doctors to release patients or transfer them to other hospitals before it was safe to do so. ''This is happening every day,'' he said.

The PruCare H.M.O. in the Dallas-Forth area, run by the Prudential Insurance Company of America, promises ''rock solid health overage,'' but the fine print of its members' handbook says, ''Failure to contact the primary care physician prior to emergency treatment may result in denial of payment.''

Typically, in an H.M.O., a family doctor or an internist managing a patient's care serves as ''gatekeeper,'' authorizing the use of specialists like cardiologists and orthopedic surgeons. The H.M.O.'s send large numbers of patients to selected doctors and hospitals; in return, they receive discounts on fees. But emergencies are not limited to times and places convenient to an H.M.O.'s list of doctors and hospitals.

H.M.O.'s say they charge lower premiums than traditional insurance companies because they are more efficient. But emergency room doctors say that many H.M.O.'s skimp on specialty care and rely on hospital emergency rooms to provide such services, especially at night and on weekends.

Dr. David S. Davis, who works in the emergency department at North Arundel Hospital in Glen Burnie, Md., said: ''H.M.O.'s don't have to sign up enough doctors as long as they have the emergency room as a safety net. The emergency room is a backup for the H.M.O. in all its operations.'' Under Maryland law, he noted, an H.M.O. must have a system to provide members with access to doctors at all hours, but it can meet this obligation by sending patients to hospital emergency rooms.

To illustrate the problem, doctors offer this example: A 57-year-old man wakes up in the middle of the night with chest pains. A hospital affiliated with his H.M.O. is 50 minutes away, so he goes instead to a hospital just 10 blocks from his home. An emergency room doctor orders several common but expensive tests to determine if a heart attack has occurred.

The essence of the emergency physician's art is the ability to identify the cause of such symptoms in a patient whom the doctor has never seen. The cause could be a heart attack. But it could also be indigestion, heartburn, stomach ulcers, anxiety, a panic attack, a pulled muscle or any of a number of other conditions.

If the diagnostic examination and tests had not been performed, the hospital and the emergency room doctors could have been cited for violating Federal law.

But in such situations, H.M.O.'s often refuse to pay the hospital, on the ground that the hospital had no contract with the H.M.O., the chest pain did not threaten the patient's life or the patient did not get authorization to use a hospital outside the H.M.O. network.

Representative Benjamin L. Cardin, Democrat of Maryland, said he would soon introduce a bill to help solve these problems. The bill would require H.M.O.'s to pay for emergency medical services and would establish a uniform definition of emergency based on the judgment of ''a prudent lay person.'' The bill would prohibit H.M.O.'s from requiring prior authorization for emergency services. A health plan could be fined $10,000 for each violation and $1 million for a pattern of repeated violations.

The American College of Emergency Physicians, which represents more than 15,000 doctors, has been urging Congress to adopt such changes and supports the legislation.

When H.M.O.'s deny claims filed on behalf of Medicare beneficiaries, the patients have a right to appeal. The appeals are heard by a private consulting concern, the Network Design Group of Pittsford, N.Y., which acts as agent for the Government. The appeals total 300 to 400 a month, and David A. Richardson, president of the company, said that a surprisingly large proportion—about half of all Medicare appeals—involved disagreements over emergencies or other urgent medical problems.

By Mr. DEWINE:

S. 2122. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

THE FALLEN TIMBERS ACT

• Mr. DEWINE. Mr. President, I introduce legislation that will designate the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis as national historic sites.

Mr. President, the people of northwest Ohio are committed to preserving the historic heritage of the United States and the State of Ohio, as well as that of their own community.

The truly national significance of the Battle of Fallen Timbers and Fort Meigs have been acknowledged already. In 1960, Fallen Timbers was designated as a National Historic Landmark. In 1969, Fort Meigs received this designation.

The Battle of Fallen Timbers is acknowledged by the National Park Service as a culminating event in the history of the struggle for dominance in the old Northwest Territory.

Fort Meigs is recognized by the National Park Service as the zenith of the British advance in the west as well as the maximum effort by Native forces under the Shawnee, Tecumseh, during the War of 1812.

Fort Miamis, which was attacked twice without success by British troops, led by Gen. Henry Proctor, in the spring of 1813, is listed on the National Register of Historic Places.

Recently, the National Park Service completed a special resource study examining the proposed national historic site designation and the suitability of these sites for inclusion in the National Park System.

The Park Service concluded that these sites were suitable for inclusion in the National Park System—with non-Federal management and National Park Service assistance. The bill I am introducing today would act on that recommendation.

My legislation will accomplish the following:

Recognize and preserve the 185-acre Fallen Timbers Battlefield site;

Formalize the linkage between the Fallen Timbers Battlefield and Monument to Fort Meigs and Fort Miamis;

Preserve and interpret U.S. military history and native American culture during the period from 1794 through 1813; and,

Provide technical assistance to the State of Ohio as well as interested community and historical groups in the development and implementation of programming and interpretation of the three sites.

However, my legislation will not require the Federal Government to provide direct funding to these three sites. That responsibility remains with—and is welcomed by—the many individuals, community groups, elected officials, and others who deserve recognition for their many hours of hard work dedicated to this issue.

Mr. President, we have entered an era where the responsibility and the drive behind the management, programming, and—in many cases—the funding for historic preservation is the responsibility of local community groups, local elected officials, and local business communities.

This legislation to designate the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis as national historic sites represents just such an effort. In my opinion, it is long overdue.

Mr. President, it's time to grant these truly historic areas the measure of respect and recognition they deserve. I agree with the National Park Service—and the people of Ohio—on this issue. That is why I am proposing this important legislation today.●

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. COHEN, Mr. DOMENICI, Mr. PRESSLER, Mr. GRASSLEY, Mr. LEAHY, Mr. GREGG, Mrs. KASSEBAUM, Mr. AKAKA, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mr. D'AMATO, Mrs. FRAHM, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. THOMAS, Mr. DODD, Mr. DORGAN, Mr. BRADLEY, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. BURNS):

S. 2123. A bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the highway trust fund made in correction of an accounting error made in fiscal year 1994, and for other purposes; to the Committee on Environment and Public Works.

THE HIGHWAY FUNDING FAIRNESS ACT OF 1996

Mr. BAUCUS. Madam President, the cosponsors of our legislation include the following Senators, in addition to myself and Senator BINGAMAN: Senator AKAKA from Hawaii, Senator COHEN, Senator D'AMATO, Senator DODD, Senator DOMENICI, Senator FRAHM, Senator GREGG, Senator GRASSLEY, Senator HARKIN, Senator JEFFORDS, Senator KASSEBAUM, Senator KENNEDY, Senator KERRY, Senator LEAHY, Senator LIEBERMAN, Senator MOYNIHAN, Senator PRESSLER, and Senator THOMAS.

I ask unanimous consent that all those Senators be listed as original cosponsors of our legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, essentially, this is a bipartisan bill to correct a bureaucratic, administrative error that has penalized 28 States under the highway program. It is that simple. This bill is identical to the amendment I offered to the Transportation appropriations bill on July 31. It is the same bill. Although that amendment received the support of 57 Senators—57 Senators voted in favor of it—the conference committee dropped the issue from the conference report. That is why Senator BINGAMAN, myself, and my colleagues are back here today. Let me briefly explain this bill.

In 1994, the Treasury delayed crediting the highway trust fund with approximately $1.6 billion in revenues collected from the Federal gasoline tax. It was an error. They made a mistake. While the money was later eventually deposited into the highway trust fund, this delay has had very serious ramifications on all of our States.

As most of my colleagues know, the formulas for distributing Federal highway funds to the States were set in place in 1991 in the highway bill, otherwise known as ISTEA. Those formulas govern the distribution of funds for 6 years through September 30 of next year. That is the formula. It is in place. It is in the law for distributing allocations of highway funds among our States.

Of our many categories of highway funding, there is a direct correlation between the amount of money a State pays into the highway trust fund and the amount of money a State subsequently receives. If the revenue the States paid to the highway trust fund are not correctly credited to the appropriate accounts, the wrong amount of funds is subsequently distributed to the individual States. That is what happened.

When the Treasury made this mistake and delayed crediting $1.6 billion to the highway trust fund, the amount of money distributed to the States under one category, called 90 percent of payments category, was skewed, simply because of a bureaucratic delay. Pure and simple bureaucratic delay, mistake.

As a consequence, some States were initially shortchanged in 1996 of their distributions, and on this coming Tuesday, October 1, the error will be compounded. Some States will receive much more than the original highway bill formula called for; others will receive much less. A lot of money is at stake.

In the fiscal year 1997 Transportation appropriations conference report, highway spending was set at $18 billion. That is $450 million more than last year, a record amount for the highway program. One would think that such an increase would mean that each State will receive an increase in available funds. Not so. Just the opposite has happened. Even with that large increase in total funds allocated, 28 States will see a decrease in their highway apportionments.

Some States will lose up to 17 percent. Others will see an increase of up to 30 percent. A good part of these fluctuations is due to the Treasury Department error, obviously unfair.

Our bill fixes this, puts us right back to the status quo, to the formula prescribed allocations. It requires the Department of Transportation use the correct numbers in fiscal year 1997 when calculating the distribution of funds to States under ISTEA, the highway bill.

It also requires the Department of Transportation to correct the error in fiscal year 1996. So the distributions errors made in 1996, as well as the errors that will be made, unless corrected, in 1997, will both be corrected. In other words, I want to completely correct the situation. No State should gain or lose Federal highway funds based only on a bureaucratic error at the Department of Treasury.

Now that we understand the tremendous financial impact of this error, now that it is discovered, I don't think it should be compounded and continued in the future.

Let me stress to my colleagues that this is not—I repeat, is not—an ISTEA formula change. This is not a legislative change to change the formula that Congress set back in 1991. This has nothing to do with the allocation that was set by legislation back in 1991. In fact, this bill will ensure that all States receive the amount of money originally authorized under ISTEA, no more, no less.

Furthermore, this is not a donor State versus donee State funding issue, as some would say. It is not that at all. I am disappointed that some continue to characterize the situation in those terms. Some have even said that States interested in fixing the error are being greedy, a few believe. How can a State who seeks to correct an acknowledged error be called greedy? We are trying put the situation back to where it was as we legislated and intended it to be. This is truly a case of correcting an honest bureaucratic mistake. Both the Departments of Treasury and Transportation admit that the error was made.

If some States are not happy with the ISTEA formulas adopted in 1991, I say so be it. There is ample opportunity to have that debate next year when Congress takes up the highway bill and deals with formula allocations. It is going to be a big fight, but that is where the fight should be, Madam President. We all know that. It should be in the context of the highway bill. But to use a bureaucratic error as a backdoor way to change the formulas,

I think, is underhanded and is not the way the Senate—the whole Congress, for that matter—ought to do business.

We are introducing this legislation before the end of the 104th Congress. I want to alert my colleagues that many of us feel that this Treasury error is of such magnitude and of such importance that it must be addressed in the future.

I thank my good friend, Senator BINGAMAN, from New Mexico, for his hard work and the welcome support of other Senators. We are helping get this error corrected.

I thank you, Madam President, for your hopeful help, too, as I see your colleague is a cosponsor. It is my hope that the other Senator from Maine will see the wisdom of his efforts as well.

I ask unanimous consent that Senator DORGAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2123

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 ''Highway Funding Fairness Act of 1996''.

SEC. 2. CALCULATION OF FEDERAL-AID HIGHWAY APPORTIONMENTS AND ALLOCATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), for fiscal year 1997, the Secretary of Transportation shall determine the Federal-aid highway apportionments and allocations to a State without regard to the approximately $1,596,000,000 credit to the Highway Trust Fund (other than the Mass Transit Account) of estimated taxes paid by States that was made by the Secretary of the Treasury for fiscal year 1995 in correction of an accounting error made in fiscal year 1994.

(b) ADJUSTMENTS FOR EFFECTS IN 1996.—The Secretary of Transportation shall, for each State—

(1) determine whether the State would have been apportioned and allocated an increased or decreased amount for Federal-aid highways for fiscal year 1996 if the accounting error referred to in subsection (a) had not been made (which determination shall take into account the effects of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1921)); and

(2) after apportionments and allocations are determined in accordance with subsection (a)—

(A) adjust the amount apportioned and allocated to the State for Federal-aid highways for fiscal year 1997 by the amount of the increase or decrease; and

(B) adjust accordingly the obligation limitation for Federal-aid highways distributed to the State under section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1997.

(c) NO EFFECT ON 1996 DISTRIBUTIONS.—Nothing in this section shall affect any apportionment, allocation, or distribution of obligation limitation, or reduction thereof, to a State for Federal-aid highways for fiscal year 1996.

(d) EFFECTIVE DATE.—This section shall take effect on September 30, 1996.

Mr. BINGAMAN. Madam President, let me speak briefly about a bill entitled the ''Highway Funding Fairness Act'' that Senator BAUCUS is introducing today, and which several of us are cosponsoring, to correct a serious problem in the calculation of fiscal year 1997 Federal-aid highway fund apportionments and allocations. It is our intention to use whatever vehicles are available, including the omnibus appropriations bill, to try to correct an error that exists in the transportation appropriations bill that was earlier passed in this body and sent to the President.

Senator BAUCUS will describe in more detail the technical mistake that was made by the Department of Treasury in 1994, which resulted in faulty projections for this fiscal year. It is my understanding that the Department of Transportation has previously been instructed and empowered by the Office of Management and Budget to apportion highway funds on the basis of this error being corrected. And, in fact, baseline budget projections for the Department of Transportation reflect this agreement.

Somewhere between then and now, signals have changed and States are about to get either unfairly rewarded or unfairly punished because of a flawed apportionment formula.

Many of us in this Chamber thought that the problem had been fixed when we passed Senator BAUCUS' amendment as part of the fiscal year 1997 Transportation appropriations bill. This amendment, like the bill we are introducing today, would have corrected the accounting error.

When the conference report emerged, however, the amendment that would have fixed the problem had been dropped. Unfortunately, when we voted on this issue last Wednesday night, very few Senators were adequately informed that the correcting amendment which Senator BAUCUS had previously offered was no longer included and that many of their States would be taking serious, unexpected cuts in spending authority for highway projects.

I have asked the President, as have many other Senators, to try to fix this by working with the Department of Transportation to apportion funds based on their original baseline projections, as understood by the Office of Management and Budget and the Congressional Budget Office, or if the President determines that is not possible, to then veto the legislation and return it to the Congress so we can fix the problem. I believe our States are not well-served by this legislation. We must use all opportunities available to call attention to this error and correct it before the Congress adjourns.

What is even more disturbing in assessing the impact of the error is that overall highway spending will increase in fiscal year 1997 to $18 billion, $455 million over current levels, the highest amount in history. It is not reasonable for States like my own, New Mexico, to be taking a $20 million reduction in highway funds when the overall accounts are being increased to their highest levels.

It is not acceptable to me or to the residents of my State of New Mexico to accept outcomes that are the result of accounting errors.

Let me list the funding reductions that 28 States are about to receive in fiscal year 1997 highway fund distributions unless we are able to correct this problem before we leave town.

The States that are losers under the bill as it now stands would be: Alaska, $22 million less than the current year; Colorado, $1.2 million less; Connecticut, $37 million less; Delaware, $8 million less; Hawaii, $13 million less; Idaho, $7 million less; Illinois, $71 million less; Iowa, $21 million less; Kansas, $22 million less; Maine, $7 million less; Maryland, $3 million less; Massachusetts, $73 million less; Minnesota, $32 million less; Montana, $21 million less; Nebraska, $15 million less; New Hampshire, $9 million; New Jersey, $44 million; my own State, as I have indicated, $20 million less; New York, $111 million less than current year funding; North Dakota, $11 million less; Ohio, $19 million less; Rhode Island, $14 million less; South Dakota, $12 million less; Utah, $4 million less; Vermont, $8 million less; Washington State, $33 million less; West Virginia, $17 million less; and Wyoming, $12 million less.

Madam President, in contrast, there are some very large winners because of this accounting error. Texas, for example, is receiving a $183 million increase in next year's funding, which is about a 19 percent increase over the current year. Arizona, which borders my home State of New Mexico, will receive a 24 percent increase. California will receive an additional $122 million over current year funding.

My home State's total highway funds will be cut by 12 percent unless we can correct the error that the amendment of Senator BAUCUS seeks to correct. In our State, we have six highway department districts that will have to shoulder the burden of these cuts, resulting in each of those districts receiving something around $3 or $4 million less than in the current year.

Albuquerque, and that portion of my State, will be hit harder than other regions because it generally receives more Federal highway funds than other regions. Our State and Federal funding contributions now hardly extend far enough to manage maintenance and upgrade of existing highways, not to mention initiate new projects. This impact will most likely mean that few, if any, such new projects will be initiated.

My real concern, Madam President—and I will conclude with this—my real concern is that the impact of this accounting error is that my State of New Mexico will proceed, as will all the

other States I have mentioned, into the debates on the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in a disadvantaged position. There are going to be lots of discussions, debate, and back and forth negotiations about highway funding formulas. This is going to severely harm the 28 States that are going to have to enter those discussions with a lower baseline of funding, a baseline of funding that should not have ever occurred.

The bottom line in all of this is that we are allowing an accounting error to drive our legislative outcome, rather than the collective intent of the Senate. This is unacceptable. I strongly urge my colleagues to work with us in correcting this problem and to support Senator BAUCUS' lead on this. We have time before we leave town to legislatively address the issue, particularly when we have the opportunity to amend the omnibus appropriations bill, which will be coming to the floor in the next few days.

Madam President, we were not sent here to legislate based on accounting errors. I hope we can correct this one.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Madam President, I thank my good friend, Senator BINGAMAN, from New Mexico, for his statement. The words he spoke are true. He very well characterized the nature of this problem. I appreciate his assistance.

Mr. LAUTENBERG. Mr. President, I join my colleagues from Montana and New Mexico in introducing a bill that will correct an accounting error made by the Treasury Department in calculating highway allocations. The Highway Funding Fairness Act of 1996 does not change any formulas established in ISTEA, it does not affect any existing donor-donee relationship.

Simply put, the bill merely corrects the fact that the Department of the Treasury misinterpreted revenue reports because these reports were put in a new format. This error is acknowledged by the Treasury Department and the Federal Highway Administration. The unfortunate result is that the Treasury Department grossly overstated the amount of gas tax receipts to the highway trust fund during 1994. With the passage of this bill, States will receive the funding that they are entitled to —no more, no less.

This amendment will not deny any state the full 90 percent of payments that they are due through the Federal Aid Highway Formula Program. What this amendment will do is set these payments at 90 percent of what the States actually paid, rather than 90 percent of the Treasury's erroneous estimates.

Mr. President, this body is familiar with the problem this bill seeks to address. During consideration of the Transportation appropriations bill, the Senator from Montana, Senator BAUCUS, offered an amendment to correct the mistake. This bill is identical to that amendment. After significant discussion, the Senate adopted the provision directing first that the Treasury and Transportation Departments ensure that there was indeed an accounting error, a mistake, and second, that Treasury would be directed to correct the error.

Again, Mr. President, the Senate adopted that amendment. Unfortunately, it was dropped in conference. And here we are again, faced with the prospect that, without a correction, States would receive the wrong highway funding levels to which they are entitled.

The logic behind the Highway Funding Fairness Act of 1996 is simple, it is fair. Congress, in 1991, passed the landmark ISTEA law, containing the highway funding formulas. Congress should ensure that those formulas are adhered to when the administration calculates States' highway funds. This bill will correct the bureaucratic error and ensure that States receive the accurate amounts calculated under the highway funding formula.

I urge my colleagues to join me in cosponsoring the bill, and I look forward to its swift passage.

By Mr. KEMPTHORNE:

S. 2124. A bill to provide for an offer to transfer to the Secretary of the Army of certain property at the Navy Annex, Arlington, VA; to the Committee on Armed Services.

THE ARLINGTON NATIONAL CEMETERY ENHANCEMENT ACT OF 1996

• Mr. KEMPTHORNE. Mr. President, today, I am introducing legislation that would allow the Secretary of Defense to transfer 31 acres to the Arlington National Cemetery once he determines this property is no longer needed by the Department of Defense. This land is critical to the future tribute of our national heroes.

I believe all members of this body would agree that it is important to honor the men and women who have bravely fought to protect our liberty. Arlington National Cemetery has served the people proudly as one of the ways our Nation pays respect to our national heroes. Unfortunately, the space reserved for Arlington National Cemetery is limited. The additional property provided by this legislation would allow our Nation to honor our future champions of freedom for years to come.

I am proud to introduce this legislation which I encourage the U.S. Senate to overwhelmingly support. This legislation is not only a tribute to our fallen heroes but to the families and friends who have lost these valiant men and women.

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. 2124

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 ''Arlington National Cemetery Enhancement Act of 1996''.

SEC. 2. REQUIREMENT FOR OFFER OF TRANSFER OF CERTAIN PROPERTY AT THE NAVY ANNEX, ARLINGTON, VIRGINIA.

(A) OFFER.—Upon the determination of the Secretary of Defense under subsection (b), the Secretary of Defense shall offer to transfer to the Secretary of the Army administrative jurisdiction over a parcel of real property consisting of approximately 31 acres located in Arlington, Virginia, and known as the Navy Annex/Federal Building Number 2. The Secretary of defense shall make the offer as soon as practicable after the date of the determination.

(b) DETERMINATION.—The Secretary of Defense shall make the offer required under subsection (a) upon a determination by the Secretary that the Department of Defense no longer requires the property referred to in that subsection for the purposes for which such property is used as of the date of the enactment of this Act.

(c) REQUIREMENTS RELATING TO TRANSFER.—(1)(A) If the Secretary of Defense transfers jurisdiction over the property referred to in subsection (a) pursuant to the offer under that subsection, the transfer shall be without reimbursement.

(B) The Secretary of the Army shall bear any costs associated with such transfer of property, including costs of a survey of the property and costs of compliance with environmental laws with respect to the property.

(2) The Secretary of the Army shall utilize the property as part of the Arlington National Cemetery, Virginia.•

By Mr. LOTT:

S. 2125. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary.

THE DRUG IMPORTER DEATH PENALTY ACT OF 1996

Mr. LOTT. 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. 2125

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 ''Drug Importer Death Penalty Act of 1996''.

SEC. 2. INCREASED PENALTIES FOR INTERNATIONAL DRUG TRAFFICKING.

Section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, the court shall sentence a person convicted of a violation of subsection (a), consisting of bringing into the United States a mixture or substance—

''(A) which is described in subsection (b)(1); and

''(B) in an amount the Attorney General by rule has determined is equal to 100 usual dosage amounts of such mixture or substance;

to imprisonment for life without possibility of release. If the defendant has violated this subsection on more than one occasion and

the requirements of chapter 228 of title 18, United States Code, are satisfied, the court shall sentence the defendant to death.

''(2) The maximum fine that otherwise may be imposed, but for this subsection, shall not be reduced by operation of this subsection.''

SEC. 3. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) INCLUSION OF OFFENSE.—Section 3591(b) of title 18, United States Code, is amended—

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

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

(3) by inserting after paragraph (2) the following:

''(3) an offense described in section 1010(e)(1) of the Controlled Substances Import and Export Act;''

(b) ADDITIONAL AGGRAVATING FACTOR.—Section 3592(d) of title 18, United States Code, is amended by inserting after paragraph (8) the following:

''(9) SECOND IMPORTATION OFFENSE.—The offense consisted of a second or subsequent violation of section 1010(a) of the Controlled Substances Import and Export Act consisting of bringing a controlled substance into the United States.''.

By Mr. KENNEDY:

S. 2127. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

THE STOP THE SWEATSHOPS ACT

Mr. KENNEDY. Madam President, today I am introducing the Stop the Sweatshops Act. This needed legislation attacks the exploitation of garment industry workers by unscrupulous clothing manufacturers. By making clothing manufacturers liable for sweatshop practices by contractors, the bill will require manufacturers to exert their considerable economic power to ensure fair treatment of garment workers.

Sweatshops continue to plague the garment industry. Of the 22,000 manufacturers of clothing and accessories in the United States, more than half are paying wages substantially below the minimum wage, and a third are exposing their workers to serious safety and health risks.

Sweatshops run by unscrupulous contractors have a long and sordid history in this country. In 1911, a tragic fire at the Triangle Shirtwaist Co. on Manhattan's Lower East Side killed 146 young immigrant women, who suffocated or burned to death because the exits had been locked or blocked.

Eighty-five years later, conditions too often have not improved. In August 1996, four Brooklyn garment factories were closed and their owners arrested for operating sweatshops. Among the fire code violations were locked exit doors, obstructed aisles, and violations of sprinkler system requirements. In addition, the contractors maintained two sets of accounting records, one showing that workers were being paid as little as $2.67 per hour—far less than the minimum wage. The workers, all Asian immigrants, were making clothes for K-Mart. A similar sweatshop scandal came to light last spring with respect to clothing made for Wal-Mart stores.

In August 1995, Federal investigators raided a sewing factory outside Los Angeles. In a compound surrounded by barbed wire, agents found dozens of Thai and Mexican immigrant women working 20-hour days for as little as $1 per hour. The women were held captive at their sewing tables by guards who threatened them if they tried to escape.

As these examples make clear, current law is not adequate to prevent such abuses. The 800 investigators of the Department of Labor who monitor compliance with wage and hour laws cannot do the job alone. Manufacturers have the economic muscle and market power to end these abuses. Instead, under the current system, the market power works in the wrong direction—it encourages contractors to inflict sweatshop conditions on employees, rather than pay fair wages and maintain proper working conditions.

Many law-abiding manufacturers already recognize the need to stamp out sweatshops in the United States. But voluntary codes of conduct and monitoring programs cannot eradicate the problem. K-Mart requires its garment contractors to identify all subcontractors they employ and make regular and surprise inspections of manufacturing operations. But this requirement did not prevent the fire code violations, wage violations, and other illegal practices of the contractors arrested in Brooklyn this summer.

The most effective way to enlist manufacturers in the battle against sweatshops is to make them liable along with their contractors for violations of the law. Manufacturers who know they will face liability will take the steps necessary to ensure that their contractors comply with applicable laws.

Our Stop the Sweatshops Act does just that. It amends the Fair Labor Standards Act to make manufacturers in the garment industry liable with contractors for violations of these laws.

Manufacturers will be liable for injunctive relief and civil penalties assessed against a contractor found to have broken the law. They will also be liable for back pay owed to employees for such violations. Manufacturers will be liable only for violations committed on work done for that manufacturer.

The bill also authorizes the Secretary of Labor to assess a civil penalty of up to $1,000 for each employee in cases where contractors fail to keep required payroll records. If the records are fraudulent, the Secretary can assess penalties up to $10,000 for the first offense and $15,000 for further offenses. These penalties will give employers an incentive to keep proper records, and will punish contractors who attempt to conceal their abuses by maintaining two sets of records.

The bill sends a clear message to garment industry employers. Exploitation of workers will not be tolerated. Sweatshops are unacceptable. We intend to do all we can to stamp them out, and this legislation will help us achieve that goal.

By Mr. AKAKA:

S. 2128. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PLANT PROTECTION ACT

• Mr. AKAKA. Mr. President, today I am introducing the Plant Protection Act, a comprehensive consolidation of Federal laws governing plant pests, noxious weeds, and the plant products that harbor pests and weeds.

Over the past century, numerous Federal laws have been enacted to address problems caused by plant pests and noxious weeds. While some of these laws are effective tools for protecting agriculture and the environment from these threats, others are in conflict or create enforcement ambiguities. The Nation's agricultural community, as well as private, State and Federal land managers, cannot afford the continuing uncertainty caused by Federal plant pest laws, some of which were enacted prior to World War I. Legislation to revise and consolidate Federal plant pest laws is urgently needed and long overdue.

Agriculture Secretary Dan Glickman recently characterized the problems created by hodgepodge of Federal plant protection laws when he Stated that ''in some instances, it is unclear which statutes should be relied upon for authority. It is difficult to explain to the public why some apparently similar situations have to be treated differently because different authorities are involved.''

A 1993 report issued by the Office of Technology Assessment reached the same conclusion. The OTA found that Federal and State statutes, regulations, and programs are not keeping pace with new and spreading alien pests.

The Plant Protection Act will correct many, but not all, of these problems. The bill I have introduced today will enhance the Federal Government's ability to combat plant pests and noxious weeds, and protect our farms, environment, and economy from the harm they cause.

Plant pests are a problem of monumental proportions. Some of the most damaging insects include the Mediterranean fruit fly, fire ant, and the gipsy moth. Disease pathogens include chestnut blight, which wiped out the most common tree of our Appalachian forests, the elm blight, which destroyed many splendid trees lining our city streets, and the white pine blister rust, which eliminated western white pine as a source of timber for several decades.

Alien weeds also cause havoc, and nowhere is this problem more apparent than in Hawaii. Because our climate is so accommodating, Hawaii is heaven-on-earth for weeds. Alien plants such as gorse, ivy gourd, miconia, and banana poka are ravaging our tropical and subtropical forests. Earlier this year, Hawaii's environment passed an unfortunate milestone: for the first time, foreign introduced plants outnumber Hawaii's diverse native species.

Hawaii is not alone in facing this problem. In fact, no State or region is immune to this threat.

Invasive foreign weeds do more than just compete with domestic species. They transform the landscape, change the rules by which native plants and animals live, and undermine the economic and environmental health of the areas they infest.

Alien weeds fuel grass and forest fires, promote soil erosion, and destroy critical water resources. They significantly increase the cost of farming and ranching. Noxious weeds destroy or alter natural habitat, damage waterways and power lines, and depress property values. Some are toxic to humans, livestock, and wildlife.

Alien weeds are biological pollution, pure and simple. The worldwide growth in trade and travel has caused an explosion in the number of foreign weeds that plague our Nation.

Just how big is this problem? Let me offer an example. Last year, on Federal lands alone, we lost 4,500 acres each day to noxious weeds. That's a million-and-a-half acres a year, or an area the size of Delaware. By comparison, forest fires—one of the most fearsome natural disasters—claimed only half as many Federal acres as weeds.

Noxious foreign weeds have been called a biological wildfire, and for good reason. Forests, national parks, recreation areas, urban landscapes, wilderness, grasslands, waterways, farm and range land across the Nation are overrun by noxious weeds.

The greatest economic impact of this problem is felt by farmers. The Office of Technology Assessment estimates that exotic weeds cost U.S. farmers $3.6 to $5.4 billion annually due to reduced yields, crops of poor quality, increased herbicide use, and other weed control costs. Noxious weeds are a significant drain on farm productivity.

Despite the magnitude of this problem, few people get alarmed about weeds. The issue certainly doesn't appear on the cover of Time or Newsweek. Perhaps if kudzu, a weed known as the ''vine that ate the South,'' attacked the Capitol dome, weeds would finally get the attention they deserve.

Several of these foreign weeds are truly the ''King Kong of plants.'' Some are 50 feet tall. Others have 4 inch thorns. Some have roots 25 feet deep, and others produce 20 million seeds each year.

My least-favorite weed is the tropical soda apple, a thorny plant with a sweet-sounding name. This import from Brazil has inch long spikes covering its stems and leaves. The only attractive thing about this plant is its small yellow and green fruit.

Tropical soda apple presents a particularly difficult control problem because the fruit is a favorite among cattle. They consume the apples and then pass the seeds in their manure where new weed infestations quickly sprout. As cattle are shipped from State to State with soda apple seeds in their stomachs you can easily see how the problem rapidly spreads. It's a weed control nightmare.

The saga of tropical soda apple prompted me to introduce S. 690, the Federal Noxious Weed Improvement Act in April 1995. S. 690 would grant the Secretary of Agriculture emergency powers to restrict the entry of a foreign weed until formal action can be taken to place it on the noxious weed list. This legislation would prevent future tropical soda apples from taking root.

I have incorporated the text of S. 690 into section 4 of the Plant Protection Act. Other provisions of the legislation I have introduced today are drawn from USDA recommendations for consolidating weed and plant pest authorities.

Because the U.S. Department of Agriculture's authority over plant pests and noxious weeds is dispersed throughout numerous statutes, Federal efforts to protect agriculture, forestry, and our environment are seriously hindered. To enable the Department to respond more efficiently to this challenge, I have introduced legislation to consolidate these authorities into a single statute. The text of this measure is drawn from draft recommendations prepared by USDA, although I have made some significant changes, particularly in the provisions relating to weeds.

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. 2128

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 ''Plant Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, and retardation of the spread of plant pests and noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control—

(A) is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds; and

(B) should be facilitated by the Secretary of Agriculture, Federal agencies, and States, whenever feasible;

(3) markets could be severely impacted by the introduction or spread of pests or noxious weeds into or within the United States;

(4) the unregulated movement of plant pests, noxious weeds, plants, biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds would present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(5) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could threaten crops, other plants, plant products, and the natural resources and environment of the United States and burden interstate commerce or foreign commerce; and

(6) all plant pests, noxious weeds, plants, plant products, or articles capable of harboring plant pests or noxious weeds regulated under this Act are in or affect interstate commerce or foreign commerce.

SEC. 3. DEFINITIONS.

In this Act (unless the context otherwise requires):

(1) ARTICLE.—The term ''article'' means any material or tangible object that could harbor a pest, disease, or noxious weed.

(2) BIOLOGICAL CONTROL ORGANISM.—The term ''biological control organism'' means a biological entity, as defined by the Secretary, that suppresses or decreases the population of another biological entity.

(3) ENTER.—The term ''enter'' means to move into the commerce of the United States.

(4) ENTRY.—The term ''entry'' means the act of movement into the commerce of the United States.

(5) EXPORT.—The term ''export'' means to move from the United States to any place outside the United States.

(6) EXPORTATION.—The term ''exportation'' means the act of movement from the United States to any place outside the United States.

(7) IMPORT.—The term ''import'' means to move into the territorial limits of the United States.

(8) IMPORTATION.—The term ''importation'' means the act of movement into the territorial limits of the United States.

(9) INDIGENOUS.—The term ''indigenous'' means a plant species found naturally as part of a natural habitat in a geographic area in the United States.

(10) INTERSTATE.—The term ''interstate'' means from 1 State into or through any other State, or within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(11) INTERSTATE COMMERCE.—The term ''interstate commerce'' means trade, traffic, movement, or other commerce—

(A) between a place in a State and a point in another State;

(B) between points within the same State but through any place outside the State; or

(C) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(12) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property or means used for or intended for use for the movement of any other personal property.

(13) MOVE.—The term ''move'' means to—

(A) carry, enter, import, mail, ship, or transport;

(B) aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) offer to carry, enter, import, mail, ship, or transport;

(D) receive to carry, enter, import, mail, ship, or transport; or

(E) allow any of the activities referred to this paragraph.

(14) NOXIOUS WEED.—The term ''noxious weed'' means a plant, seed, reproductive part, or propagative part of a plant that—

(A) can directly or indirectly injure or cause damage to a crop, other useful plant, plant product, livestock, poultry, or other interest of agriculture (including irrigation), navigation, public health, or natural resources or environment of the United States; and

(B) belongs to a species that is not indigenous to the geographic area or ecosystem in which it is causing injury or damage.

(15) PERMIT.—The term ''permit'' means a written or oral authorization (including electronic authorization) by the Secretary to move a plant, plant product, biological control organism, plant pest, noxious weed, or article under conditions prescribed by the Secretary.

(16) PERSON.—The term ''person'' means an individual, partnership, corporation, association, joint venture, or other legal entity.

(17) PLANT.—The term ''plant'' means a plant or plant part for or capable of propagation, including a tree, shrub, vine, bulb, root, pollen, seed, tissue culture, plantlet culture, cutting, graft, scion, and bud.

(18) PLANT PEST.—The term ''plant pest'' means—

(A) a living stage of a protozoan, animal, bacteria, fungus, virus, viroid, infection agent, or parasitic plant that can directly or indirectly injure or cause damage to, or cause disease in, a plant or plant product; or

(B) an article that is similar to or allied with an article referred to in subparagraph (A).

(19) PLANT PRODUCT.—The term ''plant product'' means a flower, fruit, vegetable, root, bulb, seed, or other plant part that is not considered a plant or a manufactured or processed plant or plant part.

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(21) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(22) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 4. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) IN GENERAL.—The Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the interstate dissemination of a plant pest or noxious weed.

(b) MAIL.—

(1) IN GENERAL.—No person shall convey in the mail, or deliver from a post office or by a mail carrier, a letter or package containing a plant pest, biological control organism, or noxious weed unless it is mailed in accordance with such regulations as the Secretary may issue to prevent the introduction into the United States, or interstate dissemination, of plant pests or noxious weeds.

(2) POSTAL EMPLOYEES.—This subsection shall not apply to an employee of the United States in the performance of the duties of the employee in handling the mail.

(3) POSTAL LAWS AND REGULATIONS.—Nothing in this subsection authorizes a person to open a mailed letter or other mailed sealed matter except in accordance with the postal laws and regulations.

(c) STATE RESTRICTIONS ON NOXIOUS WEEDS.—No person shall move into a State, or sell or offer for sale in the State, a plant species the sale of which is prohibited by the State because the plant species is designated as a noxious weed or has a similar designation.

(d) ADMINISTRATION.—The Secretary may issue regulations to carry out this section, including regulations requiring that a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance imported, entered, to be exported, or moved in interstate commerce—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, or movement in interstate commerce;

(2) be accompanied by a certificate of inspection issued in a manner and form required by the Secretary or by an appropriate official of the country or State from which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is to be moved;

(3) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests; and

(4) in the case of a plant or biological control organism, be grown or handled under post-entry quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the plant or biological control organism may be infested with a plant pest or noxious weed, or may be a plant pest or noxious weed.

(e) LIST OF RESTRICTED NOXIOUS WEEDS.—

(1) PUBLICATION.—The Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States.

(2) PETITIONS TO ADD OR REMOVE PLANT SPECIES.—

(A) IN GENERAL.—A person may petition the Secretary to add or remove a plant species from the list required under paragraph (1).

(B) ACTION ON PETITION.—The Secretary shall—

(i) act on a petition not later than 1 year after receipt of the petition by the Secretary; and

(ii) notify the petitioner of the final action the Secretary takes on the petition.

(C) BASIS FOR DETERMINATION.—The Secretary's determination on the petition shall be based on sound science, available data and technology, and information received from public comment.

(D) INCLUSION ON LIST.—To include a plant species on the list, the Secretary must determine that—

(i) the plant species is nonindigenous to the geographic region or ecosystem in which the species is spreading and causing injury; and

(ii) the dissemination of the plant in the United States may reasonably be expected to interfere with natural resources, agriculture, forestry, or a native ecosystem of a geographic region, or management of an ecosystem, or cause injury to the public health.

(f) CONFORMING AMENDMENTS.—

(1) Section 102 of the Act of September 21, 1944 (58 Stat. 735, chapter 412; 7 U.S.C. 147a) is amended by striking ''(a)'' in subsection (a) and all that follows through ''(2)'' in subsection (f)(2).

(2) The matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(A) in the second paragraph—

(i) by striking ''plants and plant products'' each place it appears and inserting ''plants, plant products, animals, and other organisms'';

(ii) by striking ''plants or plant products'' each place it appears and inserting ''plants, plant products, animals, or other organisms'';

(iii) by striking ''plant-quarantine law or plant-quarantine regulation'' each place it appears and inserting ''plant-quarantine or other law or plant-quarantine regulation'';

(iv) in the second sentence—

(I) by striking ''Upon his approval of said list, in whole or in part, the Secretary of Agriculture'' and inserting ''On the receipt of the list by the Secretary of Agriculture, the Secretary''; and

(II) by striking ''said approved lists'' and inserting ''the lists'';

(v) by inserting after the second sentence the following: ''On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph.''; and

(vi) in the last sentence, by striking ''be forward'' and inserting ''be forwarded''; and

(B) in the third paragraph, by striking ''plant or plant product'' and inserting ''plant, plant product, animal, or other organism''.

SEC. 5. NOTIFICATION OF ARRIVAL AND INSPECTION BEFORE MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) NOTIFICATION AND HOLDING BY SECRETARY OF THE TREASURY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Treasury shall—

(A) promptly notify the Secretary of the arrival of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance at a port of entry; and

(B) hold the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance until inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary.

(2) APPLICATION.—Paragraph (1) shall not apply to a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is imported from a country or region of countries that the Secretary designates as exempt from paragraph (1), pursuant to such regulations as the Secretary may issue.

(b) NOTIFICATION BY RESPONSIBLE PERSON.—The person responsible for a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to subsection (a) shall promptly, on arrival at the port of entry and before the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is moved from the port of entry, notify the Secretary or, at the Secretary's direction, the proper official of the State to which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is destined, or both, as the Secretary may prescribe, of—

(1) the name and address of the consignee;

(2) the nature and quantity of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance proposed to be moved; and

(3) the country and locality where the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance was grown, produced, or located.

(c) NO MOVEMENT WITHOUT INSPECTION AND AUTHORIZATION.—No person shall move from the port of entry or interstate an imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance unless the imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance has been inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary.

SEC. 6. REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS; EXTRAORDINARY EMERGENCY.

(a) REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS.—

(1) IN GENERAL.—Except as provided in subsection (c), if the Secretary considers it necessary to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States, the Secretary may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of—

(A) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate and that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(B) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has moved into the United States or interstate and that the Secretary has reason to believe was infested with the plant pest or noxious weed at the time of the movement;

(C) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act;

(D) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has not been maintained in compliance with a post-entry quarantine requirement;

(E) a progeny of a plant, plant product, biological control organism, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act; or

(F) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is infested with a plant pest or noxious weed that the Secretary has reason to believe was moved into the United States or in interstate commerce.

(2) ORDERING TREATMENT OR DISPOSAL BY THE OWNER.—Except as provided in subsection (c), the Secretary may order the owner of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to disposal under paragraph (1), or the owner's agent, to treat, apply other remedial measures to, destroy, or otherwise dispose of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance, without cost to the Federal Government and in a manner the Secretary considers appropriate.

(3) CLASSIFICATION SYSTEM FOR NOXIOUS WEEDS.—

(A) IN GENERAL.—To facilitate control of noxious weeds, the Secretary shall develop a classification system to describe the status and action levels for noxious weeds.

(B) CATEGORIES.—The classification system shall differentiate between—

(i) noxious weeds that are not known to be introduced into the United States;

(ii) noxious weeds that are not known to be widely disseminated within the United States;

(iii) noxious weeds that are widely distributed within the United States; and

(iv) noxious weeds that are not indigenous, including native plant species that are invasive in limited geographic areas within the United States.

(C) OTHER CATEGORIES.—In addition to the categories required under subparagraph (B), the Secretary may establish other categories of noxious weeds for the system.

(D) VARYING LEVELS OF REGULATION AND CONTROL.—The Secretary shall develop varying levels of regulation and control appropriate to each of the categories of the system.

(E) APPLICATION OF REGULATIONS.—The regulations issued to carry out this paragraph shall apply, as the Secretary considers appropriate, to—

(i) exclude a noxious weed;

(ii) prevent further dissemination of a noxious weed through movement or commerce;

(iii) establish mandatory controls for a noxious weed; or

(iv) designate a noxious weed as warranting control efforts.

(F) REVISIONS.—The Secretary shall revise the classification system, and the placement of individual noxious weeds within the system, in response to changing circumstances.

(G) INTEGRATED MANAGEMENT PLANS.—In conjunction with the classification system, the Secretary may develop an integrated management plan for a noxious weed for the geographic region or ecological range of the United States where the noxious weed is found or to which the noxious weed may spread.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States and that the presence of the plant pest or noxious weed threatens a crop, other plant, plant product, or the natural resources or environment of the United States, the Secretary may—

(A) hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(B) quarantine, treat, or apply other remedial measures to a premises, including a plant, plant product, biological control organism, article, or means of conveyance on the premises, that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(C) quarantine a State or portion of a State in which the Secretary finds the plant pest or noxious weed, or a plant, plant product, biological control organism, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed; or

(D) prohibit or restrict the movement within a State of a plant, plant product, biological control organism, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(2) REQUIREMENTS FOR ACTION.—

(A) INADEQUATE STATE MEASURES.—After review and consultation with the Governor or other appropriate official of the State, the Secretary may take action under this subsection only on a finding that the measures being taken by the State are inadequate to eradicate the plant pest or noxious weed.

(B) NOTICE TO STATE AND PUBLIC.—Before taking any action in a State under this subsection, the Secretary shall—

(i) notify the Governor or another appropriate official of the State;

(ii) issue a public announcement; and

(iii) except as provided in subparagraph (C), publish in the Federal Register a statement of—

(I) the Secretary's findings;

(II) the action the Secretary intends to take;

(III) the reason for the intended action; and

(IV) if practicable, an estimate of the anticipated duration of the extraordinary emergency.

(C) NOTICE AFTER ACTION.—If it is not possible to publish a statement in the Federal Register under subparagraph (B) prior to taking an action under this subsection, the Secretary shall publish the statement in the Federal Register within a reasonable period of time, not to exceed 10 business days, after commencement of the action.

(3) COMPENSATION.—

(A) IN GENERAL.—The Secretary may pay compensation to a person for economic losses incurred by the person as a result of action taken by the Secretary under paragraph (1).

(B) FINAL DETERMINATION.—The determination by the Secretary of the amount of any compensation paid under this subsection shall be final and shall not be subject to judicial review.

(c) LEAST DRASTIC ACTION TO PREVENT DISSEMINATION.—No plant, plant product, biological control organism, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible, and that would be adequate, to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

(d) COMPENSATION OF OWNER FOR UNAUTHORIZED DISPOSAL.—

(1) IN GENERAL.—The owner of a plant, plant product, biological control organism, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under this section may bring an action against the United States in the United States District Court of the District of Columbia, not later than 1 year after the destruction or disposal, and recover just compensation for the destruction or disposal of the plant, plant product, biological control organism, article, or means of conveyance (not including compensation for loss due to delays incident to determining eligibility for importation, entry, exportation, movement in interstate commerce, or release into the environment) if the owner establishes that the destruction or disposal was not authorized under this Act.

(2) SOURCE FOR PAYMENTS.—A judgment rendered in favor of the owner shall be paid out of the money in the Treasury appropriated for plant pest control activities of the Department of Agriculture.

SEC. 7. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) IN GENERAL.—Consistent with guidelines approved by the Attorney General, the Secretary may—

(1) stop and inspect, without a warrant, a person or means of conveyance moving into the United States to determine whether the person or means of conveyance is carrying a plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act;

(2) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce on probable cause to believe that the person or means of conveyance is carrying a plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act;

(3) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce from or within a State, portion of a State, or premises quarantined under section 6(b) on probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act; and

(4) enter, with a warrant, a premises in the United States for the purpose of making inspections and seizures under this Act.

(b) WARRANTS.—

(1) IN GENERAL.—A United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge's or magistrate's jurisdiction, on proper oath or affirmation showing probable cause to believe that there is on certain premises a plant, plant product, biological control organism, article, facility, or means of conveyance regulated under this Act, issue a warrant for entry on the premises to make an inspection or seizure under this Act.

(2) EXECUTION.—The warrant may be executed by the Secretary or a United States Marshal.

SEC. 8. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with—

(1) other Federal agencies;

(2) States or political subdivisions of States;

(3) national, State, or local associations;

(4) national governments;

(5) local governments of other nations;

(6) international organizations;

(7) international associations; and

(8) other persons.

(b) RESPONSIBILITY.—The individual or entity cooperating with the Secretary shall be responsible for conducting the operations or taking measures on all land and property within the foreign country or State, other than land and property owned or controlled by the United States, and for other facilities and means determined by the Secretary.

(c) TRANSFER OF BIOLOGICAL CONTROL METHODS.—At the request of a Federal or State land management agency, the Secretary may transfer to the agency biological control methods utilizing biological control organisms against plant pests or noxious weeds.

(d) IMPROVEMENT OF PLANTS, PLANT PRODUCTS, AND BIOLOGICAL CONTROL ORGANISMS.—The Secretary may cooperate with State authorities in the administration of regulations for the improvement of plants, plant products, and biological control organisms.

SEC. 9. PHYTOSANITARY CERTIFICATE FOR EXPORTS.

The Secretary may certify a plant, plant product, or biological control organism as free from plant pests and noxious weeds, and exposure to plant pests and noxious weeds, according to the phytosanitary requirements of the country to which the plant, plant product, or biological control organism may be exported.

SEC. 10. ADMINISTRATION.

(a) IN GENERAL.—The Secretary may acquire and maintain such real or personal property, employ such persons, make such grants, and enter into such contracts, cooperative agreements, memoranda of understanding, or other agreements as are necessary to carry out this Act.

(b) PERSONNEL OF USER FEE SERVICES.—Notwithstanding any other law, the Secretary shall provide adequate personnel for services provided under this Act that are funded by user fees.

(c) TORT CLAIMS.—

(1) IN GENERAL.—The Secretary may pay a tort claim (in the manner authorized in the first paragraph of section 2672 of title 28, United States Code) if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) TIME LIMITATION.—A claim may not be allowed under paragraph (1) unless the claim is presented in writing to the Secretary not later than 2 years after the claim accrues.

SEC. 11. REIMBURSABLE AGREEMENTS.

(a) PRECLEARANCE.—

(1) IN GENERAL.—The Secretary may enter into a reimbursable fee agreement with a person for preclearance (at a location outside the United States) of plants, plant products, and articles for movement into the United States.

(2) ACCOUNT.—All funds collected under this subsection shall be credited to an account that may be established by the Secretary and remain available until expended without fiscal year limitation.

(b) OVERTIME.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by the employee, at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT OF SECRETARY.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any funds paid by the Secretary for the services.

(3) ACCOUNT.—All funds collected under this subsection shall be credited to the account that incurs the costs and remain available until expended without fiscal year limitation.

(c) LATE PAYMENT PENALTY AND INTEREST.—

(1) PENALTY.—On failure of a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person.

(2) INTEREST.—Overdue funds due the Secretary under this section shall accrue interest in accordance with section 3717 of title 31, United States Code.

(3) ACCOUNT.—A late payment penalty and accrued interest shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

SEC. 12. VIOLATIONS; PENALTIES.

(a) CRIMINAL PENALTIES.—A person who knowingly violates this Act, or who knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—A person who violates this Act, or who forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(2) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order that is reviewable under chapter 158 of title 28, United States Code.

(3) VALIDITY OF ORDER.—The validity of an order of the Secretary may not be reviewed in an action to collect the civil penalty.

(4) INTEREST.—A civil penalty not paid in full when due under an order assessing the civil penalty shall (after the due date) accrue interest until paid at the rate of interest applicable to a civil judgment of a court of the United States.

(c) PECUNIARY GAINS OR LOSSES.—If a person derives pecuniary gain from an offense described in subsection (a) or (b), or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than an amount that is the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the imposition of a fine or sentence under subsection (a) or (b).

(d) AGENTS.—For purposes of this Act, the act, omission, or failure of an officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the other person shall be considered also to be the act, omission, or failure of the other person.

(e) CIVIL PENALTIES OR NOTICE IN LIEU OF PROSECUTION.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 13. ENFORCEMENT.

(a) INVESTIGATIONS, EVIDENCE, AND SUBPOENAS.—

(1) INVESTIGATIONS.—The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this Act.

(2) EVIDENCE.—The Secretary shall at all reasonable times have the right to examine and copy any documentary evidence of a person being investigated or proceeded against.

(3) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to require by subpoena the attendance and testimony of any witness and the production of all documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION.—The attendance of a witness and production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(C) NONCOMPLIANCE WITH SUBPOENA.—If a person disobeys a subpoena, the Secretary may request the Attorney General to invoke the aid of a court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated to require the attendance and testimony of a witness and the production of documentary evidence.

(D) ORDER.—If a person disobeys a subpoena, the court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(E) NONCOMPLIANCE WITH ORDER.—A failure to obey the court's order may be punished by the court as a contempt of the court.

(F) FEES AND MILEAGE.—

(i) IN GENERAL.—A witness summoned by the Secretary shall be paid the same fees and reimbursement for mileage that is paid to a witness in the courts of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(b) ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, a criminal violation of this Act that is referred to the Attorney General by the Secretary or is brought to the notice of the Attorney General by a person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by a person with the Secretary in carrying out this Act, if the Secretary has reason to believe that the person has violated or is about to violate this Act, or has interfered, or is about to interfere, with the Secretary; and

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) JURISDICTION.—

(1) IN GENERAL.—Except as provided in section 12(b), a United States district court, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions shall have jurisdiction over all cases arising under this Act.

(2) VENUE.—Except as provided in subsection (b), an action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) SUBPOENAS.—A subpoena for a witness to attend court in a judicial district or to testify or produce evidence at an administrative hearing in a judicial district in an action or proceeding arising under this Act may apply to any other judicial district.

SEC. 14. PREEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), no State or political subdivision of a State may regulate any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in foreign commerce to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

(b) STATE NOXIOUS WEED LAWS.—This Act shall not invalidate the law of any State or political subdivision of a State relating to noxious weeds, except that a State or political subdivision of a State may not permit any action that is prohibited under this Act.

SEC. 15. REGULATIONS AND ORDERS.

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this Act, including (at the option of the Secretary) regulations and orders relating to—

(1) notification of arrival of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(2) prohibition or restriction of or on the importation, entry, exportation, or movement in interstate commerce of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(3) holding, seizure of, quarantine of, treatment of, application of remedial measures to, destruction of, or disposal of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, premises, or means of conveyance;

(4) in the case of an extraordinary emergency, prohibition or restriction on the movement of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(5) payment of compensation;

(6) cooperation with other Federal agencies, States, political subdivisions of States, national governments, local governments of other countries, international organizations, international associations, and other persons, entities, and individuals;

(7) transfer of biological control methods for plant pests or noxious weeds;

(8) negotiation and execution of agreements;

(9) acquisition and maintenance of real and personal property;

(10) issuance of letters of warning;

(11) compilation of information;

(12) conduct of investigations;

(13) transfer of funds for emergencies;

(14) approval of facilities and means of conveyance;

(15) denial of approval of facilities and means of conveyance;

(16) suspension and revocation of approval of facilities and means of conveyance;

(17) inspection, testing, and certification;

(18) cleaning and disinfection;

(19) designation of ports of entry;

(20) imposition and collection of fees, penalties, and interest;

(21) recordkeeping, marking, and identification;

(22) issuance of permits and phytosanitary certificates;

(23) establishment of quarantines, post-importation conditions, and post-entry quarantine conditions;

(24) establishment of conditions for transit movement through the United States; and

(25) treatment of land for the prevention, suppression, or control of plant pests or noxious weeds.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS; TRANSFERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(2) INDEMNITIES.—Except as specifically authorized by law, no part of the money made available under paragraph (1) shall be used to pay an indemnity for property injured or destroyed by or at the direction of the Secretary.

(b) TRANSFERS.—

(1) IN GENERAL.—In connection with an emergency in which a plant pest or noxious weeds threatens any segment of the agricultural production of the United States, the Secretary may transfer (from other appropriations or funds available to an agency or corporation of the Department of Agriculture) such funds as the Secretary considers necessary for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available to carry out paragraph (1) without fiscal year limitation.

SEC. 17. REPEALS.

The following provisions of law are repealed:

(1) Public Law 97–46 (7 U.S.C. 147b).

(2) The Joint Resolution of April 6, 1937 (50 Stat. 57, chapter 69; 7 U.S.C. 148 et seq.).

(3) Section 1773 of the Food Security Act of 1985 (7 U.S.C. 148f).

(4) The Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149).

(5) The Golden Nematode Act (7 U.S.C. 150 et seq.).

(6) The Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

(7) The Act of August 20, 1912 (commonly known as the ''Plant Quarantine Act'') (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.).

(8) The Halogeton Glomeratus Control Act (7 U.S.C. 1651 et seq.).

(9) The Act of August 28, 1950 (64 Stat. 561, chapter 815; 7 U.S.C. 2260).

(10) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), other than the first section of the Act (Public Law 93–629; 7 U.S.C. 2801 note) and section 15 of the Act (7 U.S.C. 2814).

By Mr. INHOFE:

S. 2129. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

FAA EMERGENCY REVOCATION POWERS

Mr. INHOFE. For several months now, I have been working with representatives of the aviation community, with which I have been a part for just under 40 years, on legislation which will address the problem with the Federal Aviation Administration's use of their emergency revocation powers. In a revocation action, brought on an emergency basis, the airman or other certificate holder loses the use of the certificate immediately without any intermediary review or by any kind of an impartial party. The result is that the airman is grounded. In most cases, that is an airman who worked for some airline, and that is his or her only method of making a living.

Simply put, I believe the FAA unfairly uses this emergency power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach where safety is not an issue would be to adjudicate the revocation on a nonemergency basis, allowing the certificate holder continued use of his certificate.

Do not misunderstand: In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that the FAA have the ability to ground unsafe airmen. However, I also believe that the FAA must be judicious in its use of the extraordinary power. A review of recent emergency cases clearly demonstrates a pattern whereby the FAA uses their emergency powers as standard procedure rather than extraordinary measures. Perhaps the most visible case has been that of Bob Hoover.

Now, Mr. President, I have flown in a lot of air shows over the last 40 years, and I can tell you right now the one person that you ask anyone who has a background like mine, ''Who is the hero within the industry,'' it has been Hoover. He is getting up in years but is

as sharp as he ever was. Something happened to him. He is probably the most highly regarded and accomplished aerobatic pilot today. In 1992, his medical certificate was revoked based on alleged questions regarding his physical condition. After getting a clean bill of health from four separate sets of doctors over the continuing objections of the Federal air surgeon, who never examined Bob personally, his medical certificate was reinstated only after the Administrator, David Hinson, intervened.

I say at this point, I have been a strong supporter of Administrator David Hinson. I have often said that he is probably the very best appointment that President Clinton has made since he has been President. I also say there is not a lot of competition for that title.

He already has more serious problems coming. His current medical certificate expires this coming Monday, September 30, 1996. Unlike most airmen, like myself, when mine expires I go down, take a physical that lasts approximately 30 minutes, and it is reinstated at that time, something that happens every 12 months.

Bob Hoover's experience is one of many. I have several other examples of pilots who had licenses revoked on an emergency basis, such as Ted Stewart, who has been an American Airlines pilot—who I know personally—has been an American Airlines pilot for 12 years and is presently a Boeing 767 captain. Until January 1995, Mr. Stewart had no complaints registered against him or his flying. In January 1995, the FAA suspended Mr. Stewart's examining authority as part of a larger FAA effort to respond to a problem of falsifying records.

Now, there was never any indication that Mr. Stewart was involved in that, but, nonetheless, that was part of the investigation. He was exonerated by the full NTSB, National Transportation Safety Board, in July 1995. In June 1996, he received a second revocation. One of the charges in the second revocation involved falsification of records for a flight instructor certificate with a multiengined rating and his air transport pilot, ATP, certificate dating back to 1979.

Like most, I have questioned how an alleged 17½-year-old violation could constitute an emergency, especially since he has not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found in favor of Mr. Stewart.

A couple of comments in Mr. Stewart's decision bear closer examination. First, the board notes that ''the Administrator's loss in the earlier case appears to have prompted further investigation of the respondent * * *'' I found this rather troubling, that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart, which is further emphasized with the footnote in which the board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding, without prior notice and hearing, constitutes an abuse and unprincipled discharge of an extraordinary power.

Mr. President, I obviously cannot read the minds of the NTSB, but I believe a reasonable person would conclude from these comments that the board believes, as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that, since 1989, emergency cases as a total of all enforcement actions heard by the NTSB have more than doubled. In 1989, the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases, or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, and of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

In response, I am proposing legislation which would establish a procedure whereby the FAA must show just cause for bringing an emergency revocation action against an airman.

Not surprisingly, Mr. President, the FAA opposes this language. But they also oppose the changes to the civil penalties program where they served as judge, jury, and executioner in civil penalty actions against airmen. Fortunately, we were able to change that just a couple of years ago so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

My proposal allows an airman, within 48 hours of receiving an emergency revocation order, to request a hearing before the NTSB on the emergency nature of the revocation—not whether or not the revocation was justified, but the emergency nature of the revocation. The NTSB then has 48 hours to hear the arguments and decide if a true emergency exists. During this time, the emergency revocation remains in effect. In other words, the airman loses use of his certificate for 4 days. However, should the NTSB decide an emergency does not exist, then the certificate would be returned to the airman and he could continue to use it while the FAA pursued their revocation case against him in a normal manner. If the NTSB decides that an emergency does exist, then the emergency revocation remains in effect and the airman cannot use his certificate until the case is adjudicated.

This bill is supported by virtually all of the major aviation groups, such as the Air Transport Association, the Allied Pilots Association, the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the NTSB Bar Association, and many others.

My intention in introducing this bill today is to get it out so that interested groups can look at it and work with me to make changes, if that is necessary. I am pleased that Senator MCCAIN, who is the chairman of the Aviation Subcommittee of Commerce, has agreed to hold a hearing on this in the 105th Congress. In the intervening time, I will be working to make sure this issue is fully vetted, and it is my hope that we will be able to address this issue very early in the 105th Congress.

By Mr. MOYNIHAN:

S. 2131. A bill to establish a bipartisan national commission on the year 2000 computer problem; to the Committee on Commerce, Science, and Transportation.

THE YEAR 2000 COMPUTER PROBLEM NATIONS COMMISSION ESTABLISHMENT ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise today to offer my last in a series of warnings to the 104th Congress. I warn of a problem which may have extreme negative economic and national security consequences in the year 2000 and beyond. It is the problem of the Year 2000 Time Bomb, which has to do with the transition of computer programs from the 20th to the 21st century. Throughout history, much forewarning of the millennium has been foolishly apocalyptic, but this problem is not trifling.

Simply put, many computer programs will read January 1, 2000 as January 1, 1900. Outwardly innocuous, the need to reprogram computers' internal clocks will not only cost billions, but if left undone—or not done in time—all levels of government, the business community, the medical community, and the defense establishment could face a maelstrom of adverse effects. Widespread miscalculation of taxes by the Internal Revenue Service; the possible failure of some Defense Department weapons systems; the possibility of misdiagnosis or improper medical treatment due to errors in medical records; and the possibility of widespread disruption of business operations due to errors in business records.

Mr. Lanny J. Davis, in his thoughtful analysis of the dilemma presented in an article in the Washington Post of September, 15, 1996, cited one industry expert who called the Y2K defect—as the computer literate call it—''the most devastating virus to ever infect the world's business and information technology systems.'' Mr. Davis also tabulated the cost: ''Current estimates for business and government range from $50 billion to $75 billion—and will only increase as 2000 draws closer.''

Moreover, it seems the problem is not limited to main frame computers

as once was thought. In an article entitled ''Even Some New Software Won't Work in 2000,'' the Wall Street Journal reported on Wednesday, September 18, 1996, that owners of personal computers will be affected as well. Mr. Lee Gomes wrote: ''In fact, tens of millions of PC owners will be affected. Current or very recent versions of such best sellers as Quicken, FileMaker Pro and at least one brand-new program from Microsoft will stumble at the approach of Jan. 1, 2000. There will be hardware hiccups, too. Many PC owners will have to take extra steps to teach their systems about the new millennium.''

Early in 1996, John Westergaard first informed me of this impending problem. I asked the Congressional Research Service to assess its extent. In July, CRS reported back and substantiated the doomsayers' worst fears. I immediately wrote to the President, alerted him to the problem and suggested that a presidential aide—a general perhaps—be appointed to take responsibility for assuring that all Federal agencies and Government contractors be Y2K date-compliant by January 1, 1999. No word back yet.

Over the past few weeks I have periodically updated my colleagues in the Senate as to the nature of this problem, the possible costs of the problem, and advances in thinking about the problem. The business community has begun to stir, but it seems all is quiet here in the Nation's capital, or nearly quiet.

Today, I am introducing a bill to establish a nonpartisan commission on the year 2000 computer problem. It will be composed of 15 members—five selected by the President; 5, the President pro tempore of the Senate, and 5, the Speaker of the House of Representatives—in consultation with the minority leaders respectively. The commission will study the problem, analyze its costs, and provide immediate recommendations and requirements for the Secretary of Defense, the President, and Congress. Because of the urgency of this problem, the commission will complete its study and make its report to the President by December 31, 1997. The onus is now on us to see this bill passed.

I urge my colleagues to recognize this problem, and help establish this Commission. As Mr. Davis warned, we have begun a ''Countdown to a Meltdown.'' The longer we delay, the more costly the solution and the more dire the consequences. The computer has been a blessing; if we do not act in a timely fashion, however, it could become the curse of the age.

I ask unanimous consent that the Wall Street Journal article of Wednesday, September 18, 1996, entitled ''Even Some New Software Won't Work in 2000,'' by Lee Gomes, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 18, 1996]

EVEN SOME NEW SOFTWARE WON'T WORK IN 2000

(By Lee Gomes)

In his syndicated newspaper column this past July, Microsoft Corp. Chairman Bill Gates answered an anxious reader's question about whether PC owners have to worry about the ''Year 2000 problem,'' which is now roiling the world of corporate mainframes.

''Most PC users won't be affected,'' wrote Mr. Gates. ''There shouldn't be much of an issue with up-to-date software. Microsoft software, for instance, won't cause problems.''

The reply may have been reassuring, but it was also wrong. In fact, tens of millions of PC owners will be affected. Current or very recent versions of such best-sellers as Quicken, File Maker Pro and at least one brand-new program from Microsoft will stumble at the approach of Jan. 1, 2000. There will be hardware hiccups, too. Many PC owners will have to take extra steps to teach their systems about the new millennium.

The date rollover will trip up computers because programmers have tended to use only two-digit numbers to represent years—''96'' instead of ''1996''—assuming that all dates would be in the 20th century.

As a result, 40 months from now, unfixed computers will calculate, for example, that ''00'' is ''1900,'' and thus an earlier date than ''99,'' and decline to perform certain functions.

The good news is that fixing any Year 2000 problems on PCs will seem like a picnic compared with the data-processing nightmare now occurring in the corporate world. For PC owners, a few simple steps will usually take care of things—assuming users can identify the problem.

But, as Mr. Gates's two-month-old column suggests, the fact that the Year 2000 is a PC issue at all will come as a surprise to many, including some in the industry. At Microsoft, the company has realized only in the past few weeks that some of its own software is not ''Year 2000 compliant.'' Many other software companies, when first asked, said they had no Year 2000 difficulties, only to call back a few days later to report that they had found some after all.

Unlike mainframe makers, though, PC companies don't have much excuse for having problems. Mainframe programmers took short cuts during the '60s and '70s because computer memory was then a precious commodity. But some PC programmers followed that lead, even after memory was no longer in short supply and the new millennium was much closer. The moral: Even in an industry whose leaders often portray themselves as social and technical visionaries, companies can suffer from old-fashioned shortsightedness.

So what exactly is the problem? Many PC software programs allow users to enter years using either a four-digit or two-digit format that can lead some PC programs astray. Intuit Inc.'s Quicken financial program, for example, lets people schedule future electronic payments up to a year in advance. Come late 1999, a user trying to set up a payment for ''01/10/00'' will get a message saying, in effect, that it's too late to make a payment for 1900. To schedule the payment, users will have to know enough to type ''01/10/2000'' or use a special Quicken shortcut.

The fall release of Quicken will fix the problem, says Roy Rosin, the Quicken for Windows product manager at Intuit. The company didn't fix it before because ''it just wasn't on the radar screen.'' The new Quicken, he adds, will assume that any two-digit date occurs between 1950 and 2027; a four-digit year date can still specify a date outside that period. The approach is a common one for Year 2000 compliant software.

Microsfot's problem arises with Access 95, the database program that was shipped last August with Windows 95. Like Quicken, Access 95 doesn't properly handle two-digit dates after ''99,'' says Douglas S. Dedo, who is handling most Year 2000 questions for Microsoft.

Doesn't that show a lack of foresight by Microsoft programmers? ''I couldn't agree with you more,'' replies Mr. Dedo. He says the omission will be corrected in the next version of the product, to be released next year. As with Quicken, Access 95 users can work around the problem by using a four-digit date.

Microsfot's operating systems, by themselves, don't have a Year 2000 problem, says Mr. Dedo, and neither do such major company products as the Excel spreadsheet program.

There is, though, an annoying problem with the basic date-keeping portion of a PC's hardware, called the CMOS, says Tom Becker of Air System Technologies Inc. in Miami. In this case, the blame belongs to International Business Machines Corp. and the basic PC design it set down in the mid-1980s. It turns out, Mr. Becker says, that the CMOS is something of a dolt in keeping track of centuries. As a result, many PC owners will need to manually reset the date to the Year 2000 the first time they use their machines in the 21st century.

Mr. Dedo says that Microsoft's newer operating systems, Windows 95 and Windows NT, will fix hardware date glitches automatically. He adds that the company is also working on fixer programs that will do the same for older DOS and Windows 3.1-based machines.

Year 2000 difficulties will probably occur mainly on the IBM compatible side of the house. Apple Computer Inc.'s Macintosh computer has no such problems, says an Apple spokesman.

But some recent Apple programs do, including both the Mac and Windows versions of FileMaker Pro, a popular database project that the Apple-owned Claris Corp. shipped until last December. For forthcoming versions, says Claris's Christopher Crim, the company took pains to make sure all dates were converted from two to four digits before being stored. ''We've learned our lesson,'' Mr. Crim says.

ADDITIONAL COSPONSORS

S. 1044

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1044, a bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1965

At the request of Mr. HATCH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

S. 2030

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

S. 2034

At the request of Mr. BREAUX, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 2034, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program.

S. 2047

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2047, a bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans.

S. 2057

At the request of Mr. WARNER, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2057, a bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs guarantee loans with adjustable rate mortgages.

S. 2101

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2101, a bill to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

SENATE RESOLUTION 285

At the request of Mr. ROTH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of Senate Resolution 285, a resolution expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia.

AMENDMENTS SUBMITTED

CONTINUING APPROPRIATIONS JOINT RESOLUTION

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 5402

Mr. FAIRCLOTH (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, and Mr. ABRAHAM) proposed an amendment to the joint resolution (S.J. Res. 63) making continuing appropriations for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place, insert the following new section:

EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES

SEC. . (a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H–IA VISA.—

(1) Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a);

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(A) of the Immigration and Nationality Act or to authorize the reentry of any person outside the United States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

THE NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ESTABLISHMENT ACT

PRESSLER AMENDMENT NO. 5403

Mr. GRASSLEY (for Mr. PRESSLER) proposed an amendment to the bill (S. 1311) to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; as follows:

On page 2, line 8, strike ''nonprofit'' and insert ''not for profit''.

On page 2, line 10, after the period insert the following: ''The Foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and shall be presumed, for purposes of such Code, to be such an organization until the Secretary of the Treasury determines that the Foundation does not meet the requirements applicable to such an organization. Section 508(a) of such Code does not apply to the Foundation.''.

On page 5, line 8, after the period, insert the following: ''The three numbers appointed by the Secretary shall include the representative of the United States Olympic Committee.''.

On page 5, line 21, after the period insert the following: ''The Chairman of the President's Council on Physical Fitness shall serve as Chairperson until a Chairman is elected by the Board.''.

On page 12, line 4, strike ''contributors,'' and insert ''contributions,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, September 25, 1996, in open session, to receive testimony on the impact of the Bosian elections and the deployment of United States military forces to Bosnia and the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet twice during the Wednesday, September 25, 1996, session of the Senate for the purpose of conducting a hearing on the Mars discovery and a hearing on the treatment of families after airline accidents.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, September 25, 1996, beginning at 10 a.m. in room SH–215, to conduct a markup on a committee amendment to H.R. 3815.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 10 a.m. to hold a business meeting to vote on pending items, and for the Subcommittee on Near Eastern and South Asian Affairs to meet at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 1:30 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the phase-out of the Office of Navajo and Hopi Indian Relocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 10 a.m. to hold a hearing on White House access to FBI background summaries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 2 p.m. to hold a hearing on the role of the U.S. Department of Justice in implementing the Prison Litigation Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, the Committee on Veterans' Affairs asks unanimous consent to hold a joint hearing with the Senate Select Committee on Intelligence on the Department of Defense and intelligence reports of U.S. military personnel exposures to chemical agents during the Persian Gulf war.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 10:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Subcommittee on Financial Management and Accountability of the Governmental Affairs Committee to meet on Wednesday, September 25, 1996, at 10 a.m., for a hearing on oversight of regulatory review activities of the Office of Information and Regulatory Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 25, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to consider S. 9871, a bill to provide for the full settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, to conduct a hearing on the release of the fourth Trade Promotion Coordinating Committee [TPCC] annual report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAIWAN'S NEW FOREIGN MINISTER, JOHN H. CHANG

• Mr. COHEN. Mr. President, I rise today to say a few words about Taiwan's new Foreign Minister, John H. Chang.

Mr. Chang's selection as Foreign Minister at this crucial moment in relations between mainland China and Taiwan is particularly appropriate, because his background represents the complexity of the cross-straits relationship writ small. Born on the mainland in the midst of the Second World War, Chang came with his family to Taiwan in 1949.

Although a mainlander by background, Minister Chang grew up among local Taiwanese and became equally comfortable speaking Mandarin, Taiwanese, and Hakka. He has been able to bridge the tensions between Taiwanese and mainlanders that have marked much of the island's postwar politics. Among the first KMT leaders to open a dialog with opposition members, Minister Chang served as a key player in the talks between the governing party and the Taiwanese opposition in the years leading up to the democratizing reforms of the late 1980's. Earlier this year, Chang won the highest percentage of votes of any candidate in Taiwan's assembly elections.

Minister Chang is a skilled diplomat and a seasoned negotiator. His presence in President Lee Teng-hui's cabinet should be a force for good in cross-straits relations.

Mr. President, I request that an article on Minister Chang from the Asian Wall Street Journal be placed in the RECORD at this point to further acquaint my colleagues with Minister Chang and his background.

[From the Asian Wall Street Journal, June 21, 1996]

CHANG AIMS TO EXPAND TAIWAN'S ROLE ON WORLD STAGE

(By Leslie Chang)

TAIPEI.—By his second day in office, Taiwan's foreign minister was hearing the first attacks from China: He is ''untrustworthy'' and ''betraying (his) family.''

Mention of the criticisms, attributed to Beijing sources and reported in a Hong Kong newspaper, elicits only a diplomatic ''no comment'' from John Chang, in his first interview since joining the new cabinet of Taiwan President Lee Teng-hui last week. But in an hour long conservation in the ministry's lushly appointed reception room, lined with framed photographs of the career diplomat with everyone from Mikhail Gorbachev to Bob Hope, the 55-year-old Mr. Chang isn't always so circumspect.

''It is mainland China which has complicated the issue, which has confused all the world,'' asserts Mr. Chang, speaking of a year of heightened tensions between Beijing and Taipei.

As Mr. Chang takes on the touchiest of ministerial portfolios amid that standoff, such broadsides and rebuttals seem a fitting start. After all, the very existence of his job is irritating to Chinese leaders, who regard Taiwan as a Chinese province, which shouldn't pursue its own foreign policy. And Mr. Chang likely will work aggressively to beef up the island's ties with other countries, analysts say, while his good relations with the president ensure a more seamless foreign policy than ever before.

''His profile will be higher'' than that of his predecessor, Fredrick Chien, predicts Chou Yu-kou, who has written a biography of Mr. Chang's mother as well as three biographies of Taiwan's current president. Mr. Chang's ''voice can be louder; he can push hard for 'pragmatic diplomacy,'" Ms. Chou says, referring to Mr. Lee's policy of establishing formal ties with as many nations as possible.

One reason Mr. Chang can step up these efforts lies in his unusual background: He is a grandson of Chiang Kai-shek, who ruled China for two decades before fleeing with his Nationalist troops to Taiwan in 1949, defeated by the Chinese Communists in a civil war. Mr. Chang and a twin brother who died earlier this year were the illegitimate offspring of a wartime affair between Chiang Ching-kuo, the general's son and later Taiwan's president, and a woman he met in the southern Chinese province of Jiangxi, who died shortly after the twins were born.

But Mr. Chang and his twin brother, who came to Taiwan in 1949 and were raised by their maternal grandmother, were unaware of their illustrious parentage until they went to college, according to Ms. Chou's book. While most main landers settled in Taipei, speaking the official Chinese Mandarin dialect among themselves and dominating all top government and military posts, the boys grew up in the smaller northern city of Hsinchu and spoke the local Taiwanese and Hakka dialects.

''I was brought up . . . with native children,'' says Mr. Chang. ''I see no differences between mainlanders and Taiwanese.'' Mr. Chang's viewpoint is unusual on an island where ethnic differences often lie just beneath the surface. Such close associations with local Taiwanese people, he believes, helped him garner the highest percentage of votes island-wide in March elections to Taiwan's National Assembly.

The combination of an elite mainland background and Taiwanese sympathies also gives Mr. Chang the clout to do things his way. As a rising star in Taiwan's diplomatic corps in the late 1970s, Mr. Chang was one of the first government officials to initiate contact with antigovernment politicians, many of whom had fled abroad and faced treason charges if they returned. Mr. Chang helped some of those politicians to get off the government's blacklist and return to Taiwan.

''He was pretty open, willing to take (such) risks,'' recalls C.J. Chen, a vice minister of foreign affairs who has known Mr. Chang for more than two decades. At the same time, he adds, ''because of his background, people would have little doubt about his loyalty.''

Acquaintances describe Mr. Chang as liberal-minded and full of energy. In his previous post as Overseas Chinese Affairs Commissioner, for example, Mr. Chang shook up the sleepy cabinet-level position by expanding contacts with overseas Chinese communities around the world. In January, he hosted a high-profile breakfast meeting in Washington between Taiwan politicians and some of their U.S. counterparts, including House Speaker Newt Gingrich.

At a news conference last week, while other new cabinet members shuffled papers and rattled off statistics, Mr. Chang addressed each reporter by name and gave colorful responses. Asked which was more

important, Taiwan's foreign policy or its policy toward the mainland, he responded, ''If you are going fishing, is it the hook or the line that is important?''

Already, Mr. Chang is signaling a shift in tone from that of his predecessor, Mr. Chien, who held the more conciliatory stance that policy toward the mainland took precedence over foreign policy. It is Mr. Chang's stepped up efforts to raise Taiwan's international profile that has led some in Beijing to accuse him of betraying the ideals of his father and grandfather, who had hoped that the island would one day reunify with the mainland.

On some points, Mr. Chang strikes softer notes. Taiwan's continuing efforts to join international organizations, he says, will focus more on ''functional agencies'' such as the World Bank, the International Monetary Fund and the World Trade Organization.

And while Taiwan will continue its efforts to take a more active role in the United Nations—the move on the international stage that most angers Beijing—Mr. Chang notes that Taiwan isn't formally seeking U.N. membership, but rather, it asks only that the U.N. study the issue of the representation of Taiwan, which hasn't been a member of the world body since 1971.

But in the next breath, Mr. Chang says he is planning overseas trips for later this year, and hopes to sign on new countries ''who want to have formal relationships with us,'' adding to the 31 nations that currently recognize Taiwan.

Which new countries might those be? The diplomatic veil drops again. ''You will hear about it,'' he promises, smiling.●

A NEW MARSHALL PLAN FOR THE EAST

● Mr. SIMON. Mr. President, the Chicago Tribune had an editorial calling for a Marshall plan for Eastern Europe.

That really makes sense. I know that between now and election day we're not going to hear calls from our leaders for this, but after election day, I hope that will happen.

It would take courage, just as the original Marshall plan took courage. After President Truman and General Marshall announced the plan, the first Gallup Poll showed only 14 percent of the American public supporting it.

But what a great thing that was for the United States and the world; and let me add we need a Marshall plan for our domestic scene, particularly urban America.

President Clinton was not correct when he said that this is the end of the era of big Government.

The question is not whether the Government is big or small but whether it is good, whether it is doing the things that need to be done.

There are needs today in Eastern Europe and in the cities of our country. My hope is that the next President of the United States—and my hope is that it will be Bill Clinton—and the next Congress will show greater leadership than we have shown in foreign affairs and domestic affairs these last 2 years.

Mr. President, I ask that this editorial from the Chicago Tribune be printed in the RECORD.

The editorial follows:

A NEW MARSHALL PLAN FOR THE EAST

Sometimes the martial mind can discern more accurately than others how this nation should pursue its interests short of war. Think of Gen. George C. Marshall, who traded in his olive-drab for pinstripes after World War II and, as secretary of state, drafted the inspired plan (that now bears his name) to inject billions of dollars into the charred economies of Western Europe to create stable conditions in which democracy thrived and communism was held at bay.

Now that the Western democracies have won the Cold War, along comes another general with a compelling vision for America's role in Europe.

U.S. Gen. George Joulwan, the NATO supreme commander, argues that the Cold War's conclusion is not a time for America to disengage from Europe but to ''consolidate the gains of democracy.'' In military terms, he says, ''When you take an objective, the first thing you think about is not pulling back from the objective but of securing it.'' And the Western democracies, he says, have not yet consolidated their gains among the fragile, emerging democracies to the east.

True enough. But it is the method by which Joulwan proposes to achieve that consolidation—expansion of NATO—that gives us pause.

Pentagon troop strength in Europe, which forms the backbone of the Western alliance, has dropped to 100,000 from a Cold War high of 350,000.

Joulwan argues for expanding NATO eastward. That is the determination of both the North Atlantic Council that governs NATO and of his own commander in chief, President Clinton. (Republican challenger Bob Dole also favors allowing former Warsaw Pact states into NATO.)

But no military threat requires expanding NATO, particularly at a time when the wounded Russian bear would feel caged, provoked.

True, partnership training exercises between NATO and the armies of the East can teach discipline, order and the powerful concept of control over the military by a democratically elected civilian government. But even Joulwan avers that America ''stands for much more than ships, tanks and planes. It stands for shared values that are sought in the rest of Europe.''

Military alliances are no substitute for political and economic integration, and that is the best way to share western values with Central and Eastern Europe. Proof of that rests in the dusty archives of American diplomacy, in a proposal mostly forgotten as a casualty of the Moscow-Washington competition.

It's not widely remembered, but the Marshall Plan envisioned America's investing billions of dollars in Eastern Europe—yes, even in Russia—as well as in the West. Moscow vetoed that aid, so Marshall's visionary proposal benefited Western Europe alone.

Time to dust that plan off. The successor administration of the Marshall Plan, the Organization for Economic Cooperation and Development, is alive and healthy today. Along with European Union membership and American guidance, it represents the best strategy for integrating the new Europe.●

TRIBUTE TO MERRILL MOORE

● Mr. FRIST. Mr. President, I rise today to salute Merrill Moore, an experienced and devoted journalist who has become a living legend in upper east Tennessee and southwest Virginia. Merrill Moore is recognized by many in his community as the steadfast anchorman on WCYB-TV in Bristol. For 30 years, he has been one of the most trusted and most watched journalists in the five State area.

Moore began his career in radio broadcasting as a student at East Tennessee State University [ETSU]. He was a familiar radio personality on WETB, the college radio station, and remained active in broadcasting throughout his college career. After 2 years of military service, Moore returned home to the tri-cities area and to the radio booth.

Mr. President, at the urging of his colleagues Moore moved to WCYB-TV in Bristol where he worked his way through the ranks. In 1962, Moore anchored his first newscast at 11 p.m. and by 1964, he was anchoring the 6 p.m. newscast. Thirty-four years later, Merrill Moore has reached the pinnacle of his broadcasting career. In those years, he has covered countless national and local events and has had the opportunity to interview Presidents Ford, Carter, Bush, and Clinton.

Most importantly, Moore has had the opportunity to witness the growth of the tri-cities area. Many of his reports have spanned the beginning and completion of area projects, such as the construction of the East Tennessee State University Medical School and the highway connecting the tri-cities to Asheville, NC. He has been a main source of information to the community from the drawing board to the dedication of many area improvements. And he never fails to provide an up-to-date and informative newscast.

Recently, Merrill Moore was awarded the prestigious George Bowles Broadcast Journalism Award for his many years of dedication to WCYB-TV and the tri-cities area. The award, presented by the Virginia Association of Broadcasters, is an annual honor given to successful broadcast journalists that are respected by their peers and the community. It also honors journalists for their devotion to their work and the amount of insight they bring to the stories they cover. Merrill Moore most certainly qualifies for this award and has maintained these high standards for many years.

Mr. President, I would like to ask you to join me in applauding the efforts and continued service that Merrill Moore has provided upper east Tennessee and south west Virginia. His commitment to the tri-cities is to be admired by many.

OBJECTION TO CONFERENCE REPORT TO ACCOMPANY H.R. 1296

● Mr. WYDEN. Mr. President, I am announcing that I would object to any request for unanimous consent to proceed to consider the conference report on H.R. 1296.

I would object to any unanimous request to proceed with this conference report because it contains a provision to that would allow the Secretary of the Interior to sell corporate sponsorships to America's National Parks System.

This provision has the potential to completely change the character of our

national parks and fosters conflicts of interest between the Department of the Interior and potential sponsors. Importantly, it would fail to contribute significantly to critical funding needs of the National Parks System.

I will object to consideration of the conference report because I don't believe we should consider such a controversial provision under procedures that do not provide for the debate and amendment of such objectionable provisions.●

NATIONAL ENDOWMENT FOR DEMOCRACY

● Mr. LUGAR. Mr. President, I am a strong supporter of the programs sponsored by the National Endowment for Democracy and the four core groups that are part of the endowment family. For a very modest investment from the U.S. Government, this nongovernment organization has accomplished remarkable achievements in promoting democratic institutions, advancing the norms of a civil society, and furthering the principle and practice of market economics abroad. NED has contributed significantly to the foreign policy goals of the United States.

It is exciting to chronicle the rich and positive role the NED has played in the promotion of American political values since its inception in 1983. It has been helpful in winding down the cold war in Eastern and Central Europe, in facilitating democratic transition, growth and consolidation in Asia and Latin America, and in supporting proponents of human rights and freedom in all geographic regions of the globe and in more than 90 countries.

Rather than listing the additional successes of NED, I ask that a statement entitled ''The United States Needs The National Endowment for Democracy'' be inserted in the RECORD for all Members to read. The statement was drafted by the Forum for International Policy whose president is Brent Scowcroft and whose chairman is Larry Eagleburger. They, along with virtually every individual who served in the positions of National Security Advisor and Secretary of State in every administration since 1983 have endorsed the NED's work and support its full funding. I ask all Members to read this statement carefully.

The material follows:

THE UNITED STATES NEEDS THE NATIONAL ENDOWMENT FOR DEMOCRACY

The United States' only international political foundation, the National Endowment for Democracy (NED), is under threat. Establishment in 1983, the Endowment operates openly and independently to support individuals, groups and institutions who are working to promote and consolidate democracy in their own countries. Although it is federally funded and subject to Congressional oversight, NED is not a government agency. An independent, non-partisan board of directors sets its policies and strategies. The Endowment channels its support directly to grantees or through four core institutes: the Center for International Private Enterprise, the International Republican Institute, the Free Trade Union Institute, and the National Democratic Institute for International Affairs. They, too, are independent of any government direction. The House of Representatives has approved an appropriation for fiscal 1997 of $30 million, reflecting no increase over the current level. The Senate Appropriations Committee, however, has recommended that funding be eliminated entirely on the grounds that the Endowment is a Cold War institution which has outlived its usefulness. That is a short-sighted judgment and should be reversed.

In 1983, President Ronald Reagan called for a non-governmental institution along the lines of political foundations in other Western democracies. The National Endowment for Democracy was created to assist the transition to modern, pluralistic, particularly systems in other countries within the context of their own individual histories, cultures and traditions. The United States has fundamental and enduring interests in the promotion of American political values and ensuring the spread of pluralism, freedom and democracy throughout the world. Pursuit of those interests is no less important today than it was at the height of the Cold War. Our own national security and economic prosperity are no less at stake. NED and its core institutes are uniquely able to accomplish this task by the employment of non-governmental structures untainted by direct association with the U.S. Government.

At the official level, our choice of instruments to pursue democracy support strategies is limited. The Agency for International Development's (AID) focussed programs have been effective, but they reflect the immediate priorities of any administration in office (or of actively interested members of Congress). Because of the way they are funded and operated, the emphasis of AID programs is too often on short to medium-term results. They are managed by federal employees in accord with bureaucratic rules and regulations. AID's ''official'' programs require us to work with host governments or at least with their tacit acceptance. The State Department, the United States Information Agency, and other federal agencies as well, promote democracy, but they, too, must operate within limits and norms set for official government representatives in foreign lands. NED and its institutes, however, are able to use their resources to nurture the development of grass roots democratic movements and long-term processes which must grow from within. NED operates where there is no official U.S. presence and it is not obligated to work through official channels. NED is not driven by the short-term imperatives which often, quite legitimately, drive government decisions and actions.

The Endowment's non-governmental approach has worked. Through its low-cost programs NED does openly and aboveboard what our government is not able to do: it supports monitoring of elections, conferences and exchanges in Russia on party organization, polling methods, publicity and the nuts and bolts of open elections which have been credited with contributing to the success of democratic forces in the recent elections. In the Central Asian Republics it has funded civic education centers. In Slovakia it supports teacher-training workshops to introduce citizenship education into primary and secondary schools. In Bosnia it has kept an important source of news alive. It helps sustain Burma's hard-pressed democratic movement. It supported grass roots education for Palestinian voters. In Mexico it aids a coalition that focuses on electoral reform, political participation and accountability of public officials. NED even funds initiatives to strengthen democracy and human rights movements in Cuba. In many instances, however, despite free elections and outward signs of change, the transition to more deeply-rooted, stable democracy is incomplete or even at risk. It is in our interest to sustain NED's efforts because today's initiatives are no less important than those of the past.

Signs that America is prepared to disengage from the important work of fostering democracy are unsettling to our allies and do not serve our national interests. The National Endowment for Democracy has proven itself to be a cost effective, long-term investment in America's security. It would be a mistake to eliminate it. The Senate should restore funding for the National Endowment for Democracy as approved by the House.●

THE FORGOTTEN INTERNMENT OF JAPANESE LATIN AMERICANS

● Mr. SIMON. Mr. President, one of the most shameful episodes in our Nation's history was the internment of Japanese-Americans during World War II. In response, although belatedly, Congress enacted in 1988 the law providing reparations to those who were uprooted and sent to internment camps.

There is another group of people who suffered the same injustice, but are ineligible for redress under the law. As detailed in a recent article in the Los Angeles Times, more than 2,200 Japanese Latin Americans were taken from their homes in 13 countries, mostly from Peru, and brought to the United States to be detained. Most spent the war in a camp in rural Texas, and some were even held until 1948. The U.S. Government never officially acknowledged a reason for this policy. Since the Japanese Latin Americans were not legal residents of the United States at the time of their internment, they are not eligible for an apology or reparations. Clearly, this injustice demands a remedy.

Of those who were forcibly brought to the United States, only 200 were allowed to return to Latin America. Others returned to Japan, while many stayed in the United States and eventually became citizens. Some 300 applications by Latin American Japanese for redress under the 1988 law have been denied because they were not legal residents before the law's June 1946 cutoff date.

The article gives an account of a journey of a detention ship that in 1944 was steaming from South America to the United States escorted by destroyers and submarines. In the year of the invasion of Normandy, not to mention the war in the Pacific, it is astounding that our Nation saw fit to devote military resources to this shameful and questionably legal undertaking.

I have written Senator INOUYE, who authored the 1988 reparations bill, to see if something can be done. While I will not be in the Senate next year, I hope that my colleagues will consider legislation in the next Congress to provide payments to family members of the Japanese Latin American who were detained. After so many years, that would be the right thing to do.●

TRIBUTE TO VIC HELLARD, JR.

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who dedicated most of his career to making Kentucky government run more smoothly. For over 20 years, Vic Hellard, Jr., who passed away September 18, worked behind the scenes as the glue that held the Kentucky General Assembly together.

Vic Hellard was born and raised in Versailles, KY, the son of a Ford dealer. He received his undergraduate degree from Eastern Kentucky University and earned a law degree from the University of Kentucky. In fact, Vic and I attended law school together. He later practiced law in Versailles and was twice elected to the State House of Representatives.

After a year as chief counsel to House Speaker Bill Kenton, Mr. Hellard was hired as director of the Legislative Research Commission—the administrative and research arm of the General Assembly. He held this position from 1977 until his retirement in 1995. This career spanned a period of sweeping change in Kentucky government.

Former House Speaker Bobby Richardson told the Courier-Journal, ''Vic's legacy is that he turned the LRC into a professional, informed support staff for the legislature, which allowed the legislature to become an equal partner with the governor.''

Attorney General Ben Chandler said of Mr. Hellard, ''He was the shepherd of legislative independence, but he never accepted the credit he deserved for anything he did. That was part of his charm.''

Mr. Hellard was also known for remaining above the fray. He was always courteous to lawmakers regardless of their party affiliation or seniority. He always avoided partisan and factional rivalries.

Vic Hellard, Jr. is survived by his wife, Ellen Carpenter Hellard, his mother, Leona Tilghman Hellard, and two brothers, George D. and Ronald W. Hellard. I ask that my colleagues join me in paying tribute to this outstanding Kentuckian.•

AD HOC HEARING ON TOBACCO

• Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN, WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the statements of the Senators who attended the hearing. Today I am entering the testimony of the witnesses from the first panel which included Justin Hoover, a 12-year-old addicted to tobacco, and his DARE officer, Jody Hayes.

Mr. President, I ask that the testimony from the first panel of this ad hoc hearing be printed in the RECORD.

The testimony follows:

TESTIMONY OF JUSTIN HOOVER, SEPTEMBER 11, 1996

Hello, my name is Justin Hoover. I am twelve years old and a sixth grader at Clegg Park Elementary School in West Des Moines, Iowa.

I would like to tell you how I became addicted to cigarettes. I tried my first cigarette when I was six years old. My mother smokes and always kept a carton of cigarettes in her bedroom. I would see her go into her drawer and take a pack of smokes out every now and then. I had an older brother that was fifteen then and saw him and my mother smoking all the time. I wanted to be older than I was and thought smoking was cool and would show everyone that I wasn't a little kid. One day I stole a pack of cigarettes from my mother's drawer, went outside and smoked four or five. My little sister told my mother I was smoking. She found me smoking them. My mother told me that I was never to smoke again or I would be in big trouble. She said that even though my brother and her smoked, it wasn't a good thing to do.

I didn't smoke again until I was nine. I started again because I thought it was the cool thing to do. I saw people smoking on T.V. shows, when we went out to eat, driving down the street on billboards and in stores I would always see tobacco advertisements especially Joe Cool for Camel cigarettes and I always thought it looked kind of cool. I started sneaking cigarettes from my mother again I did that for awhile until I needed more than just one or two a day. I started to steal cigarettes and sometimes chewing tobacco from stores. Sometimes I would sneak out of the house to steal them from convenience stores late at night because that was when the clerk was in the back room a lot making it easier to get away with. I tried to stop three times, but never made it longer than five days before I started again. I would smoke butts that I found in the ashtray at the store across the street. Sometimes I would pick up a bunch of used butts, take several of them and pour the unused tobacco on a piece of paper and try to roll my own. Sometimes I would drop the cigarettes in the house burning the carpet and furniture. One night I fell asleep and dropped a cigarette on the bed. It caught fire and we had to put it out. No one was hurt.

I am now smoking seven cigarettes a day. One in the morning, and six after school and before bedtime. Officer Hayes and my mother have tried to help me stop, I have come close, but can't completely stop.

When I was told that I was going to come to Washington, DC, I was embarrassed to tell people what I have done. But I know that smoking is bad for me and can affect my health. I don't want my little brother and sisters to start smoking. My brother who is three acts like his crayons are cigarettes because he sees all of us smoking. If things don't change, I am sure he will follow in my footsteps. That would make me feel bad.

I believe the only way I will be able to stop smoking is if I can't get them. If stores make them harder to steal, and there are no more vending machines that sell them, I think I could stop. As for my brother and sister, if I don't smoke, and they don't see cigarettes on T.V. or billboards I think they have a better chance of not using them and becoming addicted to cigarettes like me.

Everyone else in my life has tried to help me stop smoking cigarettes. My mother, my brother, Officer Hayes, teachers, my principal and my counselor at school. I came here today for myself and my brother and sister. I hope you can help us.

TESTIMONY OF JODY HAYES, SEPTEMBER 11, 1996

My name is Jody Hayes. I am a Police Officer with the West Des Moines Police Department located in Iowa. I have been an officer for seven years. I have served as a patrol officer on the street for three of those years. For the past four years I have been a community relations officer. I teach a wide variety of safety education programs to the public, with my primary responsibility focused on teaching drug awareness to the youth of West Des Moines. I do this through the D.A.R.E. program (*Drug Abuse Resistance Education*). I am here today to share with you my concern over tobacco use among youth.

As a police officer, I have had the unfortunate experience of seeing how bad the drug problem in society really is. I see kids as young as twelve years old walking home from school with cigarettes in their hand. The police department has hundreds of cases on file where youth have been caught trying to steal cigarettes from stores because they're not old enough to purchase them. Our high school kids cross the street at lunchtime to smoke their cigarettes so they don't get in trouble by the school for smoking on the grounds. It is not uncommon to see twenty or thirty teenagers smoking across from the school during and after it lets out. There are countless teenagers in our community that have worn a hole in their jeans from carrying a chewing tobacco can in the back pocket. Tobacco use among teenagers is the worst I have ever seen.

Some parents that I talk with say ''Well, if all they do is smoke or chew tobacco, then that's not so bad. It's not like they're doing drugs.'' The D.A.R.E. curriculum, which is currently taught to children in every state within America, defines the word drug as this: Any substance other than food that can affect the way your mind and body work. Some people would lead you to believe tobacco doesn't affect both your mind and body.

First, let us consider if it affects the body. What about the high school athlete that used to be the best in his/her class that has now taken up smoking? They can't make it around the track during practice, or run down field to catch a pass during the big game, or even swim an entire lap in the pool because the cigarettes have limited their oxygen intake? What about the band or chorus member who can't seem to manage enough air to play their instrument or to reach the next note they have to sing? What about the deadly diseases that seem to follow tobacco use, like cancer or emphysema? What about gum disease and yellow teeth? What about the tar left behind in their lungs causing them to wake every morning to the sound of coughing and hacking and their body trying to flush the poison out of it's system? Yes, tobacco does affect the way the body works.

Does tobacco affect the mind? An addiction is defined in the dictionary as this: ''To become psychologically or physiologically dependent upon something.'' Since the word psychological refers to the mind and behavior, I think it would be safe to say yes, tobacco does affect the way your mind works. It is called addiction. Thus, tobacco is indeed a drug that is both affecting our children's minds and bodies during the most vulnerable time in their life.

Cigarettes are a gateway drug, meaning they are opening the door for our youth to experiment with a world of even more deadly drugs. After tobacco comes marijuana. ''Why not,'' the child asks. Why not try marijuana, I'm already getting smoke in my lungs from

the cigarettes. After that comes all of the other drugs that society continues to lose children to, cocaine, heroin, methamphetamines, and LSD. The list goes on and on. We have to stop where drug use starts and that is with tobacco.

We can not allow the tobacco industry to brainwash our children, through colorful cartoon billboards and advertisements, into believing tobacco use as a hobby that is fun to do. We can not allow them to advertise tobacco products as a glamorous habit to be involved with to feel grown-up. Children are too vulnerable to expect them to resist these types of pressure. As a D.A.R.E. officer, I know how hard it is to convince youth to stand up to peer pressure, to face challenges in their life; not escape them, and to ignore the curiosity surrounding drugs. The last thing our children need is another type of pressure in their life. Tricky advertising techniques by the tobacco industry attempt and often succeed in luring kids to try their product. They place cartoon billboards where children play and go to school. They give away thousands of promotion products such as T-shirts, ball caps and jackets that we see children wearing around the community. They get T.V. role models and athletes the kids look up to to advertise their products. Lastly, they portray tobacco use as the grown-up thing to do, which again influences children that want to feel older, only need to smoke to do so. It is a known fact that most children will always want to be older than they are. This type of advertising plays on that wish. I was surprised to learn the tobacco industry can deduct the cost of advertising from their taxes. This alone is an incentive for them to advertise more often. I was personally glad to see Senator Harkin introduce a bill that would put an end to such a ridiculous tax deduction.

The fact is we can not change a child's wish to feel older. Although, we can change what they do to feel older. We can take away the billboards advertising tobacco where our children play and go to school, and put up positive messages against drug use for them to see. We can make stricter consequences for tobacco vending that sell to under age buyers without checking their identification prior to the sell. We can get rid of the vending machines that offer tobacco products to any one with enough change in their pocket to buy them no matter the age. We need to put a stop to free tobacco samples and promotional items such as caps, shirts and jackets. We need to use our role models in society to promote drug awareness instead of drug use. Lastly but most importantly, we need to educate our children continuously as to the harmful effects of tobacco use.

Yes, tobacco is a drug that will extinguish a child's dreams and goals. It is a drug that will keep them from reaching their full potential and it is a drug that will keep them from living a long and prosperous life. Remember this, the children are our future, and without our help they may not have a future. Our children are in desperate need of your help.●

HONORARY NATIONAL HUNTING AND FISHING DAY FAMILY

● Mr. FAIRCLOTH. Mr. President, I rise today to honor the Gary F. Coley family of Raleigh, NC. They have been selected as the first-ever honorary hunting and fishing day family as part of the 25th anniversary celebration of National Hunting and Fishing Day.

In the Coley family, working for wildlife is a natural and perpetual part of enjoying the outdoors. As hunter education instructors or supporters of wildlife scholarships, outdoor camps, and other community service activities such as Hunters for the Hungry, grandparents Beverly and Harriet, children Brad and Jennifer, and parents Harriet and Gary are there.

A focal point of the Coley family is their leadership role in the Wake County Wildlife Club. The club, which has received several national and Governor's conservation awards, promotes high standards of sportsmanship, exemplary conduct afield, and greater out door opportunities for all.●

TRIBUTE TO THE COMMUNITY OF NORTH CHARLESTOWN, NH, FOR RENOVATING THE FARWELL SCHOOL

● Mr. SMITH. Mr. President, I rise today to pay tribute to the families of Harvey Hill and Paul St. Pierre and all the residents of North Charlestown, NH, who renovated a 105-year-old two-room building to provide additional space for the Farwell School. The philanthropy of the Hill and St. Pierre families and their community is truly commendable. Last month, the residents of North Charlestown gathered for a ribbon-cutting ceremony, a family-style barbeque, and soccer games to celebrate the recent opening of the new Farwell School.

Harvey Hill and his wife, Christina, who are North Charlestown residents, donated $450,000 for the construction of the old Farwell Elementary School. He is the Editor of the Claremont Eagle Times and a successful businessman in North Charlestown. Hill is a graduate of the original Farwell School and has a daughter who now attends the new elementary school. Before the addition was built, Hill's daughter was bused to the North Walpole School, which took a total of 2 hours every day. The Hill and the St. Pierre families have tried several times to get a bond passed, but were unsuccessful. Harvey and his wife are pleased to have helped with the education of the children in the Fall Mountain School District.

The St. Pierre Family also contributed an enormous sum for the construction of the new school. Paul and Rolande St. Pierre are parents of thirteen children and operators of a successful construction business in North Charlestown. The family donated part of the land for the addition of the Farwell School. Additionally, the St. Pierres performed much of the construction and site work for the building, and donated $125,000. The St. Pierre family, like the Hill family, did not want North Charlestown children to have to ride the bus for two hours every day.

The extra space in the Farwell School provides several advantages for the community of North Charlestown. For the last 16 years, 45 of the 80 students now attending the new Farwell School were bused to the North Walpole School 16 miles away. Not only do these North Charlestown children now attend school closer to home, but the transfer of the students frees up more space in the North Walpole School. The expansion of the Farwell School has helped decrease the problem of overpopulation in the Walpole School.

The Farwell Trust, the group that previously owned the building and land, donated the existing building, valued at $150,000, and the 5-acre property, valued at $100,000, to the Fall Mountain Regional School District. This gift freed the Farwell School from having to pay rent. These savings combined with savings from the elimination of two bus routes to neighboring North Walpole will save the school district money.

Before the Hill and St. Pierre families offered their donations, Fall Mountain voters rejected a new school for several years. In response residents and volunteers worked hard to raise $58,000 in donations, which arrived in the forms of money, supplies, and other essential gifts. Even with these donations, the new elementary school still would not have been possible without financial assistance from the Hill and St. Pierre families.

The students who now attend the Farwell School appreciate the community's hard work and dedication in making their school truly the school that volunteers built. They are also grateful for the tremendous gift the Hill and St. Pierre families have given them. Indeed, the young children of North Charlestown are enthusiastic about their new school. How wonderful to know that the children of America, who are the future of our country, are eager to receive an education.

The expansion of the Farwell School would not have been possible without the generous donations from the residents of North Charlestown. I commend the Hill and St. Pierre families for their generous outpouring of support, and all the volunteers who made the Farwell School expansion possible. The North Charlestown residents should be very proud of their new school. They have given such a wonderful gift to the children in their community.●

FORD MOTOR COMPANY'S 250–MILLIONTH VEHICLE

● Mr. ABRAHAM. Mr. President, I rise today to commemorate October 8, 1996 as a day on which the citizens of my State, and indeed the entire country, can take great pride in the milestone of a true Michigan institution: Ford Motor Co. For on this day, the 250-millionth Ford vehicle will roll off the assembly line.

In 1903, the first Ford Model A was built by 10 employees in a small converted wagon factory in Detroit. More than nine decades later, Ford still calls Michigan home, maintaining its world headquarters in Dearborn. It is from these Michigan roots that Ford has grown into its present status as a

global corporation. Ford cars, trucks and components are made in 185 plants in 36 countries on 5 continents and sold in over 200 markets. Last year, worldwide sales revenues surpassed $137 billion, factory production exceeded 6.6 million vehicles, and the company employed more than 346,000 workers.

No car company has contributed more to America's love affair with the automobile than Ford From the Model T to the F-Series pickup to the Escort, Ford has built and sold some of the bestselling nameplates in automotive history. Other Ford classics, such as the Mustang and the Thunderbird, remain American cultural icons.

Evidence of the positive impact of Ford Motor Co. isn't limited to our roads and highways. The results of founder Henry Ford innovative adaption of the moving assembly line to automotive production, higher volumes at lower costs, revolutionized industrial manufacturing practices around the globe. And Henry Ford 1914 announcement that he would pay $5 for an eight hour work day, twice the going rate, spawned the creation of high-skilled, high-wage jobs for American automotive workers.

It is often said that Ford Motor Company ''put the world on wheels,'' and I like to believe Michigan played an integral role in this accomplishment. Our State has always offered an exceptional standard of living for its residents, in no small measure due to the presence of Ford, its suppliers and customers. On behalf of my colleagues, I congratulate Ford and its employees on this special occasion, and look forward to celebrating future milestones with Ford Motor Co. and its home State.

MONGOLIA

• Mr. ROTH. Mr. President, I rise today to add to the words of praise for Mongolia expressed yesterday by Senator THOMAS, chairman of the Subcommittee on East Asian and Pacific Affairs, when he introduced legislation to extend nondiscriminatory trade status to that country.

Mongolia has made striking advances toward the development of a democratic political system and a free market economy. This past July, Mongolians went to the polls and resoundingly voted into Government the Democratic Opposition Party, ending 75 years of control by Communists and their heirs. The new Government's peaceful assumption of power underscores Mongolia's rise to the front ranks of Asian democracies. The new Government in Ulaanbataatar, moreover, has outlined an ambitious plan for faster and continued economic liberalization and political reform.

Given these and other developments, I look forward to considering legislation granting to Mongolia nondiscriminatory trade status early in the next Congress.•

TRIBUTE TO THE NEW HAMPSHIRE BOY SCOUTS OF AMERICA TROOP NO. 55 ON THE OCCASION OF THEIR 75TH ANNIVERSARY

• Mr. SMITH. Mr. President, I rise today to pay tribute to the New Hampshire Boy Scouts of America Troop No. 55 as they celebrate their 75th anniversary. Troop 55 has diligently served the New Hampshire town of Meredith and the New England region for 75 years. The troops members and their family and friends will celebrate this impressive milestone on September 28th in Hesky Park, Meredith, with a special presentation and a cookout. I am proud to congratulate Troop 55 for 75 years of dedication to New Hampshire and New England.

Boy Scout Troop 55 was founded in January 1921 by the Whittier Men of the First Congregational Church of Meredith. Today, Troop 55 is sponsored by the Meredith Kiwanis Club. For 75 years, Troop 55 has accomplished a long history of achievement and service to their community. While the Troop has a number of accomplishments, their area of specialty is the preservation of elm trees throughout New England. To preserve the elm trees, Troop 55 uses Dutch Elm trees, which are especially resistant to disease. The members of Boy Scout Troop 55 participate in the planting of these special Dutch Elm trees throughout New England. To further the use of Dutch Elm trees, Boy Scout Troop 55 has their own nursery of trees.

Troop 55 of Meredith is also very proud of 10 of their members who have attained the Eagle Scout status. To become an Eagle Scout, a young man must earn badges for citizenship in the community, citizenship in the Nation, and citizenship in the world. The Eagle Scout designation is the highest attainable rank for a young man. Those who achieve it have every reason to be proud.

The Boy Scouts of America promote citizenship, character-building, and community service among the boys of our country. This organization also provides respectable, solid role models for the youth of our Nation and teaches them about commitment, dedication, and hard work. Members of the Boy Scout Troops of America learn valuable skills that serve them for a lifetime. I am proud to honor such an outstanding Boy Scout troop in New Hampshire. Congratulations to all the members of Troop 55 on reaching this remarkable milestone.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FROM APR. 3 TO 12, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		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
Senator Tom Daschle:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Senator Orrin G. Hatch:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Senator Harry Reid:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Laura Petrou:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FROM APR. 3 TO 12, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		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
Slovenia	Dollar		217.00						217.00
Paul Matulic:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Jan Paulk:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Delegation expenses: [1]									
Croatia							627.47		627.47
Hungary							4,455.67		4,455.67
Albania							856.22		856.22
Macedonia							1,515.41		1,515.41
Slovenia							780.74		780.74
Bosnia-Herzegovina							617.50		617.50
Total			10,362.00				8,853.01		19,215.01

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Sept. 3, 1996.

MEASURE READ FOR THE FIRST TIME—H.R. 4134

Mr. GRASSLEY. Mr. President, I understand that H.R. 4134 has arrived from the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

Mr. GRASSLEY. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I submit a report of the committee of conference on (H.R. 3259) and ask for its immediate consideration.

THE PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 1996.)

Mr. SPECTER. Mr. President, I am pleased to be able to submit for my colleagues' consideration the conference report on H.R. 3259, the Intelligence Authorization Act for Fiscal Year 1997. As you know, the Senate passed its authorization bill only last week and this may be an unprecedented turnaround time from passage of our bill to consideration of the conference report. For this, I want to thank House Chairman LARRY COMBEST for his outstanding management of what could have been a difficult effort at reconciling our two bills. Ranking Member NORMAN DICKS and Vice Chairman ROBERT KERREY played equally valuable roles in finding the right balance between ardently advocating their positions and ensuring eventual passage of this important legislation.

The rapid progress of this conference report is all the more noteworthy in that, in addition to the usual annual authorization of expenditures for intelligence and intelligence-related activities, this year's authorization bill adds important new provisions to the National Security Act of 1947 designed to help the Director of Central Intelligence [DCI] exert stronger direction and control over the intelligence community.

Let me remind my colleagues that under the National Security Act the DCI wears three hats: principal intelligence adviser to the President and the National Security Council; Director of the Central Intelligence Agency; and head of the intelligence community, which is composed of 13 different intelligence agencies.

For a variety of reasons, a long succession of DCI's have devoted almost all of their time and energy to their first two jobs—advising the President and running the CIA—and have given short shrift to the third—managing the intelligence community. The result has been an unfortunate lack of coordination and focused effort by our various intelligence agencies. This is not to say that our intelligence agencies have not been successful. The opposite is true: the United States has the premier intelligence apparatus in the world. But because they are scattered among so many different departments and agencies they have not been able to operate as efficiently and effectively as they could.

Title VIII of the conference report—the Intelligence Renewal and Reform Act of 1996—contains provisions intended to strengthen the overall management of the intelligence community.

In particular, to help the DCI perform his community responsibilities, title VIII establishes a new Senate-confirmed Deputy Director of Central Intelligence for Community Management and three new Senate-confirmed Assistant Directors of Central Intelligence. Since the National Security Act was enacted in 1947, there have been only two statutory positions to manage the intelligence community: a Director of Central Intelligence and a Deputy Director of Central Intelligence. The time has come to give the DCI a better community management structure. The conference report provides that the DDCI for Community Management will manage an intelligence community staff and will direct communitywide functions, including personnel, resources, requirements, collection, research and development, and analysis and production. Each of the three Assistant DCI's will oversee communitywide efforts in a particular functional area: collection, analysis and production, and administration.

I should mention that the DCI has expressed some concern about whether the three Assistant DCI's should all be

Presidential appointments subject to Senate confirmation. While noting the DCI's concerns, a majority of the conferees concluded that the advantages of Senate-confirmation outweigh any potential disadvantages. In light of the fact that the three Assistant DCI's will be responsible for coordinating functions that cut across a number of different departments and agencies, the conferees determined that Senate confirmation is necessary to ensure that each of these individuals has sufficient stature and focus to impose a more cohesive and coherent process for allocating resources in each of these key functional areas.

The DCI has also questioned whether Senate confirmation of the Assistant Directors is warranted given the limited authority vested in these positions. In fact, the statutory authority vested in these positions is the full authority of the DCI for each respective area. Thus, the actual authority exercised by the Assistant Directors will depend in large measure on the authority the DCI chooses to delegate and support.

In addition to creating a better intelligence community management team, the bill gives the DCI significant new management authorities. For example, the Secretary of Defense will be required to obtain the DCI's concurrence—or note the DCI's lack of concurrence—before recommending an individual to the President to be Director of the National Security Agency, the National Reconnaissance Office, and the new National Imagery and Mapping Agency. The DCI will also have to be consulted regarding the appointments of the heads of the smaller intelligence community elements, including the Defense Intelligence Agency, the State Department's Bureau of Intelligence and Research, and the FBI's National Security Division. In addition, separate provisions added to this year's DOD authorization bill require the DCI to submit an annual performance evaluation of the heads of the major defense intelligence agencies to the Secretary of Defense. These provisions are very significant. Previously, the DCI had little or no say in the appointments or evaluation of the heads of the major operating elements of the intelligence community.

I should note that the Director of the FBI objected strenuously to requiring the DCI to be consulted before the Attorney General appoints the head of the FBI's National Security Division. Director Freeh appeared to be concerned that requiring consultation might somehow make the FBI Director appear to be subservient to the DCI. In response to these concerns, the conferees agreed to modify the original Senate provision to require the FBI Director to give the DCI timely notice of his recommendation of an individual to fill the position, and to give the DCI an opportunity to consult. While agreeing to these changes, the conferees noted that the Director of the National Security Division manages a significant portion of the national intelligence budget and concluded that it is wholly appropriate to give the DCI some voice in his or her appointment.

In addition to having a stronger voice in appointments, the DCI is given new statutory authority to participate in the preparation of defense intelligence budgets and to be consulted with respect to reprogrammings of funds among defensewide intelligence activities. For the first time, the DCI is also given the statutory right to establish intelligence collection requirements and priorities, and to resolve conflicts in collection priorities.

I also want to take a moment to address the press reports that opposition from the Department of Defense killed intelligence reform this year. It is true that bureaucratic resistance to change threatened reform efforts and that both the Senate and House Intelligence Committees agreed to scale back some of their proposals in the interest of ensuring passage of the bill. However, many very significant provisions remain. The conference report gives the DCI important new authorities to manage the intelligence community and, for the first time in 50 years, establishes a new intelligence community management structure. We expect these provisions will go far to make the intelligence community operate more effectively and more efficiently. In short, to paraphrase Mark Twain, the reports of the death of intelligence reform are greatly exaggerated.

With the end of the 104th Congress, we mark a significant milestone in the history of this Senate, the executive branch, and most of all, the intelligence community. Twenty years ago, on May 19, 1976, the Senate adopted Senate Resolution 400, establishing the Select Committee on Intelligence. The following day, May 20, 15 Senators were appointed to this committee, with Senator Inouye as its Chairman and Senator Howard Baker its Vice Chairman. Thus, from the very beginning, the nonpartisan nature of the committee was reinforced with the seating of a Vice Chairman rather than a ranking member. This nonpartisan attitude has continued for 20 years, with the Chairmen and Vice Chairmen working together overseeing U.S. intelligence, and at the same time ensuring that this important instrument of national security is maintained.

Mr. President, I ask unanimous consent that a brief statement outlining the impressive history of this committee be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. Speaker, the conclusion of the 104th Congress also marks the end of my term as chairman of the Senate Select Committee on Intelligence. Thanks in large measure to the commitment of the Vice Chairman, Senator BOB KERREY, and a dedicated staff, it has been a productive tenure. Beginning in early 1995 with the confirmation of a new Director of Central Intelligence and Deputy Director of Central Intelligence and culminating with the passage today of significant legislation to strengthen the ability of the intelligence community to meet the needs of the post-cold-war world, the past 2 years have seen this committee address virtually all of the important national security issues confronting the country. Through hearings, intensive inquiries, committee reports, and legislation, the SSCI has examined the growing transnational threats of terrorism, narcotics, proliferation of weapons of mass destruction, organized crime, and economic espionage. We have continued the committee's focus on counterintelligence and the fallout from the treachery of Aldrich Ames, reopened longstanding inquiries into the role of the intelligence community in Central America, explored the risks and benefits of economic intelligence collection, overseen intelligence support to military operations in Bosnia, the Persian Gulf, Somalia, Haiti, and elsewhere, and provided insights to the Senate on intelligence-related aspects of arms control.

The role that the Vice Chairman has played in these committee endeavors cannot be overstated. Senator KERREY brings a keen mind and deep personal commitment to the committee's task of ensuring that this country has the best possible intelligence capability—one that is effective, efficient, and operates in a manner fully consistent with American laws and values. The Vice Chairman and I have not always agreed on every aspect of every issue, although the areas of disagreement have been remarkably rare. Senator KERREY has always approached these issues with characteristic grace and good humor. A determined advocate, he nevertheless finds ways to work through problems in a principled manner totally devoid of partisanship. As those of you who have had the privilege to serve on the Intelligence Committee know, the issues do not all have the glamour of James Bond adventures or the sensationalism of front page scandals. Senator KERREY has shown a willingness and an acumen for tackling even the most technical and obscure aspects of the committee's work where the effectiveness of our intelligence capability is at stake.

Senator KERREY's outstanding attributes are echoed in his staff director for the committee, Chris Straub. Mr. Straub has brought the same kind of nonpartisan professionalism to his work for the committee over the past 8 years. I have always found Chris fair, tough, and knowledgeable.

I also want to recognize Art Grant, the minority deputy staff director, whose command of the complex and at times arcane world of intelligence satellites has contributed greatly to the committee's oversight responsibilities in this area.

Which brings me to the committee's staff director, Charles Battaglia. When I first joined the committee in 1984, I was determined to hire a staff person with extensive intelligence experience and an excellent reputation within his field. I was lucky enough to find someone who not only had these qualities but also possessed the patience, perspective, and perseverance that are essential to a successful working relationship in this hectic institution. It was Charles Battaglia who urged that the committee move from the designee system, where each Member could bring on their own staff person—often resulting in staffers with little or no intelligence background who's focus was more on individual Member issues than on the core work of the committee—to a fully professional, nonpartisan staff. This was not an easy transition, but Charles Battaglia has managed to ensure Members' needs are met without sacrificing the essential work of the committee staff. The result is a stronger, more cohesive staff and committee. Mr. Battaglia has been an excellent manager, valued adviser, and good friend.

In addition, I would like to thank the other members of the committee staff, particularly Suzanne Spaulding, the committee's general counsel, and her legal staff, Mark Heilbrun and John Bellinger, for their hard work on this legislation and on the many legal issues which have confronted the committee over the last 2 years; senior staff member Ed Levine, who has led the committee's inquires into issues such as the flow of Iranian arms into Bosnia and human rights abuses in Guatemala, managing to draft committee reports on these potentially divisive issues in a manner that is fair, accurate, and thorough; the committee's budget director, Mary Sturtevant, whose mastery of every nook and cranny of the dispersed and complex intelligence community apparatus has been essential to our oversight function; and Pat Hanback, whose audit team has provided professional, detailed reviews of areas of oversight concern and has made many important recommendations for improvements.

I would like to express my gratitude as well to the committee's support staff for its professionalism in the face of continuing demands. Jim Wolfe, the committee's security director, and his staff did yeoman work in successfully maintaining the security of a vast array of classified material. Kathleen McGhee, the committee's chief clerk, and the rest of the staff literally made the engine run. I will thank each of them personally at a later time.

Mr. President, the outstanding efforts of the entire committee staff and membership is reflected in this Intelligence Authorization Act for Fiscal Year 1997 and I urge its passage.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE: TWENTY YEARS OF INTELLIGENT OVERSIGHT

The Senate Select Committee on Intelligence was established in 1976 directly as a result of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, or the Church Committee, which was set up to examine allegations of intelligence abuses by various intelligence agencies. The findings of this Committee were ample evidence that existing Congressional mechanisms were inadequate to meet the need for continual, focused, institutionalized oversight of the Intelligence Community.

The Intelligence Committee responded promptly to the need for changes highlighted by the Church Committee. Working with the Judiciary Committees of each house, the intelligence committees developed legislation known as the Foreign Intelligence Surveillance Act of 1978 which, for the first time, required that a court order be obtained from a special court established under the Act as a condition for undertaking electronic surveillance for intelligence purposes within the United States. Prior to that time, such surveillance had been carried out without a search warrant or court order, pursuant to the asserted constitutional authority of the President. The Committee, in the 95th Congress, also was the first to begin work on legislation to address the problem of ''Graymail'', i.e., the threat by defendants to disclose highly classified information if they were prosecuted. The committees were instrumental in the enactment of the Classified Information Procedures Act of 1980, which established statutory procedures for handling classified information involved in a Federal criminal proceeding.

Perhaps the most striking fact that we encounter when we look back 20 years, however, is how many of the issues then confronting the Committee are still relevant. Hearings were held in 1977 on the question of whether or not to declose the bottom line amount of the intelligence budget, a question with which we are still wrestling. The Committee looked into the involvement of the National Security Agency in developing the Data Encryption Standard. Today, we are looking into the development of new encryption standards in an effort headed by NSA. Again, in the 95th Congress the Committee published a case study on ''Activities of 'Friendly' Foreign Intelligence Services in the United States.'' Presently, in Congress we are looking into activities within the continental United States of the intelligence services of allies and adversaries in the field of economic espionage. The Committee also published its first report on terrorism in the 1970's.

One of the most important activities of the Senate Select Committee in the 1970's was its involvement in S. 2525, The National Intelligence Reorganization and Reform Act of 1978, for out of this effort was born the duty of the Intelligence Community to ensure that both the House and Senate Intelligence Committees were ''fully and currently informed of all the national intelligence activities,'' to include, ''any significant anticipated intelligence activity.'' This has proven to be central to the Committee's ability to carry out its oversight responsibilities.

As we moved into the 1980's, a new Administration brought a new Director of Central Intelligence. The legislative underpinnings in place were to be sorely tested in the coming years, but in the end, they held up under great pressure. In the early 1980's the Committee looked into and reported on such disparate matters as the U.S. capability to monitor the SALT II treaty; Soviet succession; political violence in El Salvador; the Soviet presence in the United Nations; unrest in the Philippines; and renewed counterintelligence and security concerns in the United States. In 1983 the Committee hired, as a full time staff employee, a Court Reported because of the sensitivity of hearing information. The Select Committee on Intelligence remains the only Committee of either House to have a Reporter as a staffer.

In late November 1986, the Select Committee on Intelligence was the first Committee to begin an investigation into the Iran-Contra matter. Between the initiation of its investigation on December 1, 1986, and the publication of its public report on January 29, 1987, the Select Committee held over 50 hearings and interviews into the Iran-Contra matter. Following these events, S. 1721, the Intelligence Oversight Act of 1987, and S. 1818, the National Security Act of 1987, were introduced and brought clearly into focus the need for agreement between the Administration and the Congress on reporting requirements and covert action finding notification.

The Committee reported on many other matters of concern during 1987 and 1988. An extensive investigation resulted in a report on the security at the United States mission in Moscow and other areas of high risk. An exhaustive Committee and staff inquiry resulted in the publication of a report on the monitoring and verification of the Treaty on the Elimination of Intermediate-Range and Shorter Range Missiles, the INF Treaty. The Committee further investigated and reported on the FBI's mishandling of a domestic case involving the Committee in Solidarity with the People of El Salvador, or CISPES. While the Committee determined that there were improprieties in the FBI investigation, it also determined that this was an aberration, and that the Bureau continually held to the high standards that were demanded of it.

The 1980's were also the ''Decade of the Spy.'' By the end of 1987, over 20 Americans had been implicated in espionage or were investigated on counterintelligence grounds. In hindsight, we now know that beginning with the Walker-Whitworth, Pollard and Pelton cases in 1985, was Aldrich Ames, who began his traitorous career in 1985 and lasted until 1994.

Following hearings in 1987 and 1988, the Committee established an independent Inspection General for the CIA. This legislation was included in the Intelligence Authorization Act of 1990, and the first statutory Inspection General at the Central Intelligence Agency was confirmed in the fall of that year.

In the aftermath of the Iran-Contra affair, legislation was introduced with the objective of clarifying the roles of the President and the Congress in approving and overseeing intelligence activities, particularly covert actions. The legislation also provided that Presidential finding must be written, and defined what a covert action is and is not. After much negotiation, the FY 1991 bills was signed into law in August 1991.

Convinced of the growing threat posed to international stability by the proliferation of weapons of mass destruction, the Committee, through the FY91 Intelligence Authorization Bill, instructed the DCI to establish a mechanism to deal with these growing threats. This led to the development of the DCI's Nonproliferation Center to look into the spread of chemical biological and nuclear weapons.

Robert M. Gates, who had been Deputy Director of Central Intelligence under Director Casey, had been nominated for the position of DCI after Director Casey's death in 1987. He pulled his nomination when Members raised questions about his role in Iran-Contra. In mid-1991 he was again nominated to the Director of Central Intelligence. The confirmation hearings for Mr. Gates to be

DCI in September and October 1991 were unprecedented in terms of their scope and substance. Eight days of hearings were held, including seven in public session. The nominee's role in the so-called Iran-Contra affair was explored at length, as were allegations that during the tenure of the nominee as Deputy Director for Intelligence the nominee undertook actions resulting in the ''politicization'' of intelligence, or the shaping of intelligence for political purposes. At the conclusion of the Committee's inquiry, the Committee issued a 225 page report of its findings. In the end, the nomination was approved by the Committee and subsequently approved by the full Senate.

In October 1992, the Committee began an inquiry into the Intelligence Community's role in the Banca Nazionale del Lavoro, or BNL, affair. This initial inquiry by the Committee resulted in a full staff investigation of the matter. After an intensive investigation, the staff prepared a 163 page report released on February 4, 1993, which focused on the Intelligence Community's involvement in the affair, and found numerous institutional weaknesses in the relationship between intelligence and law enforcement, as well as serious errors in judgment by officials of the CIA, the Defense Intelligence Agency, and the Department of Justice.

Other efforts by the Committee in 1992 included the Assassination Materials Disclosure Act of 1992, which fostered the release of materials concerning the assassination of President John Kennedy; a report on the Treaty on the Reduction of Limitation of Strategic Offensive Arms, or START; and many other activities surrounding chemical, biological, and nuclear weapons, Iraqi disarmament, covert action, and so forth.

Counterintelligence rose to the fore with the February 1994 arrest of CIA employee Aldrich Ames. After extensive hearings the Committee issued an analysis of the Ames case in November 1994. In addition to criticizing the leniency of the internal disciplinary actions promulgated by the DCI, the Committee found ''numerous and egregious'' shortcomings in the handling of the Ames case. In its report, the Committee proposed 23 separate recommendations for change at the agency.

Counterterrorism jumped to the front with the January 1993 murder of two CIA employees at the main gate to CIA headquarters, and a month later the bombing of the World Trade Center in New York City.

Economic intelligence also emerged in the 1990's to lay claim to the time and assets of the Intelligence Committee and the Intelligence Community. Unfortunately, one of the more noteworthy events which combined the new direction of intelligence gathering with the continued and even enhanced need for counterintelligence occurred when the French government accused the CIA in France of targeting French government officials and high ranking officials in key French commercial firms. Six people were requested to leave the country, and several CIA personnel in other European cities were identified.

The Intelligence Committee requested the CIA Inspector General to ''analyze the events of this case in detail and report to the Committee on the mistakes that occurred and any necessary corrective measures.'' In the end, it was poor counterintelligence and poor tradecraft which led to the events in France.

The Committee, in addition, addressed such disparate issues as the Clipper Chip digital telephony, the North American Free Trade Agreement (NAFTA), Russian and East European organized crime, environmental intelligence, NSA support to law enforcement, as well as the traditional budget and program oversight.

Controversy, however, seems to have found a home in the Intelligence Community. Charges arose in the mid-1990's that the Central Intelligence Agency had been involved with and had knowledge of several events in Guatemala. The Committee, again through hearings, staff interviews and record reviews, investigated the events surrounding the abduction and murder of an American who ran a small hotel in Guatemala, Michael DeVine; the kidnapping, rape and torture of Sister Diana Ortiz; and the disappearing of Efraim Bamaca, a Guatemalan guerrilla married to an American, Jennifer Harbury. In each of these cases, claims have been made that the CIA had knowledge of or that agents of the CIA were involved in the events themselves.

Following up on information learned as a result of the Ames inquiry, the Committee investigated a series of events in the CIA's Intelligence Directorate where material prepared for the highest policymakers in the nation was inappropriately identified as to its source. For a period of time, intelligence that the CIA knew was from controlled or co-opted sources was delivered to policymakers without proper warnings that the reports did come from controlled sources.

The Committee is presently involved in investigating the role of U.S. officials in the flow of arms from Iran to Bosnia at a time when there were U.S. and UN sanctions active against such shipments.

Throughout this 20 year period, two things have stood true. The dedication of the Members of the Senate to this Committee—a Committee assignment which garners more headaches than headlines—and the dedication of a truly professional staff which handles the most sensitive material our nation produces. Since 1976, 61 Senators have served on the Senate Select Committee on Intelligence, and there have been a total of 221 staff members.

As the Senate begins its third decade of oversight of the Intelligence Community, it can look back with some pride on the successes of the institutional framework it established. Oversight of intelligence has indeed been conducted in the nonpartisan, focused manner intended. This pride must be tempered, however, with a serious examination of how this oversight can be improved. The Committee advocated one such improvement this year, with the effort to remove the eight-year term limit for membership. This restriction, initially put in place out of concern that members might become captives of the intelligence community over time, has proven unnecessary and counterproductive. The concern of cooptation has been belied by the unerring vigilance of long-time members such as Senators William Cohen and John Glenn, whose unswerving principles have led them to be both ardent advocates for and among the harshest critics of the intelligence community. Instead, the term limit has hampered the ability of the Committee to develop the kind of expertise, institutional memory, and dedication the complex field of intelligence requires. While the Committee failed in its effort to remove this limit this year, it will no doubt try again and eventually succeed.

Additional issues involving the Committee's ability to ensure that it is fully and currently informed of all intelligence activities, the Committee's relationship with other Senate committees, and measures which undermine the authorizing authority of the Committee may require further legislative efforts. Intelligence is a uniquely challenging area of Congressional oversight. Its activities must often be shrouded in secrecy, sheltered from the scrutiny of investigative journalists who so often uncover problems in other areas of government. It is essential, therefore, that Congress have sufficiently strong and effective institutional mechanisms to perform that crucial oversight.

Mr. KERREY. Mr. President, the conference report accompanying the fiscal year 1997 Intelligence Authorization Act highlights the results of significant efforts by many people. This bill creates important changes which will help to improve the Director of Central Intelligence's ability to manage the intelligence community and also improves oversight of the Nation's intelligence activities. It is an important step in reforming and renewing the intelligence community.

I would like to thank Chairman SPECTER for his bipartisan approach to the intelligence community's problems. Intelligence can become the topic of partisan debate if we are not careful to preserve its goal of providing the unvarnished truth to policy-makers—congressional as well as executive branch. Because of the important issues at stake, there have been many opportunities throughout this year for partisan politics to enter the intelligence community's analysis of what threatens our vital interests. But Chairman SPECTER has steadfastly resisted any effort in that direction. As his term as chairman comes to a close, I salute him for his wise and farsighted leadership during a period of great challenge for the Intelligence Committee. He turned those challenges into accomplishments, including the significant reforms contained in this conference report. Chairman SPECTER has also acted on behalf of the entire Senate to provide thorough and attentive oversight of this Nation's intelligence activities. In the process he has taken the bold, and I believe correct, course of convening frequent open oversight hearings to acquaint the public with these important issues, all the while protecting the secrecy of intelligence sources and methods. So I am proud to have served with Chairman SPECTER during this momentous two years, and to have been part of the process which produced the Intelligence Authorization Act for fiscal year 1997.

Chairman SPECTER and I have been supported by a superb staff effort led by a real intelligence professional, Charles Battaglia, the staff director of the Intelligence Committee. Mr. Battaglia followed a distinguished naval career with service at CIA, he knows this complex business from every angle, creates the conditions and prepares the tools Senators can use to get results. He also has every right to be proud of this bill.

I would also like to add my sincere thanks to the members of the House Permanent Select Committee on Intelligence. As some of my colleagues may recall, there was considerable disagreement between the House and Senate in last year's lengthy authorization conference. Not so this year. Although there were important differences between the two Houses at the beginning of the year, we resolved our differences

quickly because we realized the significance of our combined efforts. Chairman LARRY COMBEST, Ranking Member NORM DICKS, and the other members of the House Committee worked with us in a spirit of comity and the Senate can be proud of the product. We are returning to the Senate with an important piece of legislation.

Naturally, most of the programmatic work is classified. Nevertheless, as I mentioned when I helped introduce the Senate version of the bill, some of the most significant provisions are unclassified. The Office of the Director of Central Intelligence has been strengthened to allow him to manage the intelligence community much better. Among the most prominent of these are improved financial management procedures, strengthened delineation of authorities for collecting, analyzing, and disseminating intelligence, and better internal oversight of intelligence activities. In this bill, we have successfully preserved the equities of the Secretary of Defense so that intelligence support of military operations will be stronger than ever. We have also included important provisions to improve intelligence support of law enforcement. And, finally, there are also major improvements in support of our war against terrorism.

I cannot over-emphasize the importance of the bill's provisions to strengthen the Director of Central Intelligence's management of the intelligence community. I am aware of some senior intelligence officials to the Oversight Committees efforts to strengthen community management, specifically the creation of three new Presidentially-appointed, Senatorially confirmed Assistant Directors of Central Intelligence. I am reminded of the intense effort by some elements of the Department of Defense some years ago to undermine the Goldwater-Nichols reform of defense. As was the case then, we are told that strengthened management is, on the one hand, unnecessary and, on the other hand, unwieldy. I assure my colleagues that neither criticism is warranted.

Mr. President, the management of intelligence suffers from poor senior level management. The culprit is not a person. It is not a comment on the superb abilities of the current Director of Central Intelligence or his Deputy. Rather, it is a comment on the structure they inherited. As the Aspin-Brown Commission noted when it evaluated the intelligence community's readiness for the 21st century, the DCI faces a dilemma on managing the community which the current structure does not solve. He is relatively weak in his ability to manage the community and therefore spends most of his time as the principal intelligence adviser to the President and as the head of the CIA. The bill solves his dilemma by creating a new Deputy Director for Community Management. This new senior level official will be assisted by three Assistant Directors who will be functional managers of the intelligence community. One will handle administration, one will oversee analysis and production, and one will supervise intelligence collection.

In deciding which information to collect about our vital interests, four different and independent organizations every day set their own goals, priorities, and allocate resources. Except on a by-exception basis—and also during an annual budget review—neither the Director of Central Intelligence nor his staff have any idea of the duplication which exists, the relative effectiveness of one method of collection over another to break a tough intelligence target, or the marginal utility of procuring new systems to solve new problems. With all of the responsibilities pressing upon their daily lives, neither the Director nor his Deputy have the time to understand or direct daily the community's intelligence collection efforts. In response, the bill gives the DCI help in the form of an assistant whose sole purpose is to help him do what he already is responsible for doing—manage the collection of intelligence.

Similar problems exist in the areas of intelligence analysis and production. Today, CIA's analysts analyze military problems. The Defense Intelligence Agency analyzes political problems. The Department of State evaluates political and military problems. On a daily, weekly, or monthly basis, no one reviews—with any hope of changing the community's direction toward new problems—who is analyzing what throughout the community. Certainly, as part of the annual budget process, the DCI makes a quick review of the intelligence analysis structure supporting policy makers. But the DCI's annual review addresses analysis and production in only a cursory manner. He needs help. The bill gives him help in the form an assistant whose sole purpose is to help the DCI do what he already is responsible for doing—analyze and produce intelligence.

Perhaps most fragmented of all are the administrative programs of the various intelligence agencies. Each agency maintains separate administrative, personnel, security, and training programs. In 1992, Congress gave the DCI specific authority to consolidate and reduce duplication in these programs, but successive DCI's have done little to make use of this authority. Again, the DCI needs help. The bill gives him help in the form of an assistant DCI for administration.

Mr. President, in its confirmation of these new officials, the Senate must be vigilant in protecting intelligence from politicization. I expect the candidates for these positions to be life-long intelligence professionals approaching the pinnacle of their careers. I don't expect them to have political leanings that would affect their professional judgments, any more than I would expect such leanings in the career diplomats the Senate confirms to be Assistant Secretaries of State or in the career military officers the Senate confirms to be flag officers. I have also heard it argued that senatorial confirmation might make these intelligence officials less loyal or less responsive to their superiors. Looking again at the Assistant Secretaries of State and at the military, I see no empirical data to support this concern. I have high hopes that these officials will make our intelligence more timely and useful to all its customers, and I will use my role in the confirmation process to that end.

Mr. President, let me note two other provisions in the conference report of special interest to me. One provision modifies the House bill's prohibition on the CIA use of U.S. journalists as intelligence assets unless the President waived the prohibition and made a written certification. This procedure seemed to the Senate conferees to be too onerous and time consuming. We accepted Director Deutch's assurance that any CIA approach to a U.S. journalist would be extremely rare. But it seemed to us that such a rare occasion might also require speed, and the process to obtain a Presidential waiver and certification would take too long. Consequently the conferees agreed to give waiver authority to the President or the DCI. In either case, use of the waiver would be reported to the oversight committees.

Second, the conferees agreed to modify a Senate provision denying senior CIA personnel the possibility of accepting employment with a foreign country within 5 years of retirement. It seemed to us that security and the reputation of the service are best protected by a clear prohibition on such employment. Our compromise with the House reduced the period of prohibition from 5 years to 3 and provided authority for the DCI to waive the provision when foreign employment of a former senior official is in the U.S. interest. Nonetheless, I think we are sending a strong message with this provision and I support it.

The effort to bring the bill forward for final passage has not been easy. Significant change never is, and there is no object more resistant to change than the baroque bureaucratic structure that our intelligence community has evolved into since 1945. But the effort to bring the bill to this point has been worth it. It has been strengthened by the intense discussions it generated with the Director of Central Intelligence, the Department of Defense, and the other Senate committees. Quite correctly, each had strong concerns, and we have answered those concerns with an excellent bill. I urge my colleagues to support final passage of this important legislation.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President; I rise to express my concern regarding the fiscal year 1997 intelligence authorization conference report. I make these observations, not in my capacity as the chairman of the Armed Services Committee, but as an individual Senator

concerned about growth in Government bureaucracy.

I am particularly concerned by the fact that the intelligence conferees have decided to establish four new senior positions under the Director of Central Intelligence, all requiring Senate confirmation. In addition to a new Deputy Director, which the administration requested, the Intelligence Conferees have agreed to create three new Assistant Directors of Central Intelligence. The administration has clearly indicated its opposition to the establishment of these Assistant Director positions.

In my view, this is an unnecessary expansion of bureaucracy at a time when virtually every other area of Government is shrinking. There is no evidence that I am aware of to justify this growth. The Presidential commission that just completed its study of these matters, the Brown Commission, did not make such a recommendation, nor has the Director of Central Intelligence.

Since the organization of the Office of the Director of Central Intelligence does not come under the jurisdiction of the Armed Services Committee, Senator NUNN and I have not sought to oppose the establishment of these new positions on behalf of the Armed Services Committee, even though we agree that the case for their creation is not compelling. In the areas where the Armed Services Committee does have jurisdiction, the intelligence conference report has been adjusted to address concerns that Senator NUNN and I raised on behalf of the Armed Services Committee and the Department of Defense. Since the Intelligence Conferees addressed these concerns in a satisfactory manner, Senator NUNN and I have agreed not to oppose the intelligence conference report.

Notwithstanding our general satisfaction with the intelligence authorization conference report, Senator NUNN joins me in registering opposition to what we view as an unwarranted expansion of intelligence bureaucracy. It is my intent to follow this matter closely in the future. The executive branch may choose not to fill these positions. Nevertheless, I plan to reexamine the legislation establishing these new positions during the 105th Congress.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the conference report appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

ANIMAL DRUG AVAILABILITY ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 2508, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2508) to amend the Federal Food, Drug and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2508) was deemed read the third time, and passed.

NATIONAL MAMMOGRAPHY DAY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and that the Senate turn to the immediate consideration of Senate Resolution 295.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 295) to designate October 18, 1996, as ''National Mammography Day.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, that the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 295

Whereas according to the American Cancer Society, 184,300 women will be diagnosed with breast cancer in 1996, and 44,300 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas, the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease than a woman at age 50;

Whereas, at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas, mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas, experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas, mammograms can reveal the presence of small cancers of up to 2 years or more before regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives: Now, therefore, be it.

Resolved, That the Senate designates October 18, 1996, as ''National Mammography Day''. The Senate requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

AUTHORITY TO PRINT REPORT AS SENATE DOCUMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the report mandated by Public Law 101–423, entitled ''Final Report to Congress on the Joint Resolution to Establish a National Policy on Permanent Papers,'' be printed as a Senate document, and I ask further that 300 additional copies be made available for use of the Joint Committee on the Library.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I am pleased to call to the attention of my colleagues—especially those who cosponsored my legislation establishing a national policy on permanent paper—the final mandated report to the Congress on progress in reaching the objectives of that policy. That legislation, which became Public Law 101–423 on October 12, 1990, stated that:

It is the policy of the United States that Federal records, books, and publications of enduring value be produced on acid free permanent papers.

The Librarian of Congress, the Archivist of the United States, and the Public Printer were required to make three progress reports to the Congress over a 5 year period, and the last of these has now been made, reporting developments through 1995. This latest report is a record of remarkable progress and I am pleased that it will be printed as a Senate document.

When I first introduced a permanent paper bill in October 1988, almost all documents and publications produced by the Federal Government or by Federal funds were on acidic papers with a useful life of less than 100 years. These papers had been in general use since the mid-19th century. The Federal Government was not unique. State and local governments and private publishers all used such papers.

Librarians and archivists had for some time expressed their concerns about the loss of irreplaceable historical, cultural and scientific books, publications and other records. Many millions of dollars were already being spent by research libraries, foundations, and State and Federal governments either to save these materials by deacidification or to preserve their contents by microfilming—both costly processes.

I might note that when the present Librarian of Congress, James H. Billington, appeared before the Senate

Committee on Rules and Administration for his confirmation hearing on July 14, 1987, he described at considerable length the deterioration of the holdings of our national library. In response to our questions, he told us that he regarded the problem of ''brittle books'' as a major one, both retrospectively, in terms of salvaging the records of the last century and a half, and prospectively, in terms of preventing continuation of the problem. He spoke of the need for ''mobilizing informed opinion to assure that we get a better response from those who publish, so that this problem is not with us in the future.''

It was by no coincidence that an active campaign to ''mobilize informed opinion'' ensued thereafter. Many people throughout the library community were actively involved, but I would particularly like to cite the efforts of Robert Frase, former vice president and economist of the Association of American Publishers. Mr. Frase was instrumental in conceiving and helping to bring to fruition the resolution to establish a National Policy on Permanent Paper, which as I indicated, was first introduced in 1988.

Looking back at the short span of eight years since that time, one is struck by the relatively low level of activity in permanent paper production that then prevailed. Research had demonstrated that the deterioration of papers produced from mid-19th century onward was caused by chemicals in a process using wood pulp rather than rags as raw material. The resulting acidic papers began to yellow and crumble (hence the term ''brittle books'') within a few decades, while the earlier rag papers continued to last for centuries. Research financed by the Council on Library resources and others, however, had demonstrated that wood pulp based papers could be produced by an alkaline process, resulting in estimated useful lives comparable with the old rag papers. A small amount of such papers was actually being produced.

What was required at that point was an increased awareness of the problem and a dramatic demonstration that something was going to be done about it. This would then lead to an increased demand for new papers, and in turn induce paper mills to convert to an alkaline process. Increased production would result in lower costs and prices competitive with acidic papers. The American Library Association started the ball rolling by passing its first resolution on this subject in January 1988. After my first bill was introduced in October of that year it was promptly endorsed by another ALA resolution in early 1989. This led to similar resolutions by other U.S. organizations and then by the International Federation of Library Associations and Institutions [IFLA] and the International Publishers Association later in 1989.

A big and prominent institution was needed to provide the impact of taking the first step into an action program, and the U.S. Government was an obvious choice. Its responsible agencies—the Library of Congress and National Archives—were well aware of the issues and the enormous problems and costs which were building up for the future unless alkaline paper came into general use; it was the world's largest producer of publications and documents; and its example would have a profound influence both at home and abroad. These were the considerations that led to the introduction of the bills that became Public Law 101–423 —my Senate Joint Resolution 57 and Representative PAT WILLIAMS' House Joint Resolution 226, both in early 1989.

Public Law 101–423 did not mandate the use of alkaline papers by Federal agencies. To have done so would have been impractical because the supply of such papers was limited and the price uncompetitive. But by establishing a policy and a goal, it set a process in motion which in a period of a few years would achieve the same results.

An important technical prerequisite to realizing the goal was the establishment of a clear definition of the term ''acid free permanent paper.'' Since the most important factor in paper deterioration is acidity any long-lived paper must be acid free, or alkaline. To be permanent, however, a paper must conform to additional technical specifications, the most widely recognized of which is designated as the American National Standard and often referred to by the acronym ANSI/NISO. The technical designation is ''American National Standard for Permanence of Paper for Publications and Documents in Libraries and Archives, ANSI/NISO Z39.48–1992.'' As a practical matter, companies deciding to produce alkaline paper can easily take the small further steps required to produce permanent paper meeting the ANSI/NISO standard.

An important feature of Public Law 101–423 was a monitoring device to help ensure that the national policy was actually being carried out, and that device is the requirement that three progress reports be made to the Congress on December 31, 1991, 1993, and 1995, by the Librarian of Congress, the Archivist of the United States, and the Public Printer. Although the 1995 report is the last to be required by law, these three officials have stated their intention to continue to monitor progress in achieving the goals of the legislation on an ad hoc basis. I welcome their decision, a sentiment I am sure is shared by the many members of Congress who have taken an interest in this matter, as well as those in the library, archival, scholarly and historical professions throughout the world. I urge that these progress reports continue to be issued every 2 years through the rest of this century.

PROGRESS IN THE FEDERAL GOVERNMENT

Since Public Law 101–423 focused on the production of Federal records, books and publications of enduring value on acid-free permanent paper, I am very pleased to note that the third report documents a number of very encouraging developments in this regard. Here are some of the most notable:

The National Archives and Records administration has circulated widely bulletin No. 95–7, Procurement of Writing, Copying, and Printing Papers for Federal Records, which provides guidance to Federal agencies in the use of alkaline and permanent papers. Permanent or alkaline papers are recommended for all Federal records; at least alkaline for routine use; and permanent in offices that create and file a high proportion of long-term and permanent records.

There has been a notable increase in the availability of permanent and alkaline paper for Government use. When Public Law was enacted in 1990, the Joint Committee on Printing listed only one grade of permanent paper. In 1995 it had four; plus 16 grades of alkaline paper.

The General Services Administration provides papers for purchase by Federal agencies that match the standards set by the Joint Committee on Printing.

The executive branch has ruled that the requirements of Executive Order 12873 mandating the use of recycled paper by Federal agencies are not to conflict in any way with the concurrent requirement for permanent paper use.

The National Endowment for the Humanities and the National Historical Records Commission mandate the use of permanent and alkaline papers in projects they fund.

The National Library of Medicine has carried on a remarkably successful, and little recognized, campaign to ensure that the world's biomedical journals are printed on alkaline or permanent paper. This effort was started in 1988. Then only 4 percent of the 3,000 journals throughout the world that were indexed in the Library's Index Medicus were being printed on alkaline paper. Due in large part to the Library's campaign, this figure had risen by April 1995 to 91 percent.

PROGRESS IN THE PRIVATE SECTOR

The ultimate success of the permanent paper campaign depends on inducing changes in the nongovernmental sector. Governments—Federal, State, and local—primarily produce documents, many of which, of course, need to be preserved. But publications, the carriers of our literature, culture, history and science, are overwhelmingly produced by private publishers, profit and nonprofit. These publishers had to be persuaded to use permanent paper and the paper mills had to be persuaded to produce it. Publishers would not use permanent paper, even if they thought they should, because it was not easily available at competitive prices. Paper manufacturing companies saw no reason to shift to an alkaline process lacking a strong demand from publishers.

It was here that the development of standards for permanent paper played

an important role. These were developed primarily in the private sector by a collaborative effort of profit and nonprofit organizations, but with participation also of Government agencies. Such standards enable publishers to state their permanent paper requirements without having to develop, by themselves, the specifications included in their paper purchasing contracts. We have already taken note of the 1992 American National Standard ANSI/NISO, which was first developed by the library and publishing committee of the American National Standards Institute in 1984 and subsequently revised and expanded in 1992. Standards had also been developed by the American Society for Testing and Materials and the Council on Library Resources. Since publishing, paper manufacturing, and libraries are not confined to national boundaries, it was appropriate that an international standard for permanent paper compatible with the American standard should be published in 1994.

In the spring of 1988, the New York Public Library began a campaign, jointly with well-known authors, to get book publishers to use alkaline or permanent paper. Public pledges to this effect were secured from prominent publishing houses. The industry trade group, the Association of American Publishers, gave its endorsement to the campaign. University presses—publishers of scholarly, scientific, and historical works, had earlier recognized the problem of paper deterioration and had begun to use alkaline paper for their relatively small editions. They have not only been the most faithful in doing so, but also in noting this fact in the books themselves and in the bibliographic information provided to the Library of Congress under the Cataloging in Publication program.

But the most gratifying development in the private sector in the past several years has been the great increase in the production of permanent papers in the United States and Canada. A 1988 report of the Congressional Office of Technology Assessment had estimated that only 15 to 25 percent of the books produced in the United States were on acid-free paper and predicted that this percentage was unlikely to change. It now appears that this prediction has proven to be unduly cautious.

Two indications of this production increase may be noted. The first is the fact that 99.9 percent of book papers procured through bulk purchase by the Government Printing Office in 1995 were alkaline. The second is the information provided in North American Permanent Papers 1995, published as a public service by Abbey Publications of Austin, Texas. This catalog of papers produced by 34 United States and Canadian companies lists by brand name 423 different papers that are reported to meet the specifications of the 1994 ANSI/NISO permanent paper standard.

The great increase in permanent paper production has come about primarily through the conversion of existing paper mills from acid to alkaline processes, a shift encouraged by regulations issued under the Clean Water Act, requiring the reduction of pollution of streams by the effluent of paper mills. Conversion to an alkaline process reduces this pollution, but also results in the production of paper at the same or lesser cost. The happy result was that environmental preservation helped to promote the availability of acid-free paper.

PROGRESS IN THE STATES

Connecticut led the way to conversion to permanent paper at the State level. As a result of a campaign led by the State Librarian, the first statute was enacted in 1988. Subsequently additional legislation extended the use long-lived paper to most State and local documents. In later years many other States took action, either by legislation or administrative rulings, to require alkaline or permanent paper use to some degree. But few went as far as Connecticut. The progress of State legislation was stimulated by three letters to State Governors from the U.S. National Commission on Libraries and Information Services calling attention to developments under the Federal law and requesting information on State activity. The last such survey, jointly with the Library of Congress, was conducted in July 1995. In the third report the following 21 States were listed as having taken some kind of action: Arizona, Colorado, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Montana, Nebraska, New Mexico, North Carolina, Rhode Island, South Dakota, Tennessee, Virginia, Washington, West Virginia, and Wisconsin. Utah has now been added to that list.

INTERNATIONAL

The international library community had long been aware of the problem of brittle books. The subject was discussed as early as the 1920's at a conference in Europe. It was not until 1989, however, that the first resolution urging action was adopted by the International Federation of Library Associations and Institutions [IFLA]. A similar resolution was adopted that same year by the International Association of Publishers. Note has already been taken of the impact of the program of the U.S. National Library of Medicine on biomedical journals throughout the world.

Nevertheless, until recently European publishers and governments lagged behind this country. A 1993 survey of 142 publishers in 17 European countries reported that: 31 did not know that most currently used book paper becomes brittle after 50 years; and 90 were unaware of the ANSI/NISO permanent paper standards. Governments, with some notable exceptions, have been slow to require the use permanent paper by legislation or administrative regulations, even with respect to their own publications and documents. The same has been true of the agencies of the United Nations. But in the last couple of years the pace has picked up. A number of European organizations, both official and private, are now actively promoting permanent paper. European paper manufactures contributed to a 1994 catalog listing about 100 different permanent papers being sold by 26 paper mills or their agents—papers meeting the specifications of the 1992 American National Standard.

SUMMARY

It is now 9 years since I first raised the question with Librarian of Congress Billington as to whether something could not be done to bring to an end the indefinite production of brittle books. Enormous progress been made—at least in the United States, in Canada, in much of Europe, and in Japan—in the production of books, other publications, and documents on paper which should endure for several centuries, instead of self-destructing in less than 100 years. Many individuals and organizations, public and private, have contributed to this result—some known to me and others not. I note once again the efforts of Robert Frase in this connection. We owe them all a debt of gratitude. I celebrate the fact that the Congress and Federal agencies have made major contributions to this progress in a variety of ways, not the least of which has been through the passage and the implementation of Public Law 101–423 to establish a National Policy on Permanent Papers.

EXTRADITION OF MARTIN PANG FROM BRAZIL TO THE UNITED STATES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 132, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 132) relating to the extradition of Martin Pang from Brazil to the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, on January 5, 1995, four firefighters were killed in a blaze in Seattle's International District. After intensive investigations by the Seattle police and fire departments, the King County Prosecutor's Office, the U.S. Attorney General's Office, and the Bureau of Alcohol, Tobacco and Firearms, Martin S. Pang was charged with deliberately setting his parents' seafood warehouse on fire to collect insurance money. In January of 1995, Mr. Pang fled to Brazil where he stayed until March 1, 1996. He was extradited on the condition that murder charges not be brought against him.

The focus of this resolution is on that extradition, and why those conditions should be waived by the Brazilian Government to see that justice is fully served. You see, Mr. President, under the extradition treaty we have with Brazil, criminal suspects may only be extradited to face charges for crimes that exist in both countries. In Brazil, murder as a result of arson is not a crime. It is in the United States.

Martin Pang's pretrial hearing is scheduled for October 8, 1996. Under the conditions of our extradition treaty, the Brazilian Supreme Court ruled that Pang could be returned to the States to face arson charges only. Murder, a crime of which he has been accused and which he should stand trial for, is not an option. There is recourse, however. The United States Government believes that under our extradition treaty, the executive branch of Brazil has the authority to consent to the prosecution of Martin Pang on felony murder charges, despite the Brazilian Supreme Court's ruling. By doing so in this case, Brazil would give its consent for the United States to try Pang on all of the charges which have been brought against him.

This resolution sends a strong message to the Brazilian Government. Four firefighters died doing their job honorably. It is no less our responsibility to see that the accused be tried for the full scope of his crime.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be deemed agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 132) was agreed to.

RAILROAD UNEMPLOYMENT INSURANCE AMENDMENTS ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2594, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2594) to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2594) was deemed read a third time, and passed.

MEDICARE AND MEDICAID COVERAGE DATA BANK

Mr. GRASSLEY. I ask unanimous consent that the Finance Committee be discharged of H.R. 2685, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2685) to repeal the Medicare and Medicaid Coverage Data Bank.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2685) was deemed read for a third time and passed.

SOCIAL SECURITY ACT AMENDMENT

Mr. GRASSLEY. I ask unanimous consent the Finance Committee be discharged of H.R. 2366, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2366) to repeal an unnecessary medical device reporting requirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2366) was deemed read for a third time and passed.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 AMENDMENT

Mr. GRASSLEY. I ask unanimous consent the Finance Committee be discharged of H.R. 3056, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3056) to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health ensuring organizations under the Medicaid Program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements pertaining to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3056) was deemed read for a third time and passed.

NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ESTABLISHMENT ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 550, and that happens to be S. 1311.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1311) to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5403

(Purpose: To make minor and technical changes in the bill as reported)

Mr. GRASSLEY. Senator PRESSLER has an amendment at the desk that would make technical corrections. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. PRESSLER, proposes an amendment numbered 5403.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 8, strike ''nonprofit'' and insert ''not for profit''.

On page 2, line 10, after the period insert the following: ''The Foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and shall be presumed, for purposes of such Code, to be such an organization until the Secretary of the Treasury determines that the Foundation does not meet the requirements applicable to such an organization. Section 508(a) of such Code does not apply to the Foundation.''.

On page 5, line 8, after the period, insert the following: ''The three members appointed by the Secretary shall include the representative of the United States Olympic Committee.''.

On page 5, line 21, after the period insert the following: ''The Chairman of the President's Council on Physical Fitness shall

serve as Chairperson until a Chairperson is elected by the Board.''.

On page 12, line 4, strike ''contributions,'' and insert ''contributions,''.

Mr. PRESSLER. Mr. President, I am pleased to bring to the Senate S. 1311, the National Physical Fitness and Sports Foundation Establishment Act. S. 1311, would create a charitable, not-for-profit foundation to actively raise private funds to support the activities of the President's Council on Physical Fitness, President's Council.

In the past, the President's Council has relied on Federal appropriations to support its activities. Future appropriations for the President's Council are unlikely as we strive to balance the Federal budget.

The Foundation created by this bill would raise private funds to sustain the President's Council on Physical Fitness. To facilitate fund-raising, the Foundation is permitted to offer the use of the seal of the President's Council for promotional purposes in exchange for sponsorship funds. The bill does not authorize the expenditure of Federal funds.

The goals of the President's Council are identified in Executive Order 12345. The primary goal is to foster programs that encourage people of all ages to participate regularly in sports and physical activities. Perhaps the Council's most well known activity is the President's Challenge Physical Fitness Awards Program which is administered by teachers and youth programs in every State. We should act to preserve the President's Council. Its activities are particularly important because our Nation's children are becoming increasingly less physically fit even as we learn that physical fitness in one's youth is important to living a healthy life during adulthood.

Senators CAMPBELL and BRADLEY introduced this bill in October 1995. The Committee on Commerce, Science, and Transportation unanimously ordered the bill reported on June 6, 1996. I have an amendment that makes certain technical modifications to the bill. I urge my colleagues to support this worthy legislation.

Mr. GRASSLEY. I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5403) was agreed to.

The bill (S. 1311), as amended, was deemed read for a third time and passed as follows:

S. 1311

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 ''National Physical Fitness and Sports Foundation Establishment Act''.

SEC. 2. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Physical Fitness and Sports Foundation (hereinafter in this Act referred to as the ''Foundation''). The Foundation shall be a charitable and not for profit corporation and shall not be an agency or establishment of the United States. The Foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and shall be presumed, for purposes of such Code, to be such an organization until the Secretary of the Treasury determines that the Foundation does not meet the requirements applicable to such an organization. Section 508(a) of such Code does not apply to the Foundation.

(b) PURPOSES.—It is the purpose of the Foundation to—

(1) in conjunction with the President's Council on Physical Fitness and Sports, develop a list and description of programs, events and other activities which would further the goals outlined in Executive Order 12345 and with respect to which combined private and governmental efforts would be beneficial; and

(2) encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities.

(c) DISPOSITION OF MONEY AND PROPERTY.—At least annually the Foundation shall transfer, after the deduction of the administrative expenses of the Foundation, the balance of any contributions received for the activities referred to in subsection (b), to the Public Health Service Gift Fund pursuant to section 231 of the Public Health Service Act (42 U.S.C. 238) for expenditure pursuant to the provisions of that section and consistent with the purposes for which the funds were donated.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the ''Board''), which shall consist of nine Directors, to be appointed not later than 90 days after the date of enactment of this Act, each of whom shall be a United States citizen and—

(A) three of whom must be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports or the relationship between health status and physical exercise; and

(B) six of whom must be leaders in the private sector with a strong interest in physical fitness, sports or the relationship between health status and physical exercise (one of which shall be a representative of the United States Olympic Committee).

The membership of the Board, to the extent practicable, shall represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports and similar activities.

(2) EX OFFICIO MEMBERS.—The Assistant Secretary for Health, the Executive Director of the President's Council on Physical Fitness and Sports, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute and the Director for the Centers for Disease Control and Prevention shall serve as ex officio, nonvoting members of the Board.

(3) NOT FEDERAL EMPLOYMENT.—Appointment to the Board or serving as a member of the staff of the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal employment or other law.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Of the members of the Board appointed under subsection (a)(1), three shall be appointed by the Secretary of Health and Human Services (hereinafter referred to in this Act as the ''Secretary''), two shall be appointed by the Majority Leader of the Senate, one shall be appointed by the Minority Leader of the Senate, two shall be appointed by the Speaker of the House of representatives, and one shall be appointed by the Minority Leader of the House of Representatives. The three members appointed by the Secretary shall include the representative of the United States Olympic Committee.

(2) TERMS.—Members appointed to the Board under subsection (a)(1) shall serve for a term of 6 years. A vacancy on the Board shall be filled within 60 days of the date on which such vacancy occurred in the manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the balance of the term of the individual who was replaced. No individual may serve more than two consecutive terms as a Director.

(c) CHAIRPERSON.—A Chairperson shall be elected by the Board from among its members and serve for a 2-year term. The Chairperson shall not be limited in terms or service. The Chairman of the President's Council on Physical Fitness shall serve as Chairperson until a Chairperson is elected by the Board.

(d) QUORUM.—A majority of the sitting members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairperson, but in no event less than once each year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and the vacancy filled in accordance with subsection (b)(2).

(f) REIMBURSEMENT OF EXPENSES.—The members of the Board shall serve without pay. The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(g) GENERAL POWERS.—

(1) ORGANIZATION.—The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this Act; and

(C) undertaking such other acts as may be necessary to carry out the provisions of this Act.

In establishing bylaws under this paragraph, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

(2) LIMITATIONS ON OFFICERS AND EMPLOYEES.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to compensate such individuals for their service. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service.

(B) The first officer or employee appointed by the Board shall be the secretary of the Board who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to physical fitness and sports.

(C) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as an officer or member of the Board of Directors or as an employee of the Foundation.

(D) Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with the policies developed under paragraph (1)(B)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall locate its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out the purposes under section 2, the Foundation shall have the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) except as otherwise provided herein, to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except for gross negligence;

(5) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(6) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For purposes of this Act, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

SEC. 5. PROTECTION AND USES OF TRADEMARKS AND TRADE NAMES.

(a) PROTECTION.—Without the consent of the Foundation, in conjunction with the President's Council on Physical Fitness and Sports, any person who uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance or competition—

(1) the official seal of the President's Council on Physical Fitness and Sports consisting of the eagle holding an olive branch and arrows with shield breast encircled by name ''President's Council on Physical Fitness and Sports'';

(2) the official seal of the Foundation;

(3) any trademark, trade name, sign, symbol or insignia falsely representing association with or authorization by the President's Council on Physical Fitness and Sports or the Foundation;

shall be subject in a civil action by the Foundation for the remedies provided for in the Act of July 9, 1946 (60 Stat. 427; commonly known as the Trademark Act of 1946).

(b) USES.—The Foundation, in conjunction with the President's Council on Physical Fitness and Sports, may authorize contributors and suppliers of goods or services to use the trade name of the President's Council on Physical Fitness and Sports and the Foundation, as well as any trademark, seal, symbol, insignia, or emblem of the President's Council on Physical Fitness and Sports or the Foundation, in advertising that the contributions, goods or services when donated, supplied, or furnished to or for the use of, approved, selected, or used by the President's Council on Physical Fitness and Sports or the Foundation.

SEC. 6. VOLUNTEER STATUS.

The Foundation may accept, without regard to the civil service classification laws, rules, or regulations, the services of volunteers in the performance of the functions authorized herein, in the same manner as provided for under section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)).

SEC. 7. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of Public Law 88–504 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Secretary and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with the purposes described in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threaten to do so;

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, en bloc: Calendar Nos. 747 through 755, and all nominations placed on the Secretary's desk in the Air Force, the Army, the Marine Corps, and the Navy. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that 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:

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general in the U.S. Air Force while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Joseph J. Redden, 000–00–0000.

The following-named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10 United States Code, sections 8374, 12201, and 12212:

To be brigadier general

Col. William J. Broadley, 000–00–0000, Air National Guard of the United States.
Col. Walter R. Ernst II, 000–00–0000, Air National Guard of the United States.
Col. Dennis A. Higdon, 000–00–0000, Air National Guard of the United States.
Col. Enrique J. Lanz, 000–00–0000, Air National Guard of the United States.
Col. Thomas P. Lauppe, 000–00–0000, Air National Guard of the United States.
Col. James A. McDevitt, 000–00–0000, Air National Guard of the United States.
Col. Joseph I. Mensching, 000–00–0000, Air National Guard of the United States.
Col. Fisk Outwater, 000–00–0000, Air National Guard of the United States.
Col. Lawrence L. Paulson, 000–00–0000, Air National Guard of the United States.
Col. Maxey J. Phillips, 000–00–0000, Air National Guard of the United States.
Col. Wallace F. Pickard, Jr., 000–00–0000, Air National Guard of the United States.
Col. Richard A. Platt, 000–00–0000, Air National Guard of the United States.
Col. John C. Schnell, 000–00–0000, Air National Guard of the United States.
Col. Allen J. Smith, 000–00–0000, Air National Guard of the United States.
Col. Paul J. Sullivan, 000–00–0000, Air National Guard of the United States.
Col. Michael H. Tice, 000–00–0000, Air National Guard of the United States.

ARMY

The following-named officers for promotion in the Regular Army of the United States to the grade indicated, under title 10, United States Code, sections 611(a) and 624:

To be brigadier general

Col. John P. Abizaid, 000–00–0000, U.S. Army.
Col. Daniel L. Montgomery, 000–00–0000, U.S. Army.

The following U.S. Army National Guard officer for promotion in the Reserve of the

Army to the grade indicated under title 10, United States Code, sections 3385, 3392 and 12203(a):

To be brigadier general

Col. Lloyd E. Krase, 000–00–0000.

The following U.S. Army National Guard officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code, sections 3385, 3392 and 12203(a):

To be brigadier general

Col. Paul J. Glazar, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Douglas D. Buchholz, 000–00–0000, U.S. Army.

The following-named Army Competitive Category officers for promotion in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be brigadier general

Col. Anders B. Aadland, 000–00–0000.
Col. Lawrence R. Adair, 000–00–0000.
Col. Robert E. Armbruster, Jr., 000–00–0000.
Col. Raymond D. Barrett, Jr., 000–00–0000.
Col. Joseph L. Bergantz, 000–00–0000.
Col. William L. Bond, 000–00–0000.
Col. Colby M. Broadwater III, 000–00–0000.
Col. James D. Bryan, 000–00–0000.
Col. Kathryn G. Carlson, 000–00–0000.
Col. John P. Cavanaugh, 000–00–0000.
Col. Richard A. Cody, 000–00–0000.
Col. Billy R. Cooper, 000–00–0000.
Col. John M. Curran, 000–00–0000.
Col. Peter M. Cuviello, 000–00–0000.
Col. Dell L. Dailey, 000–00–0000.
Col. John J. Deyermond, 000–00–0000.
Col. James M. Dubik, 000–00–0000.
Col. John P. Geis, 000–00–0000.
Col. Larry D. Gottardi, 000–00–0000.
Col. James J. Grazioplene, 000–00–0000.
Col. Robert H. Griffin, 000–00–0000.
Col. Richard A. Hack, 000–00–0000.
Col. Wayne M. Hall, 000–00–0000.
Col. William P. Heilman, 000–00–0000.
Col. Russel L. Honore, 000–00–0000.
Col. James T. Jackson, 000–00–0000.
Col. Terry E. Juskowiak, 000–00–0000.
Col. Geoffrey C. Lambert, 000–00–0000.
Col. William J. Leszczynski, 000–00–0000.
Col. Wade H. McManus, Jr., 000–00–0000.
Col. Richard J. Quirk III, 000–00–0000.
Col. William H. Russ, 000–00–0000.
Col. Donald J. Ryder, 000–00–0000.
Col. John K. Schmitt, 000–00–0000.
Col. Walter L. Sharp, 000–00–0000.
Col. Toney Stricklin, 000–00–0000.
Col. Frank J. Toney, Jr., 000–00–0000.
Col. Alfred A. Valenzuela, 000–00–0000.
Col. John R. Vines, 000–00–0000.
Col. Craig B. Whelden, 000–00–0000.
Col. Roy S. Whitcomb, 000–00–0000.
Col. Robert Wilson, 000–00–0000.
Col. Walter Wojdakowski, 000–00–0000.
Col. Joseph L. Yakovac, Jr., 000–00–0000.

The following-named officer for reappointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code section 601(a):

To be lieutenant general

Lt. Gen. Jay M. Garner, 000–00–0000.

The following U.S. Army National Guard officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code sections 3385, 3392 and 12203(a):

to be brigadier general

Col. Frank A. Avallone, 000–00–0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY+

Air Force nomination of Wendell R. Keller, which was received by the Senate and appeared in the Congressional Record of September 19, 1996.

Air Force nominations beginning Sean P. Abell, and ending Timothy T. Wilday, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Air Force nominations beginning Randall R. Ball, and ending David B. Gruber, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Air Force nominations beginning James E. Ball, and ending Phyllis M. Campbell, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Army nominations beginning Ernest R. Adkins, and ending Raymond F. Root, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Army nominations beginning William A. Ayers, Jr., and ending Jeffery Hart, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Marine Corps nomination of Robert T. Bader, which was received by the Senate and appeared in the Congressional Record of September 13, 1996.

Marine Corps nomination of Wayne D. Szymczyk, which was received by the Senate and appeared in the Congressional Record of September 13, 1996.

Navy nominations beginning Brian G. Buck, and ending Eric M. Van Meter, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 1995.

Navy nominations beginning Jeffery L. Bennett, and ending Steven A. Swittel, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 1995.

Navy nominations beginning Rufus S. Abernethy, III, and ending James A. Weselis, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1996.

Navy nominations beginning Glenn F. Abad, and ending Russell L. Wyckoff, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1996.

TRIBUTE TO JAMES McDEVITT

Mr. GORTON. Mr. President, today I want to recognize James A. McDevitt, who has just been promoted to brigadier general in the Washington Air National Guard. I take special pleasure in offering my congratulations because Jim is a friend and former colleague; for 5 years, he worked for me in the State attorney general's office as assistant attorney general. He is also my frequent host when I go to Spokane to run in the wonderful Bloomsday race.

Jim has served this country for three decades. He was trained as a navigator and bombardier, and went on to serve as a weapons systems officer and flight examiner in the late 1960's and early 1970's. His assignments took him to Korea, Thailand, Vietnam, Spain, Germany, and England.

In January 1971, Jim joined the 116th Fighter Interceptor Squadron, Washington Air National Guard, as a radar intercept officer in the F–101. When the unit converted to KC–135 Air Refueling aircraft, he became a navigator and has maintained that qualification since.

At the time of the gulf war, Jim was the squadron commander of the 116th Air Refueling Squadron. When hostilities broke out in August 1990, Jim and a group of Washington flyers volunteered for 30-day active duty tours. As the Nation faced a new crisis in the Middle East, the Guard stepped up. At first, most of their duties involved ferrying material from one air base to another, within the United States. Our victory in the gulf was due in no small part to the magnificent logical prowess of the U.S. Armed Services, and Jim contributed to America's success.

Throughout the months leading to actual combat, Jim continued volunteering for active duty work, making 2-week rotations all through September, October, and November. Jim's active duty call up came on December 20, 1990. Along with 325 brave men and women from the Spokane area, Jim deployed to the gulf region to be absorbed in the active duty Air Force. Half of Jim's squadron went to Cairo, Egypt. The other half, including Jim, flew to Jeddah, Saudi Arabia to join with active duty components. It is important to note here the adaptability of our Guard forces. With superior training and total dedication, the Washington State Air National Guard linked with the regular Air Force to form an active duty squadron—the 1709th Air Refueling Squadron provisional. Jim not surprisingly, was second in command.

With bankers, teachers, lawyers, housewives, contractors, judges, and active duty personnel, this squadron represented 50 airplanes, 80 crews, and 320 crew members for 8 different States. Home based in Jeddah, from the December 31 to January 15, 1991, Jim and his team planned now they were going to wage a war. They planned well.

As he tells it, the morning of January 16, 1991—the start of the war—was the most difficult day in Jim's life. Commanding officers were prohibited from flying in sorties during the first missions. So Jim had to wait and pray that his comrades, men and women he had flown with for 25 years, would come back safely. Of course they all performed brilliantly, as did Jim, and this Nation is better off for their hard work and patriotism.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, SEPTEMBER 26, 1996

Mr. GRASSLEY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until the hour of

9 a.m. on Thursday, September 26; 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, the time for the two leaders be reserved for their use later in the day, and I further ask the Senate immediately begin the veto message to accompany H.R. 1833, the partial-birth abortion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. GRASSLEY. For the information of all Senators, the Senate will vote on the veto message with respect to the partial-birth abortion bill, hopefully by early afternoon on Thursday. The Senate can also be expected to consider any and all of the following items: Immigration conference report, Presidio Park conference report, NIH authorization bill, the pipeline safety bill.

In addition, the Senate can also be expected to begin, if available, the omnibus appropriation bill making continuing appropriations for fiscal year 1997. Therefore, votes can be expected throughout Thursday's session of the Senate, and Senators should be prepared to be in session late each night for the remainder of the session in an effort to adjourn the 104th Congress prior to the new fiscal year, which begins Tuesday, October 1.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:33 p.m, adjourned until Thursday, September 26, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1996:

FEDERAL ELECTION COMMISSION

KELLY D. JOHNSTON, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001, VICE JOAN D. AIKENS, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH J. REDDEN, 000–00–0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 8374, 12201, AND 12212:

To be brigadier general

COL. WILLIAM J. BROADLEY, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WALTER R. ERNST II, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DENNIS A. HIGDON, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ENRIQUE J. LANZ, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. THOMAS P. LAUPPE, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES A. MCDEVITT, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOSEPH I. MENSCHING, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. FISK OUTWATER, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LAWRANCE L. PAULSON, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MAXEY J. PHILLIPS, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WALLACE F. PICKARD, JR., 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RICHARD A. PLATT, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN C. SCHNELL, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLEN J. SMITH, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PAUL J. SULLIVAN, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MICHAEL H. TICE, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. JOHN P. ABIZAID, 000–00–0000, U.S. ARMY.
COL. DANIEL L. MONTGOMERY, 000–00–0000, U.S. ARMY.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be brigadier general

COL. LLOYD E. KRASE, 000–00–0000.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be brigadier general

COL. PAUL J. GLAZAR, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DOUGLAS D. BUCHHOLZ, 000–00–0000, U.S. ARMY.

THE FOLLOWING-NAMED ARMY COMPETITIVE CATEGORY OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. ANDERS B. AADLAND, 000–00–0000.
COL. LAWRENCE R. ADAIR, 000–00–0000.
COL. ROBERT E. ARMBRUSTER, JR., 000–00–0000.
COL. RAYMOND D. BARRETT, JR., 000–00–0000.
COL. JOSEPH L. BERGANTZ, 000–00–0000.
COL. WILLIAM L. BOND, 000–00–0000.
COL. COLBY M. BROADWATER III, 000–00–0000.
COL. JAMES D. BRYAN, 000–00–0000.
COL. KATHRYN G. CARLSON, 000–00–0000.
COL. JOHN P. CAVANAUGH, 000–00–0000.
COL. RICHARD A. CODY, 000–00–0000.
COL. BILLY R. COOPER, 000–00–0000.
COL. JOHN M. CURRAN, 000–00–0000.
COL. PETER M. CUVIELLO, 000–00–0000.
COL. DELL L. DAILEY, 000–00–0000.
COL. JOHN J. DEYERMOND, 000–00–0000.
COL. JAMES M. DUBIK, 000–00–0000.
COL. JOHN P. GEIS, 000–00–0000.
COL. LARRY D. GOTTARDI, 000–00–0000.
COL. JAMES J. GRAZIOPLENE, 000–00–0000.
COL. ROBERT H. GRIFFIN, 000–00–0000.
COL. RICHARD A. HACK, 000–00–0000.
COL. WAYNE M. HALL, 000–00–0000.
COL. WILLIAM P. HEILMAN, 000–00–0000.
COL. RUSSELL L. HONORE, 000–00–0000.
COL. JAMES T. JACKSON, 000–00–0000.
COL. TERRY E. JUSTKOWIAK, 000–00–0000.
COL. GEOFFREY C. LAMBERT, 000–00–0000.
COL. WILLIAM J. LESZCZYNSKI, 000–00–0000.
COL. WADE H. MCMANUS, JR., 000–00–0000.
COL. RICAHRD J. QUIRK III, 000–00–0000.
COL. WILLIAM H. RUSS, 000–00–0000.
COL. DONALD J. RYDER, 000–00–0000.
COL. JOHN K. SCHMITT, 000–00–0000.
COL. WALTER L. SHARP, 000–00–0000.
COL. TONEY STRICKLIN, 000–00–0000.
COL. FRANK J. TONEY, JR., 000–00–0000.
COL. ALFRED A. VALENZUELA, 000–00–0000.
COL. JOHN R. VINES, 000–00–0000.
COL. CRAIG B. WHELDEN, 000–00–0000.
COL. ROY S. WHITCOMB, 000–00–0000.
COL. ROBERT WILSON, 000–00–0000.
COL. WALTER WOJDAKOWSKI, 000–00–0000.
COL. JOSEPH L. YAKOVAC, JR., 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JAY M. GARNER, 000–00–0000.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be brigadier general

COL. FRANK A. AVALLONE, 000–00–0000.

IN THE AIR FORCE

AIR FORCE NOMINATION OF WENDELL R. KELLER WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 19, 1996.

AIR FORCE NOMINATIONS BEGINNING SEAN P. ABELL, AND ENDING TIMOTHY T. WILDAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

AIR FORCE NOMINATIONS BEGINNING RANDALL R. BALL, AND ENDING DAVID B. GRUBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

AIR FORCE NOMINATIONS BEGINNING JAMES E. BALL, AND ENDING PHYLLIS M. CAMPBELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ERNEST R. ADKINS, AND ENDING RAYMOND F. ROOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

ARMY NOMINATIONS BEGINNING WILLIAM A. AYERS, JR., AND ENDING JEFFREY HART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ROBERT T. BADER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 13, 1996.

MARINE CORPS NOMINATION OF WAYNE D. SZYMCZYK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 13, 1996.

IN THE NAVY

NAVY NOMINATIONS BEGINNING BRIAN G. BUCK, AND ENDING ERIC M. VAN METER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 7, 1995.

NAVY NOMINATIONS BEGINNING JEFFRY L. BENNETT, AND ENDING STEVEN A. SWITTEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 1995.

NAVY NOMINATIONS BEGINNING RUFUS S. ABERNETHY III, AND ENDING JAMES A. WESELIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 1996.

NAVY NOMINATIONS BEGINNING GLENN F. ABAD, AND ENDING RUSSELL L. WYCKOFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1996.