SENATE—*Tuesday, June 29, 1993*

(Legislative day of Tuesday, June 22, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For my people have committed two evils; they have forsaken me the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water.—Jeremiah 2:13.

Almighty God, the prophet Jeremiah reminds us that we are incurably religious. If we will not worship the true God, we seek a substitute, such as pleasure or power or wealth or no-God. And we become like the god we worship. "Hollow gods make hollow souls."

As we observe cultural decline in our Nation, grant us insight as to its cause. Our Founding Fathers believed in separation of church and state on religious grounds. Because of their deep religious conviction from which sprang their political ideology, they opposed a "state church"—an "official" religion. We have reduced freedom of religion to freedom from religion, and equated separation of church and state with outlawing religion in public life. We have insisted on value-free education and have inherited a value-free society.

In 1968, in their book, "Lessons of History," Will and Ariel Durant wrote: "We frolic in our emancipation from theology, but have we developed a natural ethic, a moral code, independent of religion, strong enough to keep our instincts of acquisition, pugnacity and sex from debasing our civilization into a mire of greed, crime and promiscuity?"

Ruler of the nations, help us see that it was religious conviction which fueled the ideas of our Founding Fathers. And it is religious conviction which fuels moral consensus. Restore in us the faith of our fathers.

In His name who was Righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 29, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Maine.

THE JOURNAL—RESERVATION OF LEADER TIME

Mr. MITCHELL. Madam President, Members of the Senate, the Journal of proceedings has been approved to date and the time for the two leaders reserved for their use later in the day.

SCHEDULE

Mr. MITCHELL. There will now be a period for morning business until 11 this morning. During that period of morning business Senators will be free to speak, with certain Senators recognized for time specified under a prior order.

At 11, it is my intention to proceed to several nominations on which we have been unable to gain consent for approval to date. That means we will just have to proceed. It is my hope that our Republican colleagues will agree to give us limitations of time on debate so we can take up and vote on these nominations during the day today.

I will, then, have an announcement later today with respect to the legislative schedule following consideration and disposition of the several nominees. Among those nominations to which I intend to turn during the day today, if possible, are those listed on the Executive Calendar, No. 228, Ashton B. Carter to be an Assistant Secretary of Defense; No. 229, George T. Frampton, Jr., to be Assistant Secretary for Fish and Wildlife; and No. 235, Philip R. Lee, to be an Assistant Secretary of Health and Human Services.

Madam President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 o'clock, with Senators permitted to speak therein for not to exceed 5 minutes each.

The first hour shall be under the control of the Senator from West Virginia.

The Senator from West Virginia is recognized.

LINE-ITEM VETO—VIII

Mr. BYRD. Madam President, I thank the Chair.

Madam President, this is the eighth in my series of speeches on the line-item veto. Last week, I spoke of the devastation wreaked by Hannibal's Army upon Italy during the Second Punic War. For 16 years, Hannibal maintained the war in Italy without once releasing his army from service in the field. But he kept control of his thousands of men without any sign of disaffection toward himself or toward each other, even though he had troops in his Army of many nationalities.

He had Libyans, Iberians, Gauls, Carthaginians, Ligurians, Bruttians, Greeks, and Numidians, who had nothing in common with each other, neither laws nor customs, nor language. And yet the skill of this commander was such that in spite of these differences, so manifold and so wide, there was never one word of disobedience to his command or to his single iron will.

Unlike Caesar, Alexander, and Pyrrhus, Hannibal was never the subject of an assassination plot or even a hint of conspiracy on the part of his troops. Also unlike Alexander, Hannibal was virtually forsaken by his native country of Carthage, receiving no reinforcements, or very few at best, and no money from his homeland. Yet, Hannibal's polyglot army had to be paid, and so he plundered the countryside and the ancient shrines, where offerings of gold and silver dating from immemorial times were used to pay his mercenaries.

The losses of the Romans, as we have witnessed, had been frightful. Many of Rome's elite had been wiped out, and much of the wealth of Italy—its livestock, its crops, its cultivated land, its houses and equipment—was destroyed over vast areas, especially in southern Italy. Yet, the unyielding determination of the Senate and the iron discipline of the Roman people persevered.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Any city that cooperated with Hannibal could expect no mercy but only the most severe punishment for its infidelity to Rome.

I will cite one example. Capua, in Campania, was the largest city in Italy except Rome, and it was the richest city on the peninsula, second only to Rome itself.

In 216 B.C., following Hannibal's devastating defeat of the Romans at Cannae, Capua revolted against Rome and went over to Hannibal's side. But Hannibal had no spare troops with which to garrison cities that yielded to him, and this revealed a severe weakness in Hannibal's overall situation. His was an army of conquest, not an army of occupation.

The Romans besieged the city and, in 211 B.C., after 5 years of infidelity toward Rome, Capua was doomed to fall, and its inhabitants recognized their fate.

Vibibus Virrius, a Capuan, who had been one of the main instigators of collusion with Hannibal, said to the governing body of Capua that he would never be chained and dragged through the streets of Rome, only to be bound to a stake, to be scourged and beheaded. He said all those who wished to yield to fate and avoid witnessing the destruction of the city should attend a banquet which he had prepared at his house.

After they had eaten and drunk to their satisfaction, the same cup would be passed to them that had been given to him. A toast containing poison would spare their bodies of torture, their minds of insult, their eyes the sight and their ears the sound of the wretched indignities that were sure to befall the conquered. There would be persons, he said, prepared to place their lifeless bodies on a huge funeral pyre in the courtyard of his house. This, he said, was the honorable way to death.

Livy, the Roman historian, tells us that 27 Senators accompanied Vibibus to his house and dined with him. So far as they were able, they drowned all thought of impending doom in wine, and then drank the poison.

With the banquet finished, they grasped each other's hands and, with one final embrace, breathed their last before the gates of the city were opened to the Romans.

Vibibus was right in his estimation of the Roman desire for vengeance. Seventy collaborators who had been compromised in the decision to revolt against Rome were executed, along with other leaders. Three hundred nobles were condemned to chains.

After the executions had ended by the decree of the Roman Senate, one of the Capuans, Jubellius Taurea—spelled with a J—I am advised that in that language and in those ancient times, there was no letter with a J sound in the alphabet. So while it is spelled J-u-b-e-l-l-i-u-s, it was pronounced as a Y. Jubellius Taurea approached the Roman consul, Fulvius, and cried out to him:

> Since thou art so thirsty for our blood, why not strike me thyself that thou mayest boast of having killed a braver man than thou?

Fulvius answered:

> I should like well to do it but a decree of the Senate forbids.

Jubellius rejoined, "Well, then, I will show thee something that thou wouldst not have the courage to do," whereupon, he killed his wife, his children, and then himself. The people were sold into slavery, and Capua and its territory became part of the Roman domain.

Madam President, we have followed the expansion of Roman territory between 264 B.C. and 133 B.C., and noted that it left Rome in control of the Mediterranean. Rome organized new provinces in Africa, in Asia, in Hither Spain and Farther Spain; she extended her dominion over Macedonia and Greece, and restored her control over Cisalpine Gaul, which had been disturbed during the Hannibalic invasion. She also extended her dominion over Sicily, Sardinia, Corsica, the Balearic Islands and other islands in the western Mediterranean Sea. The growth in Roman territory had been phenomenal.

Also during this period, the Senate had increased its power and influence. Several facts account for the growth in the Senate's power. First of all, during the Punic War, the Senate had taken over the control of the government entirely. It took over the war and emerged from the second Punic War more powerful than ever.

Second, unlike the consuls, who at the end of their 1-year term were subject to having to answer to the Roman people for any mistakes they had made during their term of office, the Senate was a permanent organ of government.

The source of the Senate's power was its auctoritas, a concept which carried both religious and constitutional connotations. In practice, the term meant the prestige and esteem that the Senate possessed, based on custom and precedent and the outstanding qualities of the Members. Only to the Senate belonged the dignity of an antique tradition, unbroken from the earliest beginnings of the Roman State. The Roman Senate had existed from the time of the kings, having been created by the legendary first king, Romulus. It had survived the monarchy and had now continued through almost 400 years of the Republic.

Constitutionally, auctoritas was the power to ratify the laws of the popular assembly, approve the elections of magistrates, issue senatus consulta advising those magistrates, and control the public finances.

We have noted, time and time again, that before a bill or resolution could become law, it had to be approved by the Roman Senate. Therefore, there existed a check and balance between the popular assembly and the Senate. As in our own legislative process, a bill, before it can become law, must pass both Houses and be exactly similar in every jot and tittle—every period, semicolon, colon, parenthesis, and number.

Now, underlying the system requiring legislation to be approved by both bodies during the Roman Republic, was the religious idea that a bill or resolution, to become law, had to be pleasing to the gods.

The Roman Senate had complete control of the finances. No moneys could be earmarked for war, no moneys could be earmarked for public works except by the Senate. A soldier could not receive his pay nor a victorious general his triumph unless money for the purpose had been provided by the Senate. The Senate's control over the finances and over military and foreign policy, even over the courts, remained unchallenged until the time of Tiberius Gracchus in 133 B.C.

The Roman Senate often reduced the consuls and other magistrates to obedient executors of the Senate's will.

Even the tribunes, formerly the champions and protectors of the people, had become the willing tools and accomplices of the Senate. Not even the powerful censors, except for the irascible and aggressive Cato, ventured to challenge its authority.

The handicaps that a new man, novus homo, had to overcome to gain one of the higher offices or a seat in the Senate were numerous and difficult. Only a rich man could stand the expenses of an election campaign and hold an office for which he was paid no salary. His chances of election were slim if he was opposed by a member of an old and illustrious family supported by numerous clients, powerful friends, and influential connections. Only men with exceptional ability and personality, like Cato, Marius, or Cicero, could burst the bars of exclusion. Such was the closed caste that ruled the Senate.

Cicero was convinced that the preservation of republican government depended upon maintaining the supremacy of the Senate. We will see more of Cicero in future days. His concept of the ideal state was one that was governed according to law. To the magistrates would be allotted executive power; to the Senate, authority; and to the people, liberty.

Madam President, as we turn now to the final century of the Republic, let us remember that the old Roman virtues—so much like the family values and other virtues in American life that we have known since the beginning, and prior thereto, of our own Republic—had guided the Roman people through 600 years of wars and trials and triumphs, from the time when Rome was but a struggling, fledgling

city on the Tiber to her present position as a world power. The Roman virtues of honesty, frugality, adaptability to changing circumstances, abhorrence of bribery and corruption, respect for law, and the admirable balance of their government—I emphasize this—the admirable balance of their government between the powers of the consuls, the Senate, and the popular Assembly, still drew the admiration of Polybius as late as about 150 B.C.

During this period, beginning with the expansion of Roman territory, and more particularly during the second century B.C., economic and social life throughout the peninsula underwent profound changes. Despite Rome's immense conquest of land, all too many people in Rome and throughout Italy suffered from poverty, want, privation, and famine.

Large plantation-type farms, cultivated by slave labor, began to replace the small family farms. Only the wealthy had the capital to introduce new kinds of crops and new breeds of livestock. The spread of the latifundia, huge land estates—caused numbers of peasants to lose their homesteads and drove increasing numbers of small farmers from the countryside to unemployment in the towns. There was a pressing need to re-establish a small peasantry on the land and to rid the cities of idle hands.

As we view these kaleidoscopic changes and events, we see emerging two opposing political factions—the Optimates and the Populares. The Optimates included the bulk of the senatorial politicians, who were devoted to the perpetuation of oligarchy. They were bitterly opposed to any change in the existing situation that adversely affected their prestige, their political influence, or their economic interests. Their advantages lay in their wealth and inherited reputations, their numerous and large clientele at home and abroad, and their control of the Senate—and, by their control of the Senate, their control of the administration of government.

The Populares, unlike the Optimates, represented the discontented elements, who demanded varying sorts of reform. The Populares did not lead as homogeneous a group as did the Optimates, but, rather, they represented many different interests and classes, which were not as likely to form a united front in the many crises that were to come during what was to be an extended conflict. Most of the leadership of the Populares was drawn from a minority faction in the Senate.

There suddenly burst upon the stage of human history, Tiberius Sempronius Gracchus, the public spirited son of one of Rome's most eminent aristocrats, who was married to Cornelia, the daughter of Scipio Africanus Major.

Many of us have heard the story of Cornelia, who married Tiberius Gracchus, the father of the Tiberius Sempronius Gracchus of whom we now speak. Cornelia was the mother of 12 children. She lost all of her children, except three—two sons and one daughter. The daughter was named Sempronia, and the sons were named Tiberius and Gaius. One day, a neighbor came by to visit Cornelia, and the neighbor displayed her jewelry and haughtily turned to Cornelia, this great Roman nation mother of the Gracchi, and said, "Do you have any jewelry?" Cornelia turned to her two remaining sons, Tiberius and Gaius, and proudly said, "These are my jewels."

Tiberius Sempronius Gracchus was elected tribune for the year 133 B.C., and he saw in the movement of small farmers to the cities a menace to the Roman State. So he introduced a law to deal with the problem of overpopulation in Rome and to re-establish the Italian peasantry on the land.

His bill provided that the soldiers and the peasants were to be settled on the large land estates that had been captured by the Republic in its many wars in Italy and leased to wealthy ranchers. Of course, his legislation ran into opposition. He sought to placate the rich landowners. In spite of his efforts, the legislation was vetoed by another tribune—Marcus Octavius.

Tiberius resorted to an unprecedented procedure. He introduced a motion to depose Marcus Octavius from his office of tribune. It was an illegal procedure, but it carried. Octavius was deposed. The land legislation then became law.

Tiberius and his brother Gaius and his father-in-law, Appius Claudius Pulcher, were elected as the three members of the land commission to enforce the land law. The Senate sought to hamper the land commission by refusing to appropriate the moneys for its expenses.

Tiberius then proposed that the money be provided from the Treasury of King Attalus III, about whom we spoke last week, and who had just died after bequeathing his kingdom of Pergamum to Rome. This was an unheard of thing. The Senate, from time immemorial, had had complete control over the treasury and foreign policy. But here, Tiberius was proposing that the money come from a foreign treasury. This was nothing less than a revolutionary challenge, in a constitutional sense, to the Senate's traditional control over the finances and over foreign policy. At the same time, Tiberius announced his intention to run for reelection to the office of tribune, which was very unusual, and contrary to established practice.

Senatorial extremists were determined to prevent his re-election. They organized their clients and slaves, who attacked Tiberius and his followers during a public meeting in the Forum. Tiberius and 300 of his adherents were massacred and their bodies thrown into the Tiber.

Nine years later, Gaius Gracchus, younger brother of Tiberius, was elected tribune. He supported the agrarian policy of his dead brother Tiberius, but his aims were even more far reaching than the policies of Tiberius and made Gaius even more popular than Tiberius, so much more in fact that, in spite of custom and practice, he was re-elected to the office of tribune for the year 123 B.C.

The changes he brought about favored the business class, as well as the proletariat, and were clearly designed to weaken the Senate.

He instigated an action by a fellow tribune, Acilius, to reorganize the court of claims and to provide that no magistrates in office; no Senator; and no father, brother, or son of a Senator serve on the panel from which the 50 judges hearing each case were selected. Gaius thus brought about the transfer of control over the tribunal from the senatorial order and placed it in the hands of the businessmen, who were thereafter referred to, collectively, as the equestrian order.

Gaius then sought to deal with the problem of impoverished citizens by passing a grain law. The grain law provided that the government should sell a fixed quantity of grain each month to the residents of Rome at a price considerably less than the market rate, thus constituting a regular charge upon the treasury and accepting the doctrine that the State was responsible for the poor.

The recipients of this cheap grain did not receive it gratis but had to pay for it, and Gaius cannot strictly be accused of having instituted a grain dole, but a first step had been taken in that direction and the way pointed out to office seekers to court the goodwill of the people at the expense of the State.

Does that remind us of our own time?

Gaius then passed legislation in the interest of the poorer citizens by requiring that the State provide soldiers with clothing free of charge and make no deductions for this from the pay of the soldiers. The law also prohibited the enlistment of troops under 17 years of age.

Additionally, Gaius introduced an agrarian law which reduced the amount of land that anyone could hold in Italy considerably below the maximum set by his brother Tiberius, thus offering further opportunities to relieve overpopulation in Rome.

Another law that was pushed to enactment by Gaius was the law affecting the collection of taxes in the newly organized province of Asia. This law provided that the contract for collecting the tax of 10 percent on the produce of all agricultural land in the province of Asia should be let by the censors in Rome to a single company of publicani.

This opened up new opportunities for Roman businessmen to make huge profits.

By this act, as well as by the Acilian law transferring the control of the courts out of the hands of the senatorial order into the hands of the equestrian order, Gaius had endeared himself to the equestrians and had won their support. He, therefore, announced that he would be a candidate for re-election to a third term as tribune.

But the decline of influence with the Tribal Assembly, which meant the end of Gaius' political power, was brought about largely through the machinations of the Optimates, and Gaius failed to be reelected.

Mr. President, both of the Gracchi brothers were earnest patriots, but, in their efforts to overcome the opposition to their measures, they had followed a course that shook the foundations of the Roman Constitution, and presented a direct challenge to the Senate's control of the government. The Senate, as a result, lost greatly in prestige and authority.

In addition to the loss of some of its prerogatives, the Senate was also weakened by the consolidation of the businessmen into a vigorous political faction that usually opposed it. The great future danger lay in the division of political leadership between these hostile political adversaries, the Optimates and Populares.

The Senate was headed into a slow decline which would be followed, in time, by the decline of the Republic. It would be a slow process, brought about by bloody civil wars, the overextension of the territorial administration of the Roman government, the growing influence of the military and military leaders, the continuing erosion of the Senate's power and authority, and the gradual corrosion of old Roman virtues and the Roman character.

Finally, Mr. President, despite the adherence of many Senators to the ideals of the Roman moral tradition, the corrupting influence of wealth, of a slave economy, and of power politics, had shown itself in the destruction of Carthage, Corinth, and Numantia. So, the cracks in the fabric were beginning to appear.

Having transformed itself into an exclusive and arbitrary oligarchy, the Senate had exposed itself to the attacks of the Gracchi. Their efforts toward reform—and especially the ways they chose to bring about reform—weakened the Senate and set in motion a chain of inexorable events that occurred over the next 100 years and resulted in the final collapse of the republic.

Mr. President, we shall pursue these developments following the observance of America's Independence Day anniversary.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

PRESIDENT CLINTON AND THE POLLS

Mr. DORGAN. Mr. President, this morning on the morning television news, a television network had done a poll to learn about President Clinton's standing among the American people. What they determined from that poll was, in the aftermath of sending an armed response to Iraq—that is, sending some cruise missiles to Iraq in retaliation for the terrorists acts of Saddam Hussein—the President's standing in the polls has risen.

I do not know about my colleagues or others, but I am flatout sick of polls. I am sick of television networks publishing polls. I am sick of people taking polls to find out whether Monday, Tuesday, or Wednesday, this politician or that President is up or down or around. It does not make much sense and it does not matter very much, in my judgment.

On the subject of the response to Iraq, let me say that I think President Clinton did exactly the right thing. Saddam Hussein is a terrorist. He has murdered people in his own country. He gassed the Kurds in his own country and killed them. He has murdered people abroad and apparently plotted the murder of President Bush.

This country should not sit on its hands and allow a terrorist like that to operate without a response. This President responded on behalf of the American people and, in my judgment, responded appropriately and correctly. The message from this country to Saddam Hussein is that he is to bear the consequences of his actions.

But when I see a poll that says, because we were able to put a smart bomb down a chimney somewhere in Baghdad, the President's popularity has risen, I wonder why the American people judge that as having greater importance than what President Clinton did last week. President Clinton stood up for this country's economic interest last week. He led and proposed on the floor of this Chamber an economic reduction package to deal with these crippling Federal budget deficits.

That is leadership. It is not popular, apparently. When you stand for the economic changes in this country that are necessary to put us back on track, it requires that we take tough medicine. Then the polls do not shoot up, they shoot down. We ask people to bear spending cuts, we ask them to bear some additional tax burden, we ask them to join us in dealing with these crippling budget deficits that mortgage our country's future.

Those tough choices do not improve anyone's standing in the polls, but they are no less correct a public action than the actions taken this weekend by President Clinton with respect to Saddam Hussein.

It is no less correct when the President stands up for this country's economic interests next week in the meeting of the G-7. It is no less correct when he stands up for this country's interests as he did last week with respect to unfair trade from Canada, and said we are going to take action because, Canada, when you flood this country with unfair grain imports that are deeply subsidized, you must bear the consequences of that action. When he says to our allies, to Japan and to Europe and others, that you must bear the consequences of unfair trade policies, that is no less a standing up for this country's economic interests. Why, then, should the American people not respond positively to those kinds of actions by our President?

We are going to debate in the coming hours of this week something called fast track. Fast track is fundamentally undemocratic. I am going to vote "no" on fast track.

Let me describe what fast track is. It is a trade mechanism wherein we empower some trade negotiators, most of whom no one knows, to go somewhere overseas, lock the door, go behind the door, and in secret, wearing their monogrammed silk shirts, negotiate some sort of trade agreement on behalf of this country.

When they come back, if they are given the authority under fast track to extend that authority that has already been given for years, then it comes to the House and the Senate under a fast-track procedure. And we are told that negotiation that was done in secret, you accept it, swallow the whole thing whole, with no amendment and no changes. Fast track means no one has the opportunity to modify or change it in any way. You cannot dot an "i"; you cannot cross a "t." You must swallow the whole product or none of it.

That is fundamentally undemocratic. I voted against it 2 years ago when they proposed to extend fast track for all trade agreements, and I intend to vote against it this week when they propose to extend fast track for the GATT agreement, the global trade agreement.

I would like to use this opportunity to talk for just a minute about trade and some of my differences with those who negotiate trade on behalf of this country. This country for the last decade has had an abysmal record on

trade. We have never found a negotiation our negotiators could not lose in a week. No matter what we got involved in, we seemed to lose it.

Our beef agreement with Japan was supposed to be a notable exception to our record. Our negotiators were negotiating with Japan to allow more American beef into Japan.

We get 3.5 million Japanese cars and trucks into our country; our shelves are flooded with VCR's and television sets produced in Japan. We say we are a wide open country. We want our consumers to have the broadest possible shopping experience with the broadest possible goods from all over the world. But when we send our goods to Japan, they say: We are not quite as generous; we do not want many of your goods to compete in our country. Beef was an example.

What do you think it costs to buy a T-bone steak in Tokyo today? It costs $29 a pound. Why? Because they do not have enough beef in Japan, so they drive the price up. We want to get more American beef into Japan. We have had a devil of a time doing that.

Our negotiators under the Bush administration negotiated an agreement. And there were hosannas to the highest. They had a celebration. Lord, you would have thought they won the gold medal in the Olympics, the negotiators. They were jumping up and down, trumpeting on the front pages of the papers this breakthrough in negotiations with Japan: We are going to get more beef into Japan. Even my livestock producers think it is a great deal.

Strip away all the peelings on this agreement and what did these gold-medal winners produce? At the end of it, when it is all phased in and all is said and done, there will remain a 50 percent tariff on American beef going into Japan. That, with Japan, is considered a victory because we have such miserably low expectations of fair trade with Japan.

Let us talk about China just for a minute. China now has an $18 billion trade surplus with us. Put another way, we have an $18 billion trade deficit with China.

China is a big country. They ought to buy a lot more products from us. We buy a lot from them. Take wheat once again. Wheat happens to be a product I am familiar with. You would think if China is shipping us massive quantities of Chinese goods and we therefore have an $18 billion trade deficit with China, that they would be making sure they bought plenty of American wheat. Do you know what? Even as this trade deficit with China that we have is ratcheting way up, growing exponentially, the Chinese are off price shopping to buy wheat from Canada. Canada has displaced us as the largest wheat supplier to China even as our trade deficit has skyrocketed with China. They are off price shopping. They are trying to figure out how they can use subsidized Canadian grain to displace United States grain in China.

We are going to talk about the Mexican Free-Trade Agreement, which is actually an economic stimulus package for Mexico given and paid for by the United States, a Mexican Free Trade Agreement. Let me take wheat once again, because wheat is what we use to produce bread and it is an important commodity.

You would think, if we are going to do a Mexican Free-Trade Agreement, the Mexicans would be buying American wheat. Do you know, we used to sell three-quarters of the wheat the Mexicans consume? Now they buy three-quarters of their wheat from Canada. There is something wrong with our trade relationships. We do not seem willing to stand up and say to other countries: Part of trade is a responsibility to be fair with each other and take some responsibility for dealing with each other in an equivalent way.

We say to China: We want to buy all your goods, that is fine. So buy our goods. We say to Japan: If you want to ship your cars to America, that is fine. Then open your markets to American goods. We say to Canada: You want a free trade agreement, that is fine. But trade across that border must be fair trade and the absence of it will mean you will bear the consequences of it.

The point about trade policy and my concern about the extension of fast track for GATT has roots in all of these things I have just discussed. We do not yet have a trade philosophy, at least not one that goes beyond what we have seen for a decade of chanting "free trade."

We have a new President and that gives me some hope. The action he took last week, on the unfair flood of grain coming in from Canada, gives me hope. But the only way I will support a GATT agreement is when a GATT agreement comes back to us and we have said we have negotiated on two fundamental points. One is market access to other countries, opening markets to American goods just as American goods have been opened to foreign markets.

The GATT agreement must come back to us with two principal components. One is that we have successfully negotiated market access, demanding of others around the world that their markets be as open to us as ours is to them. No. 2, to ratchet down these insidious trade subsidies, export subsidies, that distort trade across borders. If those two objectives were achieved in a GATT agreement, then I would be the first to rush in and support it.

But that has not been the objective of our trade negotiators. We have been involved for a decade in this notion of "free trade, free trade." It is as if they are sitting on street corners in robes chanting some mantra, "free trade." It is totally irrelevant. It has become a symbol for unilateral surrender on trade issues.

What they ought to chant is "fair trade." This country will compete with anybody, at any time, on any given level, with any set of products, as long as the competition is fair. We demand the competition be fair.

If you are asking American producers to go out and compete around the world and have tied one arm behind their backs, I say they cannot compete; they will lose. But, if our trade negotiators stand up for the economic interests of this country and demand fair trade, then we have a fair chance to win.

I am just flat sick and tired of reading in the papers about protectionists. Since when has the opportunity to protect America's economic interests become a dirty word? Yes, I am a protectionist, if protectionist means I want to protect the interest of our producers to demand that trade be fair. No, I am not a protectionist in a manner that suggests we should close our markets to foreign goods.

If and when we finally charge our trade negotiators to accomplish those objectives of open markets and ending subsidies, we will achieve something significant, in my judgment.

I yield the floor.

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

Mr. HOLLINGS. Mr. President, I ask consent in the few remaining minutes in the morning hour I be permitted to speak.

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

FAST TRACK ON GATT

Mr. HOLLINGS. Mr. President, let me commend our distinguished colleague from North Dakota. He has really been an intellectual force, first as a Member of Congress in the other body, and now as a Senator and member of my Committee on Commerce, reminding us of our fundamental responsibility that over the years has been eroded and disregarded.

Fast track is all the more outrageous and unacceptable in light of the Constitution, article I, section 8, which says the Congress—not the President, not the Supreme Court, not the State Department, or any of these others, but the Congress of the United States—shall regulate foreign commerce. Yet today Congress is the one entity that has nothing to do with trade agreements. Why? Because of fast track.

Mr. President, I ask unanimous consent to have the article, entitled "The Treaty No One Could Read; How Lobbyists and Business Quietly Forged NAFTA," by Charles Lewis, from the

"Outlook" section of the Washington Post of Sunday, June 27, 1993, printed in the RECORD.

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

THE TREATY NO ONE COULD READ; HOW LOBBYISTS AND BUSINESS QUIETLY FORGED NAFTA

Over Memorial Day weekend former presidential candidate Ross Perot took to the network airwaves to denounce the proposed North American Free Trade Agreement, saying "Once again we have been out-traded and out-negotiated." This is, in a word, unprecedented. For the last half century, U.S. trade policy has been the exclusive affair of corporate and government elites; debate about it has had only the facade of open, democratic discourse.

As the NAFTA debate intensifies over the next few months, advocates on both sides are going to take their case to the airwaves. Whatever you think about NAFTA or Perot, the Texas's "infomercial" marks the beginning of the end of the elite monopoly on trade issues.

The trade game illustrates well what William Greider calls "deep lobbying." The purpose of this sophisticated form of political planning is not so much to effect any specific piece of special interest legislation as to define public argument and debate. By controlling the terms of debate, deep lobbying controls the outcome. The result, Greider argues, is "mock democracy—a system that has all the trappings of free and open political discourse but is shaped and guided as a very deep level by the resources of the most powerful interests."

To be sure, the deep lobbying on behalf of NAFTA hasn't won the hearts and minds of the American people. A recent Time poll found that 63 percent of respondents agreed with Perot's assertion that NAFTA would cost U.S. jobs and only 25 percent agreed with Clinton's assertion that it would create U.S. jobs. But the deep lobbying has been effective where it counts most—in framing the legislation, setting the terms of elite debate and building institutional support.

For years, the logic, assumptions and seeming inevitability of NAFTA have been carefully constructed—by prominent business interests in the United States, Mexico and Canada, their elected, responsive government officials and their legions of paid representatives. Getting presidents and prime ministers to think and talk about NAFTA getting negotiations together to hammer out the logistics, controlling how the actual treaty will be disseminated and described to the public and girding for legislative battle all require substantial sums of money and hired Washington insiders. By the time Congress votes on NAFTA next fall, Mexican government and business interests alone will have spent more than $30 million to promote the pact—and U.S. corporations will have spent millions more.

The more modestly funded forces opposed to NAFTA (some business sectors, organized labor and some environmental groups) have frequently been ignored or reduced to the reactive role of 11th-hour, yammering naysayers.

The idea of a North American free trade agreement originated in the late 1970s. The underlying rationale was laid out in 1979 at a hearing on "North American Economic Interdependence," held by the Senate Finance Subcommittee on International Trade. Gerard J. Van Heuven, the executive vice president of the United States-Mexico Chamber of Commerce, testified that the U.S. business interdependence with Mexico was largely due to the nature of Mexican labor itself.

"We depend upon the abundant, less expensive labor supply in Mexico to remain competitive with foreign imports into the United States . . .," Van Heuven said. "Without benefit of Mexican labor, many U.S. companies might be forced out of business or move offshore, due to high U.S. labor costs. Mexico is dependent upon the creation of jobs and the training provide by U.S. firms for unskilled workers."

Throughout the '80s, U.S. and Mexican business interests coalesced around the idea. The push for some sort of bilateral or regional trade pace came from the Mexico-U.S. Business Committee, the Mexican Business Council for International Affairs, the U.S. Chamber of Commerce, the American Chamber of Commerce of Mexico, the Council of the Americas, to name a few of the leading organizations.

This was not a concept discussed on the Phil Donahue show or Larry King. It was not debated on talk radio, pushed by any popularly based advocacy group or even debated much in Congress.

The treaty itself was negotiated in 1991 and 1992 with little pretense of openness during the negotiations or afterwards. By granting the president "fast track" negotiating authority for the NAFTA agreement, Congress agreed to deny itself the right to amend the historic legislation. When U.S. Trade Representative Carla Hills and President Bush announced in August 1992 amidst great fanfare that the pact had been completed, Washington—the most senior members of Congress, journalists and a myriad of public interest groups of all stripes—waited and waited for a mere glimpse at the agreement. Members of Congress with security clearances had to wait three weeks, and then had to go to a specially designated room to read it. Making copies or taking notes was forbidden. (The Bush administration finally did release a 1,000-page list of tariff reductions.) The complete text of NAFTA was not available to the public until January 1993—at the not-so-populist cost of $41.

Even for trade agreements, this was extraordinary. Why the nuclear-like secrecy? Who were the trade cognoscenti worried about? The answer, to oversimplify only slightly, is the American public. And that fear is nothing new. In the realm of trade policy, the dominant role of elites has been the norm since the debacle of the Tariff Act of 1930, known to history as Smoot-Hawley, a special interest monstrosity that shrank world trade and undermined the entire international financial and monetary system.

In 1934 in a well-intentioned effort to insulate trade policy from the passions and special interests of the moment, initiative on trade policy was taken away from Congress and passed to the State Department. In 1962 Congress, dissatisfied with the State and Commerce Departments, created the office of the Special Trade Representative in the White House. The office grew during the next dozen years, and in 1974 attained Cabinet status.

In exchange for giving the Executive Branch even more authority over trade issues, Congress established an elaborate system of private sector advisory committees. The advisory committees, however, are not particularly powerful, rarely announce their meetings (which are closed to the public) and are dominated by representatives of U.S. corporations (although labor has its own trade advisory committee). The most important advisory committee is a 45-member panel on trade policy and negotiations. The committee has two representatives of working people, one from an environmental group and none from a non-business-funded consumer opranizations.

The reality of corporate domination is evident. At least a fifth of the Trade Policy and Negotiations committee's membership comes from companies with operations in Mexico today. Five companies represented on this committee—American Express, Eastman Kodak, Allied Signal, IBM and General Motors—also happen to be leading advocates in the campaign for NAFTA.

Proponents of NAFTA insist that the negotiation process was sufficiently open to divergent concerns. But Clinton has acknowledged that issues such as the potential loss of jobs or reduced environmental standards were afterthoughts to the negotiating process and the agreement. To insure ratification, NAFTA supporters have had to agree to draft supplemental agreements addressing these concerns. But whatever the final wording of the side letters to NAFTA now being drafted by the United States, Canada and Mexico, they have the disturbing appearance of after-the-fact, cosmetic "trappings" of responsive government.

Lobbying activities by business interests north of the Rio Grande were matched by governmental efforts directed from south of the border. The unprecedented lobbying campaign launched by the Mexican government has achieved maximum access to the highest levels of the U.S. political process. Since 1989, Mexican interests promoting NAFTA have hired 33 former U.S. officials, with experience and contacts throughout the federal government, from congress to the White House to the Treasury Department. Two such former officials—former Senate aide Joseph O'Neill and former State Department official Gabriel Guerra-Mondragon—assisted in the Clinton transition while receiving six-figure retainers from Mexico.

Former U.S. Trade Representative Bill Brock (who claims to be the father of the treaty) has given, according to Justice Department records, "strategic counselling on trade, labor and political policy issues" to Mexico's equivalent of the Commerce Department. Former Deputy Assistant USTR Timothy Bennett has represented a consortium of Mexican companies fighting for NAFTA. Ruth Kurtz, a former trade analyst for the International Trade Commission, Commerce Department and a Senate committee, now earns $110,000 a year from Mexican business interests. In the past two years, those Mexican business interests have taken 87 Congressional staffers and three members of Congress—including the Rep. Mike Espy (D-Miss.), now Agriculture Secretary—on all-expense-paid, "fact-finding" trips to Mexico. Mexican business interests—mainly through Kurtz—directly contacted members of Congress and their aids no fewer than 270 times to discuss NAFTA.

NAFTA opponents, by any objective assessment, have been spending a mere fraction of what Mexican and U.S. corporate interests have spent. The principal anti-NAFTA umbrella organization, Citizens Trade Campaign, represents more than 70 organizations nationwide. However, its annual budget is $200,000—one-tenth the budget of USA-NAFTA, the leading business organization propounding the agreement. The AFL-CIO, with its 14 million members, has organized a few trips to Mexico for members of

Congress, and is planning a national anti-NAFTA campaign in the weeks ahead. Groups such as the U.S. Business and Industrial Council and other mostly small to mid-sized companies are critical of NAFTA, and find themselves in the curious position of being aligned with the traditionally anti-business organization founded by Ralph Nader, Public Citizen, and its lobbying arm, Congress Watch.

Environmentalists are split on NAFTA. Greenpeace, Friends of the Earth and the Sierra Club are active participants in the anti-NAFTA lobbying effort. But recently several large environmental organizations—including the National Audubon Society, the Nature Conservancy, the National Wildlife Federation, the World Wildlife Fund and Defenders of Wildlife—announced they would support the treaty, as long as appropriate auxiliary agreements are negotiated. Perhaps coincidentally, all of these organizations have received funding from corporations operating in Mexico, including many multinationals actively fighting for NAFTA.

But now, for the first time, ordinary Americans are beginning to discover that national and international trade decisions have critical relevance to their daily lives. And as they increasingly seek a greater voice, whatever the outcome of the NAFTA debate, the trading game will never again be the same.

Charles Lewis, a former producer for the CBS News program "60 Minutes," is the executive director of the Center for Public Integrity in Washington, which is funded by foundations, corporations, labor unions, individuals and revenues from news organizations.

Mr. HOLLINGS. Mr. President, this article lays bare the elite and secretive interests that have been the driving force behind NAFTA. Mr. Lewis quotes William Greider of Rolling Stone magazine, what Greider calls "deep lobbying." Deep lobbying is not lobbying for a particular vote on a particular bill, but rather deep lobbying seeks to shape the environment, the atmosphere of this Nation. Deep lobbying by the free trade lobby has created a situation today such that you dare not criticize the President's trade policies. The President is headed to the G–7 summit at Tokyo. You have to support the President. You do not talk about trade; you do not talk about the treaty.

They have had fast track for GATT for 7 years and have done nothing with it. It was supposed to have concluded the treaty 2 years ago, at the most 5 years. But negotiations go on and on. They want fast track: Don't read the text too closely, do not see the details. And then, of course, once negotiations are consummated by the executive branch, the votes in the Senate are fixed. They do not dare submit the treaty for approval by the U.S. Senate unless and until they have the majority vote. That is just basic politics. So a genuine, detailed debate never happens. It is total frustration.

I know that none of the oversight committees truly fulfill their responsibility. The Agriculture Committee has responsibility with respect to agriculture trade, yet they can barely examine it. No wonder the leading agriculture Senator is voting against fast track. The Finance Committee, as long as they take care of the oil industry, that's all they care about—we just saw that; we had to do away with the Btu tax to get a budget on account of that fix in finance.

In the Commerce Committee, we were originally the Committee on Foreign Commerce, then the Committee on Foreign and Interstate Commerce, and so on. But over the past years, we have relinquished a good bit of that responsibility. Now we are trying with the leadership of the distinguished Senator from North Dakota to reassert that responsibility. Bear in mind that, historically, the second act passed by this Congress in its entire history, on July 4, 1789, was a tariff act to protect American industry.

The British tried to persuade us otherwise. The Brits said, what you should do is trade with us what you produce best, and we in the United Kingdom will trade back with you what we produce best. There will be no tariffs, no barriers, free trade, free trade. That is what they said. Alexander Hamilton responded in his treatise, "Report on Manufactures." There is one copy of this under lock and key in the Library of Congress. To paraphrase Alexander Hamilton in response to the British, he said, Bug off; we are not going to remain your colony.

The second act passed by this National Congress in 1789 was a 50-percent tariff on selected articles beginning with iron, textiles, going on down the list. We built this economic giant, the industrial strength of the United States of America, with selective protectionism. Lincoln insisted we build domestic steel plants to build our railroads rather than import steel from Europe. President Franklin Roosevelt imposed import quotas and price supports for agriculture. Eisenhower imposed oil import quotas.

"I hereby pledge to preserve, protect, and defend," says the President of the United States in his oath, and I remember President Reagan doing just that in the rotunda in his second term. Yet if a Senator comes down here on the floor of the Senate and, if you mentioned the word "protectionism," people erupt in cackles of disapproval like a flock of chickens. The word protectionism is a pejorative term, and this is the direct result of decades of deep lobbying by the free trade elites in this country. Do not worry about the fees for lobbyists, give them the fees, just do not give them the power.

I will have two amendments later this week on fast track. Likely the Senate will still pass the bill, but I will argue for important principles. For starters, I want to provide for the reenactment of Super 301 authority as of December 15 when they are supposed to consummate the General Agreement on Tariffs and Trade, the GATT agreement. This will require the U.S. Trade Representative to initiate appropriate and necessary action against countries that engage in unfair trade practices, countries that consistently impede the entry of American goods to their markets.

TAXES

Mr. HOLLINGS. Mr. President, we have heard much talk recently from the other side of the aisle about the evils of taxes. So I am obliged to report that the first thing we did this morning in Washington was raise taxes 1 billion bucks. This is a Republican tax. It was their administrations, 12 years, and they said, "Don't worry about paying the bill," run up the debt, up, up, and away, quadrupling it. Now the debt is $4.2 trillion, and we bear the burden of $310 billion annually in gross interest costs. I call them interest taxes. They are worse than taxes in one important way. You can repeal the luxury tax, as we just voted here last week. You can repeal the catastrophic illness insurance tax. But you cannot repeal interest taxes, you have to pay them. And they go up and up. The Republicans spent 16 days opposing the $16 billion stimulus bill, and in that same 16 days the Treasury raised taxes $16 billion in interest taxes. We are going to raise taxes another billion tomorrow morning. We are going to raise taxes another billion the following day, including Saturday, every day but Sunday this year. That is the legacy—the tax—of 12 years of Republican rule.

Now go back to President Reagan and his 8 years. He vetoed a small, little supplemental bill but signed every major appropriations bill. And our good friend President George Bush had 43 vetoes. But never did he veto spending. He vetoed the labor, health, and human resources bill because doctors were allowed to counsel their patients on family planning, but once we took that out he signed the spending.

So the record is clear, the charade is over. They are exposed. They are the ones who are raising taxes so much that the reconciliation bill that we passed here is still going to leave us with a $320 billion deficit come 1996, almost the same that we inherited from President Bush.

So we Democrats and Republicans, if we want to save the land, we are going to have to go much further than the modest deficit reduction embodied in the reconciliation bill. As Lewis Carroll wrote in "Through the Looking Glass," in order to stay where you are, you have to run as fast as you can. In order to get ahead, we have to run even faster.

So we have done a good job. President Clinton has led the way. He had his economic summit, he cut his staff 25 percent, he eliminated 100,000 Federal jobs, he froze your pay and my

pay, he put Vice President Gore in charge of the departments to eliminate waste, and he put the First Lady in charge of health care reform. And, oh yes, we finally got the Republican's plan for deficit reduction—that was a pure sham the one they put up, and we exposed it. They claimed to tackle the deficit without taxes, but even their plan provided for a $200 billion annual deficit after 5 years. It was absolutely unacceptable.

So, Mr. President, every day that I can get down here to the floor, to the extent other work permits, I want to remind our Republican friends that we raise taxes $1 billion again today automatically, due to their policy of the last 12 years. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, is the Senate still in a period for morning business?

The PRESIDING OFFICER. The Senate is continuing in morning business at this point.

Mr. BYRD. I thank the Chair.

A SUCCINCT ANALYSIS OF "IATROGENIC GOVERNMENT"

Mr. BYRD. Mr. President, any future historical examination of the membership of the United States Senate during this current era will certainly focus significantly on the distinguished senior Senator from New York, our friend and colleague, Senator DANIEL PATRICK MOYNIHAN.

Like a Renaissance Man of yore, while serving admirably and effectively as a Senator from New York, Senator MOYNIHAN has continued to pursue scholarly and intellectual pursuits as some of our other colleagues might follow avocations on the golf course or as philatelists.

In the summer 1993 issue of The American Scholar, the official publication of Phi Beta Kappa, an article authored by Senator MOYNIHAN has appeared—an article that deserves the attention of all of our colleagues as well as by anyone in responsibility who is concerned about the impact, penalties, origins, and ramifications of the current drug-abuse pandemic afflicting our country and about the need for more creative responses to that pandemic.

Mr. President, to read Senator MOYNIHAN'S writing is to hear Senator MOYNIHAN speaking in one's mind's ear—that clear, irrepressible, dramatic, staccato cadence that renders Senator MOYNIHAN'S speeches here on the Senate floor a pleasure to listen to, and a lively communication experience difficult to misunderstand.

Further, as our colleagues will concur, as in his speeches, just so in his writings, Senator MOYNIHAN possesses an enviable ability to boil brilliant abstractions down to intellectually digestible morsels, each tinctured with Moynihaesque wit and irony, and delicately flavored with the verbal spiciness of which Senator MOYNIHAN is an undoubted master.

Mr. President, the article by Senator MOYNIHAN appearing in the current issue of The American Scholar, entitled "Inatrogenic Government," deserves a wider distribution among our colleagues and a serious discussion by those officials and citizens most responsible for establishing national drug policies and for implementing those policies.

I encourage all of our colleagues to examine Senator MOYNIHAN'S article, and I ask that it be printed in the RECORD.

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

IATROGENIC GOVERNMENT

(By Daniel Patrick Moynihan)

(Daniel Patrick Moynihan is the senior United States Senator from New York. He is the author of numerous books, most recently, "Pandaemonium: Ethnicity in International Politics.")

Writing in the New England Journal of Medicine in 1983, Armand M. Nicholi of the department of psychiatry at Massachusetts General Hospital and the Harvard Medical School commented.

"When future historians study American culture, they may be most perplexed by the explosive increase in the nonmedical use of drugs that occurred during the seventh and eighth decades of this century. This widespread increase in the illicit use of psychoactive drugs began in the early 1960s, primarily in colleges and universities, during an era of unprecedented campus disorder and social upheaval. For the next 10 years studies were focused on patterns of drug use among college students—the late-adolescent and young-adult age groups. Perhaps because of the strong influence youth exerts in establishing the tone of our culture with respect to music, dress, and lifestyle, the nonmedical use of drugs spread rapidly to other age groups, and during the 1970s it reached epidemic proportions."

When these future historians set to work, one matter need not perplex them. If they should ask—and let us hope they do—did anyone in the medical profession, observing the onset of this epidemic, set out in a scientific manner to try to understand what was happening and to develop an appropriate medical response, the answer will be that there was one such person, Norman Zinberg, professor of psychiatry at the Harvard Medical School. He was, in the most profound sense, a healer, a life-enhancing man.

Although Zinberg's major work, "Drug, Set, and Setting," was not published until 1984, his papers and lectures were well and widely known by the mid-1960s. At that time I was director of the Joint Center for Urban Studies of M.I.T. and Harvard. We were neighbors and became friends, and I, in a legitimate sense, became his pupil. In 1969, I went to Washington as an adviser on urban affairs to President Nixon. The urban crisis, as it was known at that time, was very much a drug crisis, chiefly entailing heroin. Early on it fell to me to try to fashion a response by the federal government. This was perhaps the first time the federal government had attempted a deliberate relationship between social policy and drug research. This is also the subject of the final chapter in Norman Zinberg's "Drug, Set, and Setting."

My first foray into the field came in August 1969, after the president had sent to Congress a considerable legislative program that addressed urban matters. In this program, the welfare system was to be replaced by a guaranteed income, known as the Family Assistance Plan. The federal government would share its revenue with state and city governments. Now was the time for drugs. At that time most of the heroin used here was coming in from Marseilles, where it was refined from Turkish opium. I set out for those countries to tell their officials and our own embassies (which seem never to have heard of the subject) that the United States could not accept "the French connection."

After a scattering of heroin-related deaths among French youths, Le Monde published an article ascribing drug addition to broken homes and the National Assembly had a daylong debate on the subject. The French took the matter far more seriously than we had ever done, and before long Marseilles was clean, as the argot has it. Having reached tentative agreements, I found myself in a helicopter flying up to Camp David to report on this seeming success. The only other passenger was George P. Shultz, who was busy with official-looking papers. Even so, I related our triumph. He looked up. "Good," said he, and returned to his tables and charts. "No, really," said I, "this is a big event." My cabinet colleague looked up, restated his perfunctory "Good," and once more returned to his paperwork. Crestfallen, I pondered, then said, "I suppose you think that so long as there is a demand for drugs, there will continue to be a supply." George Schultz, sometime professor of economics at the University of Chicago, looked up with an air of genuine interest. "You know," he said, "there's hope for you yet!"

As indeed there was: both for me individually and for the federal government as it once again engaged itself with the matter of drugs. Early in December 1969, a governors' conference was convened to address the issue. At a luncheon at the Department of State I was the principal speaker. I do not suggest that my views were held uniformly throughout the administration, but there I was, Counselor to the President, telling the governors what I thought—a point of view that they had reason to believe was close to what others like me thought. The truth in either event is that we were mostly asserting what we did not know and would need to learn.

I called my paper "The Whiskey Culture and the Drug Culture." I had a simple theme.

"Let me offer one general idea. Drug use—and abuse—represents simply one more instance of the impact of technology on society. This is the central experience of modern society. At one or two removes, most of the ills we suffer are the consequences of technology. That is to say, the bad results that accompany the good ones—goods results which led to the adoption of the technology

in the first place. A commonplace observation, but truly an important one, and one which will I think be recognized by Governors who struggle daily with waters polluted by technology, underprivileged populations displaced by technology, drivers and pedestrians maimed by technology, cities choked with technology, and air fouled by it. Not to mention urban populations near to terrorized by crime brought about by the need to obtain money to purchase certain drugs which are yet another product of technology. From nuclear weapons to cyclamates, this is what is so unsettling about modern life. The effort to master and somehow transcend technology is central to the concerns of the great philosophical historians and sociologists of the age, men such as Jacques Ellul, Lewis Mumford, David Riesman, Michael Young. But for the moment one the tasks of government is to keep technology from rending the fabric of society. That is what this conference is about, the specifics of which I would like now to consider."

I discussed in some detail the extraordinary destructiveness of distilled alcohol when it first became available in the eighteenth century as a combined result of the renaissance invention of distillation and the later agricultural revolution that produced an abundance of grain. The species had no experience with an intoxicant of this power. In his fine study, "Town Planning in London: The Eighteenth and Nineteenth Centuries," Donald J. Olsen identified the onest of distilled spirits as a form of social pathology: "Cheap gin helped to keep the population of London stable from 1700 to 1750."

In truth, the numbers are astonishing. M.C. Bauer estimated the population in 1700 to have been 674,000 and fifty years later to be no more than 676,000. By contrast the population of London tripled in the first half of the following century, going from 864,845 in the census of 1801 to 2,363,236 in 1851. Ought we not to think that a form of social learning was taking place—at a time of robust laissez-faire government—and the population was coming to terms with this new product of technology.

W.J. Rorabaugh's "The Alcoholic Republic: An American Tradition" would not appear for another decade, but enough of the American experience was available to provide some useful generalizations. The first law enacted by the first Congress established the oath of office required by Article VI of the Constitution. To wit: "I, A.B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The second law imposed a ten-cents-per-gallon tariff on Jamaican rum—to encourage consumption of American whiskey. This was a general tariff bill, but it is noteworthy that six of the first seven items concern drink.

"On all distilled spirits of Jamaica proof, imported from any kingdom or country whatsoever, per gallon, ten cents.

"On all other distilled spirits, per gallon, eight cents.

"On molasses, per gallon, two and a half cents.

"On Madeira wine, per gallon, eighteen cents.

"On all other wines, per gallon, ten cents.

"On every gallon of beer, ale or porter in casks, five cents.

"On all cider, beer, ale or porter in bottles, per dozen, twenty cents."

Distilled spirits in early America appeared as a font of national unity, easy money, manly strength, and all-round good cheer. It was at first irresistible. It felt good and was thought to be good for you. The more the better. It became routine to drink whiskey at breakfast and to go on drinking all day. (Laborers digging the Erie Canal were allotted a quart of Monongahela whiskey a day, issued in eight four-ounce portions commencing at six o'clock in the morning.) Only slowly did it sink in that such a regimen was ruinous to health and a risk to society. When it did, society responded.

Apart only from the movement to abolish slavery, the most popular and influential social movement of nineteenth-century America concerned the effort to limit or indeed prohibit the use of alcohol. The former brought about three amendments to the Constitution; the latter, two. In "Thinking About Crime" (1983), James Q. Wilson estimates that by the end of the nineteenth century the temperance movement had reduced per capital alcohol consumption by two-thirds. Alcohol abuse continues to be a major health problem—and a murderous one in combination with that other technological wonder, the automobile. But at least the dangers of alcohol are far better understood than in the past.

The use of what might be termed high-proof drugs appears roughly a century later than the use of high-proof alcoholic drink. Just as beer and wine are naturally fermented products of grain and grapes, narcotics and stimulants appear in nature as attributes of the poppy or coca plant. The crucial technological event here was the development of organic chemistry in German universities in the middle of the nineteenth century.

First, morphine was produced from opium. In combination with the hypodermic needle, morphine was widely used in Civil War medicine, giving rise to a form of addiction that was popularly called Soldier's disease. (The medical use of morphine in childbirth evidently led to similar forms of addiction.) A generation later, heroin, a "distillation" of morphine, was developed by the Bayer Pharmaceutical firm in Germany. (Employees on whom it was tested found that it made them feel heroisch—hence, its trade name.) It appears to have been thought useful as a cure for morphine addiction.

In like manner, cocaine, the active ingredient of the coca leaf, was isolated before 1880. Its early use was medical, again in association with the hypodermic needle. Freud used it to treat a friend suffering from morphine addiction. As he increased the doses, he induced an episode of cocaine psychosis and, as reported by Oakley Stern Ray in "Drugs, Society, and Human Behavior" (1978), "thereafter was bitterly against drugs." On the other hand, in 1885, the Parke-Davis Pharmaceutical Company asserted that cocaine "can supply the place of food, make the coward brave, the silent eloquent" and declared it a "wonder drug."

Along with alcohol, these substances came under federal prohibition early in this century. Alcohol prohibition was a convulsive event that, among other things, led to the creation of a criminal underworld of exceptional influence and durability. There was always a certain amount of drug trafficking within this underworld, and this continued at modest levels until the epidemic outbreak of heroin use in the 1960s. It thereupon provided the model on which the large-scale import and distribution of drugs commenced in the 1960s.

Rereading my little-noticed and long-forgotten paper is rewarding—to me, at any rate—in the way it reveals the iron incompatibilities that beset anyone who tries, however tentatively, to derive drug policy from drug research, and for that matter social science. Here I would invoke the wonderfully allusive remark of Rudolph Virchow, the eminent nineteenth-century pathologist. "Medicine," he said, "is a social science, and politics is nothing but medicine on a grand scale." As I developed first this argument, then that analogy, I kept running up against the fact that our society had made a political choice between two almost equally undesirable outcomes. As Mark A.R. Kleiman spells out in his fine new study, "Against Excess: Drug Policy for Results," in dealing with drugs, we are required to choose between a crime problem and a public health problem. In choosing to prohibit drugs, we choose to have a more or less localized—but ultimately devastating—crime problem rather than a general health problem. Kleiman writes:

"The case for heroin prohibition is simply that a number, probably a large number, of persons who now lead reasonably satisfying, dignified, and useful lives would, if heroin were legal, find themselves leading, and regretting, lives with a narrowed range of satisfactions, impaired dignity and self-command, and reduced usefulness to their families, friends, neighbors, coworkers, and fellow citizens. To prevent this we pay a price in a form of increased misery for those who become heavy heroin users despite prohibition, and increased external costs: the spread of disease, user crime, black-market crime, neighborhood disruption from open dealing, and the expenditure of law enforcement resources that could instead be used to suppress predatory crime."

Then, as now, I opposed legalization, or decriminalization of drugs. I took the technological ascent seriously. In his "Letters from an American Farmer" published in 1782, J. Hector St. John de Crèvecoeur notes his surprise at a "singular custom" among the good, and presumedly Puritan ladies of Nantucket: "They have adopted these many years, the Asiatic custom of taking a dose of opium every morning. . . . This is much more prevalent among the women than the men."

But opium is one thing; heroin another. My 1969 paper concluded:

"There are those who will and do propose a social policy of complete and free availability of almost all chemical substances that are or can be ingested in one form or another. In its most popular form today, this takes the form of advocating the free use of cannabis, and somewhat less frequently, the free, or mildly regulated use of heroin. I believe this to be a very mistaken position. It is a form of hiding behind the principle of individual freedom to avoid the reality of individual danger and individual harm. It is almost a form of indifference to pain: and I say that in full knowledge of the generosity of spirit and the effort to be understanding that often motivates such proposals.

"Our object must be higher. We must learn to use fewer drugs, not more.

"The question of course is how?"

That was pretty clear twenty-three years ago when we were just entering our current federal preoccupation with illicit drugs—or rather, with drugs the federal government has declared illicit. I had put it to the governors:

"We have had drug prohibition for fifty-five years now. And here we are at this conference. Not exactly a record of success. What are we to learn? The first thing, obviously, is that this is not an easy problem.

Men as good as us or better have struggled, and by all outward indices, they have failed."

There was not going to be any cheap way out of this. Technology has unleashed an enormous social agent that threatens us in the most serious way. This problem now involves "the structure of authority and governmental legitimacy in America." Are the laws obeyed? Does the state maintain a monopoly on violence? If not, what kind of state have we?

This is where Norman Zinberg entered what, at least, were my calculations. Here is one last passage from the State Department address.

"Dr. Norman Zinberg has, it seems to me, most helpfully described the drug phenomenon in terms of a triangle of 'Drug, Set, and Setting.' That is to say we need to know so much more about the interaction of a particular chemical, a particular individual, and the social (or anti-social) context in which the two come together. This is very like the epidemiological triad, and deserves the most careful attention and serious research. Until very recently most drug users have been treated in terms of medical or criminal categories. Drug users were treated as deviants. Benignly so in the case of the Civil War opium addicts swilling away at patent medicines to cure what was known as 'Soldier's illness,' or punitively so as in the case of the heroin addict of the slum, supporting his habit by thievery or worse, and in agonizing numbers ending his life by what society prefers to diagnose as an 'overdose' of whatever it is that ailed him."

A near quarter century has passed. Nothing much has happened. There has been precious little research, with as yet precious little by way of result on that epidemiological triad. Thanks to Vincent Dole and Marie Nyswander we have methadone treatment, but that was already in place when the federal government entered its current way on drugs.

At the risk of propounding what I cannot prove, let me suggest that in considerable measure this is the result of a disinclination within the medical profession to engage itself with drug research. In the preface to "Drug, Set, and Setting," Zinberg notes that the train of thought that led him to his subject began in 1962 in Beth Israel Hospital, where, making rounds with non-psychiatric physicians, he "began to puzzle over the extreme reluctance these sensible physicians felt about prescribing doses of opiates to relieve pain." Concern about iatrogenic addiction established the social setting that Zinberg would go on to elaborate. He noted "the strength of Puritan moralism in American culture which frowns on the pleasure and recreation provided by intoxicants." Whatever the causes, and they are surely multiple, it is clear to this observer that the medical profession finds drug research aversive behavior.

As an example of our most recent affliction, take "crack" cocaine. This is typical of an ascent on the technological ladder: beer to whiskey; opium to morphine to heroin; coca to cocaine and now to this most potent possible form of "free-base" cocaine. Crack differs only in being the result of folk science rather than the work of bearded professor-doctors in German laboratories. (Although, come to think of it, Highland single malt was probably a similar, if more welcome, discovery.) Crack first appeared in the Bahamas. By 1985, a Bahamian physician warned that an epidemic was about to strike his offshore islands. This item appeared in the Atlanta Journal of December 31, 1985:

"NASSAU, BAHAMAS—A highly addictive practice of smoking cocaine 'rocks' has swept this chain of islands off the coast of Florida.

"In a country of 230,000 people, the number of cocaine users treated at mental health clinics has zoomed from zero in 1982 to 209 in 1984, according to Dr. David Allen, a Harvard-trained psychiatrist who heads the National Drug Council.

"'What we have [Dr. Allen said] is the world's first free-basing epidemic [which] could be preceding an epidemic in the industrialized states. Anywhere there is readily available high-quality cocaine, there is this potential.'"

Here was a psychiatrically trained epidemiologist telling us that an epidemic was coming our way. But such is the low status of drug research that, so far as I have been able to learn, apart from a single sentence of a 1982 issue of the Centers for Disease Control publication, "Morbidity and Mortality Weekly Report," there was no official response anywhere in the vast organizational network that was by now carrying out the war on drugs. The first medical report appeared in the British journal the Lancet in a 1986 article by Dr. Allen and others entitled "Epidemic Free-Base Cocaine Abuse: Case Study from the Bahamas."

This was the situation when Congress returned to the subject of drugs in 1988. Society had had two bad breaks during that decade: the sudden onset of AIDS and the appearance of crack in settings of lethal proximity. The public demanded action, or at least the appearance of action, or so at least loud political voices declared. On May 17, 1988, Senate Majority Leader Robert S. Byrd established a working group on substance abuse, to be co-chaired by Senator Sam Nunn of Georgia and me. Interdiction and crackdown were then all the rage. (A law providing the death penalty for "kingpins" reached the President's desk months before ours did. It was promptly signed.) My role on the working group was to assert—quietly, so as not to disturb the public peace—that, other than to raise the price of drugs somewhat, interdiction was not going to have the slightest effect on supply. This was the maxim George Shultz taught me. Accordingly, any comprehensive legislation should place at least equal emphasis on demand. The lesson Norman Zinberg taught me, the idea that controlled use was possible, even common, led directly to the proposition that treatment could be developed that could move drug users across the line toward abstinence, or as near to abstinence as possible.

I consulted Zinberg. I asked him to coach me on how to make this case. In the end it worked. After an unusually compressed six months of congressional debate, ending with a 65–29 vote in the Senate, the Anti-Drug Abuse Act of 1988 became law on November 18 of that year, Section 2012 sets out the purposes of the law. These include:

"To increase to the greatest extent possible the availability and quality of treatment services so that treatment on request may be provided to all individuals desiring to rid themselves of their substance abuse problem."

The legislation established an Office of National Drug Control Policy in the executive office of the President. It was headed by the so-called czar and included a deputy director for supply and a deputy director for demand.

And so the attempt to get drug problems under control began again. And once more it failed to thrive. Czars resigned, which czars are not supposed to do. Deputies departed. Silence fell. Even so, knowledge edged on. Richard Millstein of the National Institute on Drug Abuse notes that scientists have for some time known that by manipulating the opiate molecule it is possible to develop compounds that block or reverse the effects of drugs such as morphine and heroin. For example, naloxone was approved for use in 1971 and is now part of the Emergency Medical Service protocol. A longer-acting narcotic antagonist, naltrexone, was approved for use in 1984. And a time-released "depot" dosage has been found to block the effects of opiate challenges, as doctors say, for up to seven weeks in rhesus monkeys. However, as an internal paper of the National Institute states, while there is an agonist treatment (methadone) and an antagonist treatment (naltrexone) for opiates, no approved medication for the treatment of addiction to cocaine (including the smokable form of cocaine known as crack) currently exists. And crack cocaine is where the problem is centered.

Having said that, a politcal scientist is honor bound to add that the power of government or science to influence behavior is limited. People do or do not get on with their lives. Most do. Here, as an example, is an excerpt from "Tales Out of School," the autobiography of Joseph A. Fernandez, who until recently was the New York City School chancellor; this excerpt describes his years as a drug-dependent teenager.

"The beginning of my own fateful turnabout came in one night of horror on 135th Street when I was still enrolled at Commerce High. Jimmy Conn (not his name) had become my closest friend during that time, partly because of the experimenting we were doing with heroin. Jimmy was a Scotch-Irish kid from a poor family, with no father at home. Actually, he lived outside the neighborhood, up in the 130's, but we were very close, to the point of swapping clothes to wear.

"This particular night we were at somebody's house and got tied into some really potent heroin. I got sick almost immediately, a scary new kind of sickness. I remember saying to Jimmy, 'Something's wrong. We gotta get outta here.'

"By the time we got downstairs to the street, we were both reeling. I can barely remember my friends walking us up and down the sidewalk, trying to keep us from fading out. They probably saved our lives. I was half in and half out for hours. Jimmy came to first. When I finally did, I was scared enough to realize it was time to make a change.

"I dropped out of Commerce the following week and enrolled at Textile High, down in Hell's Kitchen, where I didn't know anybody. I could tell immediately it wasn't going to work. I was there only a week and dropped out again."

Norman Zinberg would have thought young Fernandez a pretty hard case. But he would not have been the least surprised that the kid got hold of himself, joined the air force, married a strong woman, got an education, and went on to do serious work. His setting changed.

As for our 1988 legislation, it had a brief half-life. William Bennett, the forceful first director of the Office of National Drug Control Policy, was followed by a political appointee with no apparent views on the subject. Dr. Herbert D. Kleber left after two years, and his position has not been filled. Nor has support for treatment been as forthcoming as the legislation indicated it ought to be. Kleber wrote:

"Funding for treatment of substance abuse has been a bipartisan failure. Our Republican President has requested substantially less money than is needed; and the Democratic Congress gave him only one-third of what he asked for. The situation in research is not much better, in spite of the desperate need to develop medications to treat cocaine abuse. The House gave the President $17 million less for research at NIDA [National Institute on Drug Abuse] than he had requested. In fact, the overall increase for NIDA was slightly over 1 percent, one of the lowest if not the lowest of the NIH [National Institutes of Health] institutes. Both government leaders and the general public need to be made aware of the potential promise that can occur by adequately funding treatment and research, and of the many harms to society that will occur if it does not happen."

The recent presidential campaign was only marginally encouraging. The Republican platform was straight out. Ignoring treatment altogether, the GOP chose to fry the kingpins, as the battle cry goes.

"We oppose legalizing or decriminalizing drugs. That is a morally abhorrent idea, the last vestige of an ill-conceived philosophy that counseled the legitimacy of permissiveness. Today, a similarly dysfunctional morality explains away drug-dealing as an escape, and drive-by shootings as an act of political violence. There is no excuse for the wanton destruction of human life. We therefore support the stiffest penalties, including the death penalty, for major drug traffickers."

The Democratic position called for "treatment on demand," which was mildly disappointing since no one seemed to remember that we have already legislated "treatment on request." ("Request" was my term; I thought "demand" sounded too imperious.) The platform read:

"Drug treatment on demand: Thousands of addicts have volunteered to take themselves off the streets, only to hear the government tell them that they have to wait six months. In a Clinton Administration, federal assistance will help communities dramatically increase their ability to offer drug treatment to everyone who needs help."

The Democrats won, and so we shall see. My hope is that it will be possible for the generation now coming into its own in the normal rhythm of generational change to be able to recall that drug use first became conspicuous, in this cycle, among educated and relatively affluent young persons on college campuses. It is so no longer. Drug use—and in notably destructive forms—is now concentrated in the weakest and least affluent segments of our population. It is inescapably associated with race. Here are some devastating numbers. In 1960 there were 189,733 persons in state prisons; 65 percent were white, 34 percent black. Thirty years go by and, in 1989, there were 610,106 persons in prison, but now 50 percent are black. (In the meantime the racial composition of federal prisons, where there are fewer drug offenders, has changed not at all: in 1960, 71 percent white, 25 percent black; in 1989, 73 percent white, 26 percent black.)

It is essential that we understand that by choosing prohibition we are choosing to have an intense crime problem concentrated among minorities. It is no different from Prohibition in the 1920s. Al Capone and Legs Diamond were recognizable urban slum types of that era. Much of the crime in our day is of the same order, down to formal executions. The St. Valentine's Day Massacre of 1929 has entered American folk memory. It was all but re-enacted in New York City in 1993. In the Morrisania section of the Bronx, six persons were made to lie down on a tenement floor. Five were shot in the back of the head. A young woman who turned her head was shot in the eye. But that was only six dead, not enough to meet the qualification, as it were, of the look-alike competition. However, the following day, a seventh person, the wife of one of the suspected murderers, was herself murdered in the Bronx County Courthouse.

Clearly federal drug policy is responsible for a degree of social regression for which there does not appear to be any equivalent in our history. Fueled by drug arrests, prison populations hit a record of 883,593 at the end of 1992. Indeed, the number of inmates imprisoned for drug offenses now exceeds those in prison for property crimes. And, as the youth are said to say, we just don't get it. What we don't get is the admittedly complex proposition that the recurrent "failure" of our avowed drug policy represents the success of a strategy designed to avoid a different failure. Those most affected do not at present have a political vocabulary that can "demystify" this conundrum. And, to say once more, the medical profession is mostly mute.

One more once more. We must recognize that our choice of policy—legalization or prohibition—involves a choice of outcomes. An enormous public health problem on the one hand, an enormous crime problem on the other. The latter clearly requires more by way of public policy than the death penalty for people who kill each other in any event. Surely, drug policy should be a central concern for those who deal with issues involving race in our society. Interdiction and "drug busts" are probably necessary symbolic acts, but nothing more. Only the development of a blocking or neutralizing agent would have any real effect, given the setting in which our drug problem now occurs.

That setting—an independent variable, as Norman Zinberg insisted—is the near collapse of family structure in our central cities. Without this, drug abuse would present a real but, even so, manageable problem of behavior by marginal individuals. With it the problem is no longer manageable. To use an epidemiological analogy, we have a famine-weakened population attacked by a fierce new virus.

Mr. BYRD. Mr. President, 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. MITCHELL. 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 SOURCE TAX

Mr. REID. Mr. President, I have some constituents, and other people have constituents, who are upset, angry. I really do not blame them. People in Nevada, and all over the country, are being unfairly treated by States in which they no longer reside. They are victims of the so-called "source tax". These are people who are now residing, lock, stock, and barrel, in one State, and they are being taxed by the State, or States, where they no longer live. They use none of the services of that State; they do not use their highways, parks, recreation facilities, or medical facilities in any way; yet, they are being taxed as if they were. They can't even vote. This is unfair and is taxation without representation.

Mr. President, we as a Congress are engaged in different processes to make this body more responsive and to make the House more responsive. There is a joint committee, for example, that is meeting to determine if there are too many committees in the House and in the Senate, if there are too many subcommittees, if Members of Congress—both House and Senate Members—are serving on too many committees, and too many subcommittees. Should there be more openness in some of the things we do? Should there be coverage of the Senate and the House on laws that we pass for the private sector? Should the same rules that apply to the House apply to the Senate and vice versa? Are our staffs too large? Is there too much franking?

All these problems are important and we need to take a look at them, as we are. But the one thing that we have to always understand is that the institution is only as responsive and as good as the people that make up this body.

We have an example that I want to talk about a little bit this morning that causes this institution to be held in a bad light by our constituents. The source tax is that example. The source tax has passed the Senate on two separate occasions, and on both of those occasions the legislation has been buried in the House of Representatives.

The last time it passed I received a letter from the chairman of the committee of jurisdiction in the House. I was told in that letter that there would be hearings held in the 103d Congress. I have had conversations with the chairman of that committee and have been told that there would be hearings held.

I instructed my staff to contact the staff of the other body, as I thought that perhaps maybe this was just a staff-directed problem and that really the staff was not getting proper information from the committee.

Therefore, I wrote a letter to the chairman of the committee. The chairman of the committee failed to respond to my letter as the staff was evasive in the response to my staff.

This, Mr. President, is what makes this body and the other body held up to ridicule, and really the reason in many instances that legislation does not move forward. It is wrong when a chairman of a committee refuses to hold hearings and move legislation.

This has been going on for years, not a matter of weeks or months; but for years. This legislation, I repeat, was passed twice in the Senate. It was not vetoed by the President. It was vetoed by a chairman of the committee in the

other body, not even allowing hearings to go forward.

A majority of Representatives cosponsored the legislation in the House in the 102d Congress. This is legislation that is not only important to the State of Nevada, but it is important to States all over this country. People become angry and confused as to why a legislative measure cannot be heard in a House committee when a majority of the Members of that body, and this body, feel that it should.

I think it is time for Congress, and especially the Judiciary Committee in the House of Representatives, to be responsive to an important measure that affects this country. Our constituents want an explanation and I think they deserve an explanation. I think what they really deserve, though, is a hearing.

Maybe now that the Texas Legislature has passed a resolution dealing with the source tax, the chairman of that committee will do something. I have a letter here dated June 22, addressed to Congressman BROOKS that says:

As you may know, Texas recently enacted legislation (S.B. 17) which is designed to prevent other States from levying their "source tax" on retired Texas residents* * *

Hopefully, this will allow this legislation to move out of the House of Representatives.

I am disappointed that I would have to come to the floor on two separate occasions and focus attention on what is, I think, an abuse of power; that is, that the chairman of a committee will not hold a hearing on legislation that is important to people throughout the United States.

I would hope that if Mr. BROOKS is not listening to the Nation, maybe he will be listening to the people from the State of Texas which has now prompted him to hold hearings.

I think this would prove important and beneficial to the people of the State of Nevada and the rest of this country if, in fact, there were hearings held and this legislation would move through the House.

Mr. President, I ask unanimous consent that the letter dated June 22, 1993, from the two Texas representatives, Mr. Carriker and Mr. Kubiak, be printed in the RECORD.

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

TEXAS HOUSE OF REPRESENTATIVES,
Austin, TX, June 22, 1993.

Hon. JACK BROOKS,
Congressman, Rayburn Building, Washington, DC.

DEAR CONGRESSMAN BROOKS: As you may know, Texas recently enacted legislation (S.B. 17) which is designed to prevent other states from levying their "source tax" on retired Texans. While we believe that this legislation will resolve the problems of many retired Texas residents, the absence of a uniform approach will continue to be a problem for many other states. The fact that S.B. 17 became law in Texas without any opposition indicates that this is a popular issue among the taxpayers.

We understand that you are considering holding congressional hearings on the source tax as a national issue. We would like to offer whatever support and assistance you might need in this regard. We can certainly help line up testimony for your hearings, whether in Washington or in the field.

Please don't hesitate to call on us if we can be of assistance.

Sincerely,

STEVE CARRIKER,
State Senator.
DAN KUBIAK,
State Representative.

IN MEMORY OF HERB O. JOHNSON

Mr. DURENBERGER. Mr. President, I rise today to commemorate the passing of one of my dearest friends, Minnesota Republican Party activist Herb O. Johnson.

For nearly two decades—1956 to 1974—Herb Johnson was executive secretary of the Republican Party in Minnesota. He was a true party leader and benefactor of the community—and that is how he will be remembered by the citizens of our State.

But I will remember Herb as a man whose greatest triumphs came on the level of personal contact. He was a true friend who made things better by praising accomplishment—not criticizing failure.

He was not one who relished the mistakes of others—but one who delighted in helping others achieve their potential.

Mr. President, I am but one of many who owe a great debt of personal gratitude to the late Herb Johnson. In that capacity, I ask my colleagues to join me in sending our warmest condolences to his widow, Dorothy Peterson of Roseville, MN, and his son, Allen Johnson of St. Paul.

I ask unanimous consent that the Minneapolis Star Tribune obituary of this remarkable individual be included in the RECORD at the conclusion of my remarks.

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

[From the Minneapolis Star Tribune, June 15, 1993]

STATE GOP'S FIRST EXECUTIVE SECRETARY, HERB O. JOHNSON, DIES

(By David Chanen)

It was considered a grand experiment by the Minnesota Republican Party when Herb O. Johnson was appointed its first executive secretary in 1956.

Before Johnson, a party outsider with little political experience, the position was voluntary with no salary. He was chosen for his organizational skills and ability to work with people, and would serve as the party's chief administrator for nearly two decades.

Colleagues said Johnson was a selfless worker who enjoyed his behind-the-scenes role. Several party chairpeople acknowledged that he was a superb developer of leadership skills, subtly grooming dozens of politicians.

Johnson, of Roseville, who retired as executive secretary in 1974, died of cancer Sunday at his summer home near Pequot Lakes, Minn. He was 85.

"He was the most beautiful man I've ever known," said Nancy Brataas, a former state senator and party chairwoman. "He really got his kicks out of seeing others succeed." She said Johnson rarely took credit for a job well done, instead leaving the glory to party leaders.

He stressed the importance of diversity throughout the party, claiming that Republicans should be an inclusive, not exclusive group. Former State Attorney General Doug Head said Johnson had an exceptional interest in politics and advocated the party system as a way to make government more efficient.

During Johnson's tenure, Head said, the Republican Party was changing rapidly due to suburban expansion. Johnson started a movement to raise money for candidates door-to-door in neighborhoods instead of relying on big contributors. His daughter, Judy Miller, of Somerville, N.J., said he encouraged young people to become involved in politics.

Johnson was born in Minneapolis and raised on a farm near Foreston, Minn. He earned a bachelor's degree from Macalester College in St. Paul. He taught mathematics and biology at Aitkin High School.

In 1938 he started his 20-year career as an administrator with the YMCA. He was executive secretary of the YMCA at the University of Minnesota and in St. Paul and Winona until he started working for the Republican Party in 1956. He retired in 1974, but helped work on some Republican campaigns.

He was president or a member of many organizations, including the International Association of Retired Directors, a YMCA group; the Roseville Lutheran Church congregation and the North Suburban Golden K Kiwanis Club.

Johnson was preceded in death by his first wife, Hazel. In addition to his daughter, he is survived by his wife, Dorothy Peterson; two sons, Herbert (Ted), of Atlanta, and Allen, of St. Paul; three stepdaughters, Barbara Einan, of Roseville; Betsy Otteson, of White Bear Lake, and Beverly Ogren, of North Oaks, and a sister, Helen Patterson, of Salem, Ore.

Services will be held at 11 a.m. Wednesday at Roseville Lutheran Church, 1966 Fernwood Av. Visitation will be held from 3 to 8 p.m. today at the Willwerscheid & Peters Mortuary, 1167 Grand Av., St. Paul. Memorials are suggested to the Roseville Lutheran Church Foundation, Edward J. Peterson Memorial Scholarship at Macalester College or St. Paul YMCA camps.

A TRIBUTE TO MAYOR TOM BRADLEY

Mrs. FEINSTEIN. Mr. President, I am very honored to pay tribute today to someone who I greatly admire and who has devoted himself to serving the public. That man is Tom Bradley, who will retire as mayor of the city of Los Angeles on July 1 of this year.

Tom Bradley has strongly guided Los Angeles along a course paved with obstacles during his record-setting 20 years as mayor. His stern and sure guidance has been the steady force that

has reassured residents. For 9 years during my tenure as mayor of San Francisco, I had the pleasure of working with Mayor Bradley on State and national issues and together we sounded a loud drumbeat that the cities of our Nation need serious attention. As cities go, so goes the Nation, we often said. Through and through, I saw Tom Bradley as a mayor who earns the respect of his peers, while he demands attention for his city from those who can help.

First elected mayor in 1973, Bradley paved the way for many other leaders on the local and national level. Although he made history as the first black mayor of a major city, Tom Bradley ran and won his campaign, pledging to be a mayor representative of the entire city. It has been his determination to adhere to a standard of fair representation—all that has made him one of this Nation's most respected mayors.

It was a 7-year-old Tom Bradley who headed with his family to California to start a new life. When he arrived in Los Angeles in 1924, Tom Bradley remembers that "reaching California was like reaching the promised land."

A product of the Los Angeles public schools system, his academic abilities enabled him to parlay his high school athletic prowess into a university education. Bradley received a scholarship to attend UCLA where he soon distinguished himself as a track star.

Prompted by a desire to serve the city, Tom Bradley joined the Los Angeles Police Department in 1940. In May 1941, he married Ethel Arnold. They have two daughters, Lorraine and Phyllis.

As an early example of his enormous capacity for hard work, which marked his years as mayor, Tom Bradley worked full time as a police officer and went to law school at night. He graduated from Southwestern University in 1956 and passed the California bar exam.

After 21 years of service, he retired from the LAPD with the rank of lieutenant in 1961 and began to practice law. Urged by community leaders, he decided in 1963 to run for a seat on the Los Angeles City Council. He won and served for 10 years before becoming the city's 37th mayor in 1973.

Mayor Bradley once said, "My guiding philosophy as mayor has been and will continue to be—to paraphrase the Athenian oath—to transmit this city * * * not as a lesser * * * but as a greater, better and more beautiful city than it was transmitted to me. This philosophy continues to be my inspiration."

His progressive years as mayor are marked by a determination to see that Los Angeles realizes its huge potential.

Mayor Bradley opened the doors of city hall; his staff and administration appointees represented the rich cultural fabric of the city. He attracted businesses to the city and established policies that resulted in the dramatic resurgence of the downtown Los Angeles economic center. He turned the city's harbor and airports into top-of-the-line businesses, expanding the number of people employed and the city's ability to compete in a world market.

He focused his attention on creating economic opportunities both for the inner city, with such community revitalization projects as the Baldwin Hills-Crenshaw and Vermont-Slauson shopping centers, and the entire city, where he put forward affordable housing and fair planning policies.

There are three specific accomplishments I would like to highlight today.

First, he led a long and hard battle to bring rail transportation to the city of Los Angeles. There were many times it would have been easy to give up, to say the will simply was no longer there. Yet, he was determined—often coming to Washington, DC, often to appeal for funding—and he never gave up. The result: today, the Metro Blue Line carries passengers from Long Beach to downtown Los Angeles, and the Metro Red Line has become the first underground rail system, carrying passengers from downtown to MacArthur Park. This is just the beginning, as plans as for the rail system to spread out throughout the city, linking the various portions of the city like never before.

Second, Mayor Bradley secured the 1984 summer Olympic games during a time when many predicted economic gloom. Instead, his signature approach of uniting the private and public sectors behind a common goal produced the most successful Olympic games in the modern history of the event. The games boosted economic activity in southern California by $3.3 billion, created 68,000 jobs, and ended with a $215 million surplus.

Third, as a means of reinforcing his strong emphasis on education and to shield the next generation of Los Angeles youth from drug peddlers and street gangs, Mayor Bradley initiated an ambitious plan—called L.A.'s BEST [Better Educated Students for Tomorrow]—to provide computer training, tutorial assistance, and other enrichment activities for every student in the Los Angeles Unified School District's more than 400 elementary schools. Under the program, parents are able to voluntarily keep their children at school from 2:30 p.m. to 6 p.m. each school day to learn and play. A pilot program at 19 schools, made possible by both private and public funding, has already proven the enormous success when we offer hope to the young people of our cities.

Throughout Tom Bradley's career, he has sought to focus local, State, and national attention on the conditions of our inner cities. And, the civil unrest of 1992 that erupted in Los Angeles brought home what Mayor Bradley and our Nation's mayors have been saying for years: The Federal Government must not neglect the inner cities of America. During 12 years of neglect in previous administrations, the Federal Government did not listen. Now is the time to heed the wise words of such national figures as Tom Bradley.

Tom Bradley has helped Los Angeles mature with grace. The city now stands at a crossroads, and the new mayor and the city council must stand firm to produce both social programs and economic hope for its residents. The most enduring legacy Tom Bradley has left for Los Angeles is his ability to voice the concerns of the inner city. The future leaders of Los Angeles would be well-served to follow this and other models Tom Bradley has created for progressive leadership.

In a recent article in the Los Angeles Times, Atlanta Mayor Maynard Jackson said:

> I understand (Tom Bradley) will walk out of City Hall and literally go to his law firm that same day to start work. He's a helluva man. That's all I've got to say. He's a helluva man.

Mr. President, Mayor Tom Bradley is, indeed, an amazing man. On behalf of the people of California, I am pleased to have this chance to say a few words about Tom Bradley. The people of Los Angeles and the people of California will continue to count on him to help us chart a new course for America's cities.

TRIBUTE TO REV. J. BAZZEL MULL

Mr. SASSER. Mr. President, I rise today to commemorate a very special day for a very special friend. He has provided spiritual comfort and solace to the weary, the sick, the shut in, old and young alike. His message has shed the light of understanding in the darkness of many a confused soul. He is a missionary, an entrepreneur, and entertainer. And next weekend, the Rev. J. Bazzel Mull of Knoxville, TN, will celebrate 50 years of bringing gospel music and God's message to the people of America.

Blind since the age of 11 months, Preacher Mull grew up playing gospel music with his family, the Valdese Sacred Band. By having the Bible read to him every evening, Reverend Mull memorized its text and, at the age of 25 in 1939, was ordained a minister.

Traveling from his native North Carolina to east Tennessee in the early 1940's, J. Bazzel Mull produced his first gospel radio program in 1942 in Knoxville. And it was just outside of Knoxville, in Lenoir City, that he met his future wife, Elizabeth Brown, while preaching a revival at her home church. After an extended courtship, they were married in 1944, and I am

told that more than 10,000 attended their wedding. With their marriage, his wife, Elizabeth—better known now by the affectionate nickname of "Lady" Mull—has been a full partner in a devoted relationship—they will observe their 49th wedding anniversary later this year.

Mr. President, in addition to this preaching and radio work, Preacher Mull has been a promoter of gospel music concerts all across the country. The careers of countless entertainers and songwriters over the years have been advanced because of the promotion and exposure he has given through his various programs on radio and television, through concerts and the sale of records and song books. In fact, 50 years later, Preacher Mull still produces about 15 concerts a year. His gospel radio shows air twice daily on his four radio stations. Reverend and Mrs. Mull also host weekly television shows in Knoxville and Chattanooga, which have consistently rated as the stations' most popular programs on Sunday mornings. I have often enjoyed appearing with these most gracious hosts on the "Mull's Singing Convention," to hear, to be entertained and to be comforted by God's message as conveyed in yet another of America's unique styles of music. The nurturing that the Mulls have given to gospel music over the years is celebrated at this time by their legion of friends all across this country and particularly in the industry. I'm sure they join with me in sending this tribute to our dear friends, the Reverend and Mrs. J. Bazzel Mull, on the steller achievement of their 50 years in the gospel music industry.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,305,268,550,989.52 as of the close of business on Friday, June 25. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,761.21.

69-059 O—97 Vol. 139 (Pt. 10) 34

BUDGET RECONCILIATION: A LANDMARK BILL

Mr. PELL. Mr. President, the budget reconciliation bill which passed the Senate on June 25 takes a huge step in the right direction, and I fully supported it, notwithstanding the fact that many of us might like to see it go further. The bill is the centerpiece of a remarkable watershed in our national political life—a historic time of change as we move to a new set of progressive national priorities.

As I have observed previously, only twice in my lifetime has the Nation faced such a critical turning point—once in 1932 and again in 1960.

The bill provides the largest deficit reduction program in the Nation's history. At long last, it brings to an end an era of reckless borrowing and spending. It demonstrates that when there is reasonable philosophical agreement between the executive branch and Congress, responsible results will ensue. Approval of this bill will be one more signal that the era of gridlock is behind us.

This massive redirection of national priorities and resources is based on one essential element, and that is fairness. At the core is the concept that those who have benefited the most from the workings of the economy over the past 12 years should now pay their fair share of the burden of public debt which should have been retired while the good times were booming.

The general plan of taxation proposed by the President and embodied to a considerable degree by this bill conforms to that essential element of fairness, both in terms of the progressive rates on higher incomes and the broad-based energy tax on transportation fuels.

I will be frank to say that I much prefer the Btu tax because I believe it spreads the burden across a broader base of fuels and probably is the fairest plan in terms of regional interests. And I would note that the Btu tax would have raised $72 billion, instead of the $21 billion provided by the tax on transportation fuel.

Had the Btu tax been retained, we would not be faced with the $8 billion additional cuts in Medicare which I must say detracts from the basic fairness of the bill. I hope that there will be a serious effort in conference to reduce the cuts in the Medicare program.

This is but one area in which the bill before us, as epochal as it is, unfortunately does not live up to the full promise of President Clinton's program. While the bill does indeed change national priorities in terms of fiscal responsibility and deficit reduction, it seems to have lost, along the way, some of the initial promise of creative action to promote economic growth.

Lost in the process of political compromise are incentives for corporate investment and provisions for public investment in such programs as technology research and worker training. History may well record that we became so stampeded by the deficit cutting frenzy that we lost sight of the proactive part of President Clinton's economic program. Hopefully, this will prove to be a temporary lapse.

In this connection, I would note that the bill fails to make appropriate allowance for a major mechanism for economic growth and that is capital gains. The bill provides for a 10-percent surtax on capital gains for those whose income exceeds $250,000, effectively increasing the tax rate on capital gains from 28 to 30.8 percent.

To my mind, this is folly because it diminishes the pool of resources which is most likely to stimulate the economy. And I might note in this regard that by far the greatest portion of capital gains comes to those whose income exceeds $250,000. As our venerable former colleague John O. Pastore was wont to say this provision "kills the goose that lays the golden egg." So it would be my hope that this legislation in its final form would make a more positive recognition of a role of capital gains.

Finally, in my capacity as chairman of the Subcommittee on Education, Arts and Humanities, I would like to note a bright spot in the bill with respect to the student aid provisions. I am very pleased indeed with the compromise proposal agreed to in the full Labor Committee which contributes over $4 billion in savings to the bill, with an additional $2 billion or more in direct benefits to students through reduction of origination fees and insurance premiums.

Under the compromise, we will test the concept of direct government loans on an expanded basis. But through the National Commission on Student Loan Reform we have a way of assessing the program without reaching a point of no return. We also provide a series of program safeguards to assure students and families that will have access to the loans they need to help pay for a college education. And we streamline the operation of the student loan program. On the whole, the student aid provisions are sound and deserve the support of the Senate.

In summary, Mr. President, this before us, like all products of compromise, does not have in it everything that it should have. But it is a massive instrument of change notwithstanding its imperfections. I congratulate the President for setting us on this course and the Senator from New York [Mr. MOYNIHAN] for the critical role he played in securing agreement on the core provisions of the bill. I support its passage and hope for a constructive and productive conference with the House.

JUNE IS TURKEY LOVER'S MONTH IN NORTH CAROLINA

Mr. FAIRCLOTH. Mr. President, North Carolina's Governor once again has proclaimed June as "Turkey Lover's Month" in our home State of North Carolina. I would like to take a moment to add my voice of congratulations to the State's turkey industry and to discuss for a moment the importance of the industry to our State.

The dramatic growth in North Carolina's turkey industry mirrors the dramatic growth of the turkey industry nationwide. As American's turkey consumption was almost doubling across the United States during the last 10 years, North Carolina's turkey production was reaching record levels.

According to the Agriculture Department, more than 62 million birds were grown in 1992, making North Carolina the first State to grow more than 60 million turkeys in a year. These figures not only represent a national turkey production record, but they represent 22 percent of the yearly U.S. turkey output.

More important than records, though, is the positive economic impact the turkey industry has on North Carolina. The industry generates nearly $500 million annually in the State and provides employment and a steady income for tens of thousands of North Carolinians.

North Carolina realizes its leadership in production requires it also to be leaders in the industry. North Carolina's producers and processors recognize the need for our plants to set the national standard in productivity, safety, and quality. That is why Carolinians have been such active leaders in the national turkey industry. The immediate past chairman of the National Turkey Federation, my good friend Bruce Cuddy, makes his home in Marshville, NC, and is president of Cuddy Family Farms, which is headquartered in Marshville.

Bruce is the sixth North Carolinian chairman of the National Turkey Federation. He was preceded by Wyatt Upchurch in 1990, John Hendrick in 1984, Bill Prestige in 1982, Billy Shepard in 1974, and Marvin Johnson in 1968—all of whom I have known for many years.

In addition, two other friends and leaders of the North Carolina industry serve on the NTF executive committee—Sonny Faison of Carolina Turkeys and Nick Weaver of Goldsboro Milling.

Each of these men have helped shape, and are continuing to shape, an industry that has become one of the most exciting in all agriculture. Turkey consumption continues to rise for one simple reason: Turkey is one of the healthiest food products available, and it is an economic bargain. Low in fat and cholesterol, high in protein and other nutrients, turkey now is available in countless products from deli slices to ground turkey, turkey bacon to tenderloins. The old image of turkey as a Thanksgiving-only whole bird is giving way to the image of an easy-to-prepare, year-round product.

It is that tremendous growth that was recognized when June was proclaimed "Turkey Lover's Month." It is an honor to join today in providing the industry with that well-deserved recognition.

HENRY TECKLENBURG, JR.: IN MEMORIAM

Mr. HOLLINGS. Mr. President, with the passing of Henry Tecklenburg, Jr., earlier this month, the State of South Carolina lost one of its favorite sons and I lost a tremendous friend.

It does not do justice to the quality of this remarkable man simply to recite his many professional associations and accomplishments. Nonetheless, for the record, I would note that he served for years as chairman of the State Ports Authority, on the boards of visitors at Clemson University and the Medical University of South Carolina, on the boards of directors of countless civic organizations, and as board chairman at Bon Secours-St. Francis Hospital in Charleston. Professionally, he worked for three decades in the oil distribution business, since 1977 as chairman of Southern Oil Co. In 1977, the Governor honored him with the Order of the Palmetto, South Carolina's highest official distinction.

But to recite this résumé is to just scratch the surface of what Henry Tecklenburg's life was all about. Teck, as we knew him, was the epitome of the Charleston gentleman and the Christian servant. He loved people—people of all walks of life. He took satisfaction in setting them at ease, sharing his wisdom with them, extending a helping hand, making a difference big or small in their lives.

He also was a fine example of the maxim that you don't have to be on the public payroll in order to be a dedicated public servant. Teck held public office as Charleston County auditor from 1957–63, but from that time on, save for a stint as chairman of the State Ports Authority, his public service was strictly voluntary and behind the scenes. Teck was constantly being tapped by mayors, governors, senators, bishops, you name it, to troubleshoot, resolve conflicts, and carry out especially sensitive projects.

During the civil rights turmoil of the 1960's, Teck worked behind the scenes as a bridgebuilder and peacemaker. He saw to it that the right things were done, and that South Carolina moved forward in a manner that we could all be proud of.

Teck has aptly been described as a one-man kitchen cabinet to me and to other prominent Democrats in the State. This was his true political vocation, as wise man and confidant to practicing politicians. I and others turned to him for his keen eye, his shrewd judgment, his calming influence in the midst of crisis. Teck played a major role in every one of my campaigns for the Senate, and he stepped in at a critical juncture to assist my 1984 run for the Democratic Presidential nomination.

At the State Ports Authority he pursued an activist agenda that will be long remembered, regularly teaming up with Joe Sapp at the State development board to woo new investment to South Carolina from Europe and Asia.

Teck's toughness and fiber were demonstrated in one memorable incident from his tenure at the State Ports Authority. A rival seaport had commissioned a consultant's report that falsely cast Charleston in an unfavorable light. Teck demanded that the rival port withdraw the report and admit its falsehoods. When the rival refused, Teck filed a Federal lawsuit and initiated action before the Federal Maritime Commission. Through his tenacious efforts, Teck ultimately succeeded in forcing the sponsors to withdraw the report and acknowledge its errors.

As a fitting coda to Teck's distinguished career, just days before his death I learned that President Clinton had decided to appoint him Under Secretary of Commerce for Travel and Tourism. Teck looked forward to serving his President and Nation in this important new capacity, and it is a great loss that he was unable to do so.

Mr. President, for all his success in business and public service, no one doubted that Teck's highest priorities in life were his faith and his family. For decades, he was a tireless and devoted servant of St. John the Baptist Cathedral in Charleston, always ready to devote time and resources to his parish and diocese.

And, of course, the heart and soul of Teck's life was his family. Teck was always humble about his own accomplishments, but he would boast to no end about the talents and achievements of his beloved wife Esther, and of his five sons, Henry III, Frederick, John, Paul, and Michael.

His middle son, John, recently said of Teck, "He always said when I was growing up that a good name was better than great riches to pass on. And I really think he accomplished that." He did indeed. Teck leaves behind the best of names.

In tribute to Henry Tecklenburg, I cannot possibly match the eloquence of the Most Reverend David B. Thompson, Bishop of Charleston, who presided at Teck's burial mass. The Bishop remembered Teck as "a man justified by his faith in the Lord and in the Lord's commandments; a man just in his fidelity to his dear Esther, to his boys, to his forebears and sisters, to his 10

grandchildren; a man just and fair in his dealing with others; a man you could believe and trust and rely upon to make everyone win and to prevent anyone from losing. Henry was just to an eminent degree in his patriotism, good citizenship, workings for good government, his involvement in the right way in our country's political process."

Mr. President, Teck weathered crises and celebrated good fortune with the same even-keel temperament and wisdom. To the end, he relished life and lived it with enormous zest. I miss him more than I can say. I cherish his memory.

WORLD CONFERENCE ON HUMAN RIGHTS IN VIENNA—JUNE 1993

Mr. PELL. Mr. President, the World Conference on Human Rights in Vienna concluded on June 25, 1993, with the adoption of the Vienna declaration and action plan. Although the conference was marked by controversy, the final action by over 170 countries represented a constructive consensus by the international community on the universality of human rights and the need to implement an action plan to fulfill international commitments.

The Vienna declaration and action plan expresses the political will and commitment of the nations of the world to the protection and promotion of human rights. Arrived at through a process of consensus, not every country will necessarily agree with every detail of the document. As noted in the statement of United States representative to the conference, John Shattuck, Assistant Secretary of State for Human Rights and Humanitarian Affairs, while strongly supporting the consensus on human rights reached in Vienna, the United States nevertheless registered its concerns with respect to certain issues.

At the outset of the conference there were clear differences regarding the universality of human rights and the extent to which the religious, social, and cultural characteristics of a country could be taken into account to excuse a country's adherence to human rights principles. The U.S. position enunciated by Secretary Christopher was clear:

> We respect the religious, social, and cultural characteristics that make each country unique, but we cannot let cultural relativism become the last refuge of repression.

Given the differences expressed at the World Conference, the final Vienna declaration and action plan is a striking reaffirmation of the universality of human rights. The promotion and protection of all human rights and fundamental freedoms was proclaimed to be a priority objective of the United Nations. While the conference unanimously reaffirmed the principles that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, the conference strongly affirmed that the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. It is important to note that the declaration affirms the individual's right to development, not a state's right and there are no requirements put upon developed nations to transfer resources to assist underdeveloped nations.

The commitment of the states to promote universal respect for and observance and protection of all human rights and fundamental freedoms was underscored with these unequivocal statements: "The universal nature of these rights and freedoms is beyond question. Human rights and fundamental freedoms are the birthright of all human beings; their promotion and protection is the first responsibility of government."

The affirmation of the human rights of women as an inalienable, integral, and indivisible part of universal human rights is another cornerstone of the Vienna conference. The declaration and the plan of action unequivocally affirms the rights of women, regardless of cultural, historical or religious traditions, firmly rejecting gender based violence, exploitation, and sexual harassment in all their forms. The conference also called for the establishment of a special rapporteur on violence against women. At the conference Secretary Christopher signalled the Clinton administration's commitment to turn to U.S. ratification of the convention on the elimination of all forms of discrimination against women, as soon as the Senate has given its advice and consent to the pending racial discrimination convention.

The Vienna declaration condemned the massive violations of human rights, especially in the form of genocide, ethnic cleansing; and systematic rape of women in war situations and demanded that perpetrators be punished.

Torture in particular received strong condemnation as one of the most atrocious violations against human dignity. The conference called on all states to "put an immediate end to the practice of torture and eradicate this evil forever."

The "act, methods, and practices of terrorism in all its forms and manifestations" were recognized as "activities aimed at the destruction of human rights, fundamental freedoms, and democracy," and the conference agreed to enhance international cooperation to prevent and combat such terrorism.

States were called upon to defend children against all violations and impose effective measures against such abuses as female infanticide, harmful child labor, child prostitution, economically and sexually exploited children, and child victims of diseases including AIDS. The need to protect children in armed conflicts and provide aftercare and rehabilitation for those children traumatized by war was also stressed.

The conference set as a high priority the eventual elimination of widespread extreme poverty which inhibits the full and effective enjoyment of human rights and constitutes a violation of human dignity. "It is essential for states to foster participation by the poorest people in the decisionmaking process by the community in which they live, the promotion of human rights, and efforts to combat extreme poverty".

The Vienna declaration also reflects a strong commitment to combat all forms of racism, racial discrimination, xenophobia, and related intolerance and supported the appointment of a special rapporteur to address these issues.

All states were called to bring ethnic cleansing to an end.

> The World conference stresses that all persons who perpetrate or authorize criminal acts associated with ethnic-cleansing, are individually responsible and accountable for such human rights violations, and that the international community should exert every effort to bring those legally responsible for such violations to justice.

The Vienna declaration and action plan exhibits a commitment to improved coordination, efficiency, and effectiveness, reinforced by a well-funded Center for Human Rights at the United Nations. Implementation of the numerous recommendations set forth in the action plan should lead to significant improvements in the effectiveness of U.N. human rights machinery. Key to achieving these many goals is the establishment of a High Commissioner at the United Nations for promotion and protection of human rights.

> The World Conference on Human Rights recommends to the General Assembly that when examining the report of the conference at its 48th session, it begins as a matter of priority consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights.

These were just a few of the important matters addressed by the World Conference on Human Rights in Vienna. Secretary of State Warren Christopher was the head of the U.S. delegation and addressed the World Conference on June 14, 1993. Timothy Wirth, counselor for global affairs led the U.S. delegation during the initial stages, with Assistant Secretary of State for Human Rights and Humanitarian Affairs, John Shattuck, directing the delegation as U.S. representative to the World Conference through its conclusion. Former Congresswoman Geraldine Ferraro served as alternate U.S. representative.

I commend the accomplishments of the U.S. delegation and ask unanimous

consent that the statement of the United States at the conclusion of this conference be included in the RECORD following the conclusion of my remarks.

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

INTERVENTION ON DISCUSSION OF VIENNA DECLARATION, JOHN SHATTUCK, U.S. REPRESENTATIVE TO WCHR, U.S. DELEGATION, JUNE 25, 1993

Thank you Mr. Chairman: The World Conference on Human Rights has produced a strong forward looking document, one that reaffirms the universality of human rights and the basic principles my country has stood for. The Vienna Declaration marks the acknowledgement by the international community that these values are shared by all people. The attention this conference has paid to the rights of women, minorities, and the indigenous proves that human rights principles are being extended into new areas and that the protection of individuals remains paramount for the human rights community. The Conference has also broken new ground in showing the profound relationship between human rights, democracy and development. The conference has also signalled that gross violations such as torture, enforced disappearances, extra-judicial executions and arbitrary detention must be stopped.

The commitment expressed in the documented to improve implementation and enhanced advisory services and technical cooperation, reinforced by a well-funded Center for Human Rights will lead to major improvements in the effectiveness of UN human rights machinery in the coming years. We are pleased that the conference has recommended that the UN General Assembly take up, as a matter of priority, the establishment of a High Commissioner for the promotion and protection of all Human Rights. These far reaching action goals will only be reached if the international community commits itself to this achievement. The United States is proud to help launch this achievement.

The participation of NGOs has made an enormous contribution to the work of the conference and has enriched the final document. We are confident NGOs will become an ever more important force for justice and freedom worldwide since they represent the voices of a powerful grassroots movement for human rights and democracy.

Mr. Chairman, we continue to have reservations about the language found in some parts of the final document, particularly any implication that on foreign occupation is a human rights violation per se, and the fact that this conference failed to support freedom of the press as powerfully as we had wished. Mr. Chairman, we believe that freedom of the press, along with freedom of opinion, lies at the core of the democratic process. Paragraph 26 calls upon states to guarantee freedom and protection of the press within the framework of national law. While this provision can and must be read as consistent with international standards of a free press, and with the strong reaffirmation of the principle of universality in this declaration.

We think the conference could and should have articulated a more general and far-reaching principle concerning freedom of the press. We also note with dismay, the omission of a reference to anti-semitism, which we believe, along with other forms of racism and racial discrimination, constitutes a serious violation of human rights.

We congratulate you, Mr. Chairman, as well as Secretary General Fall, Ambassador Saboia, who so skillfully chaired the drafting committee, and Mrs. Warsazi who chaired the main committee, all conference participants, the secretariat, the officers of the conference, and the officials of our host country and city for the splendid work they have all done.

Thank you, Mr. Chairman.

INDIAN GAMING

Mr. INOUYE. Mr. President, as many Senators know, the Committee on Indian Affairs has been engaged in an extensive process during the past 2 years to monitor the implementation of the Indian Gaming Regulatory Act and to identify possible revisions to the act. Since April of this year, Vice Chairman MCCAIN and I have met with Governors, State attorneys general, tribal government leaders, Interior Secretary Babbitt, representatives of the Justice Department and the National Indian Gaming Commission. All of these parties have joined us in a constructive effort to develop a consensus in support of necessary amendments to the act.

The issues involved in Indian gaming are complex. The Indian Gaming Regulatory Act was enacted in 1988 after 5 years of hearings, debates, and intense negotiations. The act embodies a carefully balanced compromise between the sovereign prerogatives of the United States, the several States and the Indian tribes. In many parts of our Nation, the act has worked well. There are now over 70 compacts between tribal governments and State governments for the conduct of class III gaming on Indian lands. In other States, the act has led to litigation which has hindered the ability of the States and the tribes to negotiate compacts.

The issues involved in Indian gaming also generate intense feelings and misunderstandings between Indians and non-Indians. In fact, as Senator MCCAIN and I have conducted our review of the act with representatives of the Federal, tribal, and State governments, we have often found that many of the disagreements and differences of opinion can be resolved simply by providing accurate information to all parties.

Mr. MCCAIN. Would the Senator yield for a question?

Mr. INOUYE. I would be pleased to yield to the Senator from Arizona.

Mr. MCCAIN. I thank my good friend, the chairman of the Committee on Indian Affairs. I want to say that I agree that much of the misunderstanding that arises around the issue of Indian gaming is based on inaccurate information. Some of it is also probably derived from a concern about economic competition and the uncertainty which surrounds any new economic activity or the entry of a new party into any existing area of economic endeavor. But it is clear that misinformation and uncertainty undermine the environment of reason and good will that is necessary to resolve issues such as those involved in Indian gaming. In that regard, I wonder if the Senator has read the transcript of a June 18, 1993, interview of Donald Trump by Don Imus on radio station WFAN-FM in New York City?

Mr. INOUYE. Yes, I have read the transcript from that interview.

Mr. MCCAIN. Would the Senator agree with me that some of the statements made during the interview reflect the kind of misinformation and misunderstanding which have all too often characterized discussions about Indian gaming?

Mr. INOUYE. Yes, I must regretfully agree. It is my sincere hope as we continue our discussions with Federal, State, and tribal officials that we will have an opportunity to provide the American public with accurate information on this issue.

Mr. MCCAIN. Mr. President, I thank the Senator and once again express my appreciation to him for his leadership on this and so many other issues here in the Senate. I ask unanimous consent that the transcript of the June 18, 1993, interview to which we have just made reference be printed in the RECORD at this point.

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

RADIO TV REPORTS

Station: WFAN-AM.
City: New York.
Program: Imus in the Morning.
Date: June 18, 1993, 8:30 a.m.
Subject: Donald Trump.

[Broadcast excerpt]

Don Imus: It's 8:30 exactly here at WFAN in New York, and here with us now, Donald Trump. Good morning, Donald.

Donald Trump: How you doing, Don?

Imus: I'm fine. How are you?

Trump: I'm very good. Thanks.

Imus: So what is this now? A bunch of these drunken Injuns want to open a casino down there in New Jersey?

Trump: Well, it's a battle that we're fighting and I think it's being successfully fought. A lot of the reservations are being, in some people's opinion, at least to a certain extent run by organized crime and organized crime elements, as you can imagine. There's no protection. There's no anything. And it's become a joke. It's become a laughing joke. And the politicians around 1987 passed a law where the Indians can have virtually unsupervised casino gaming. So we're in there fighting it and I think we're making a lot of progress. I think you'll see some very major things happening over the next couple of months.

Imus: In your mind, is there any legitimacy in them being allowed to have casinos in states where there aren't now casinos like say Connecticut?

Trump: I think it's up to the states. I mean, one of the things we did is bring a lawsuit and say it's states' rights. As an example, Governor Cuomo in New York didn't want to have the Indians having casinos. The

churches didn't want it. It knocks out the bingo. It knocks out the charities. It knocks out a lot of other things. So what they did is they filed suits and they filed everything else. Ultimately, the Governor of New York was forced to pass this horrendous situation that's taking place in upstate New York. I think it's going to be changed and I think it's going to be changed fairly quickly, Don.

Imus: So will Indians be allowed to open casinos here in New York?

Trump: I think it's going to be unlikely within the next year.

Imus: Okay. This is just my opinion, but I don't think it makes sense to anybody to have Indians operate casinos in New Jersey.

Trump: General George Custer was against it also and look what happened to him.

Imus: But in New Jersey—obviously you have three casinos—you already have casinos.

Trump: Right, but the difference is I pay taxes. The Indians aren't paying any taxes. The Indians aren't putting anything back into what's happening. The funny thing is Cuomo was forced to put—and now all of a sudden they send him certified letters, "We want bridges."

They call it the sovereign nation. They call it a nation, this great sovereign nation, the Indian tribes. All of a sudden, it's nations.

Before it wasn't a nation, before gambling. Now it's this great sovereign nation. We protect, we do this, we do that, but when it comes to gambling, it's a sovereign nation.

So it's really a double standard and no taxes are paid. No supervision's there, tremendous crime, and most of the Indians don't want it themselves. The leaders—you know, all chiefs and no Indians, and the leaders want it for the obvious reason, but I think it's something that's going to end or is certainly going to be supervised very, very stringently.

Imus: Would there be any reason, if push comes to shove, for you to become a member of these tribes?

Trump: Well, I think if we lost various things, I would perhaps become an Indian myself.

Imus: You know, do one of those Robert Bly deals.

Trump: Well, I think I might have more Indian blood than a lot of the so-called Indians that are trying to open up the reservations.

I looked at one of them—well, I won't go into the whole story, but I can tell you, I said to him, "I think I have more Indian blood in me than you have in you." And he laughed at me and he sort of acknowledged that I was right, but it's a joke. It's really a joke.

Imus: A couple of these Indians up in Connecticut look like Michael Jordan, frankly.

Trump: I think if you've ever been up there, you would truly say that these are not Indians. One of them was telling me his name is Chief Running Water Sitting Bull, and I said, "That's a long name." He said, "Well, just call me Ricky Sanders." So this is one of the Indians.

I'll tell you, they got duped in Washington and it's just one of those things that we have to straighten out. It's the neverending problem of——

Imus: Having to straighten things out.

Trump: One of the big things that I'm working on is sports betting in New Jersey and we have a man over there named Chuck Hytian who turns out to be a disaster for the people of New Jersey because this would mean tremendous taxes and tax revenues. I don't know what happened with the bookies or whoever. I don't know who spoke to Hytian. I have no idea, but he's single-handedly—he's a Speaker and he's got some power over there, at least now, and he's single-handedly stopped sports betting, and everybody in New Jersey wants it and it's disgraceful and it's a great opportunity for Atlantic City. It's a great opportunity for New Jersey.

And the senior citizens and New Jersey will get tremendous tax revenues from it. So for all of you folks that know Speaker Chuck Hytian, call him up and blast the hell out of him.

Imus: Well, our opposition on sports betting is as long as the players get to bet, they might as well let the fans, you know?

Trump: Well, the players bet. That's absolutely true. And I'm sure it'll probably increase the ratings of your particular station quite a bit if they had sports betting in New Jersey.

Imus: It's not that I want to be like Mike. It's I want to bet like Mike.

Trump: Yeah, right. Maybe you don't want to bet like Mike.

Imus: Maybe I can win once in a while. What else is new with you?

Trump: Nothing. Things are going great. We're just in the process of doing some incredible things. Trump Plaza's doing something great and the hotels in Atlantic City have done record-setting business. The Taj Mahal, when they thought Trump was finished, "Trump is over. He's history,"and everything, I was opening up the Taj Mahal and they said it could never do the kind of numbers projected, and it's doing substantially greater than anything ever projected. So it's really become the success of the industry.

Imus: You sound like a Trump P.R. guy, but you netted 14 million dollars or something last month.

Trump: We made a gross operating profit of 14 million dollars, which was twice what the projections were at their highest, and they won 41 million dollars last month at the Taj Mahal. And the other casinos are doing proportionately—they're much smaller, but proportionately equally as well.

Imus: What's the status with your marriage? Are you still getting married?

Trump: Oh, I'm doing great. It's really fantastic.

Imus: Yeah, but are you getting married?

Trump: That might be the most difficult question you've asked me so far. See, the Indian problem is a much simpler problem. That can be solved.

Imus: Maybe you can have one of those traditional tribal ceremonies.

Trump: That's right. Maybe that would be the best way to do it. That way, it wouldn't be an authorized marriage. Therefore, I could claim marriage without any of the liabilities, right?

Imus: That's what I was going to say.

Trump: "What are you talking about? I never got married."

Imus: "I gave her some beads and that was basically about it."

Trump: "I can get sued for nine billion dollars, but what do you mean? The marriage is forget it. I have a great relationship.

Imus: It's a work in progress.

Trump: Huh?

Imus: It's a work in progress.

Trump: It's a work of art in progress.

Imus: That's right, a work of art in progress.

Trump: That's exactly correct. How are you doing on your social front? Do you have a new beautiful girlfriend yet?

Imus: Well, you know, they come and they go.

Trump: At least with you, I know it's definitely a girlfriend, okay?

Imus: At this point, yeah.

Trump: With a lot of people, we don't know.

Imus: Donald, always nice to talk with you. Good luck and many moon come Choctaw.

Trump: Thank you very much. Bye.

Imus: It's 8:36, 24 till 9:00, Imus in the Morning.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 228, the nomination of Ashton B. Carter to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NOMINATION OF ASHTON B. CARTER OF MASSACHUSETTS TO BE AN ASSISTANT SECRETARY OF DEFENSE

The bill clerk read the nomination of Ashton B. Carter of Massachusetts to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. The pending business is the nomination of Ashton B. Carter to be an Assistant Secretary of Defense.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I am pleased we now have before us the nomination of Dr. Ashton B. Carter to be Assistant Secretary of Defense for Nuclear Security and Antiproliferation.

Dr. Carter brings a wealth of talent and experience to this position. I am very confident that he will serve our Nation with distinction in what I believe is an increasingly important role.

I have known Ash Carter for many years. He is a person of intense dedication to public service and a person of deepest integrity.

I believe he is superbly qualified for the position of Assistant Secretary of Defense for Nuclear Security and Counterproliferation.

Ash Carter has held positions with the Rockefeller University, the Congressional Office of Technology Assessment, and the Office of the Secretary of Defense. He has been at MIT and Harvard. At Harvard he currently serves as the director of the Center for Science and International Affairs; at the Ford Foundation; and professor for Science and International Affairs at the Kennedy School of Government.

I am confident that Ash Carter will make a significant member of Secretary Aspin's team, and he will make a major contribution to our national security policy.

So I urge the Senate to support Dr. Carter's nomination for this important national security position.

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Mr. President, for the past few weeks, Dr. Carter's confirmation has been a matter of considerable controversy in the Armed Services Committee. I am glad that today the Senate will have the opportunity to consider some valuable lessons raised by this controversy as we finally lay the matter to rest. I heartily commend the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from New Hampshire [Mr. SMITH] for doggedly pursuing the troubling issues surrounding the Carter nomination, and I particularly thank Senator SMITH for his determination to have this debate.

Mr. President, Republican Members were not seeking a battle over this particular nomination. But in the course of evaluating Dr. Carter's qualifications when he was before the committee, serious questions were raised about his unauthorized assumption of executive powers prior to confirmation. Moreover, his response to questions about such activities raised even more serious questions about his forthrightness and reliability. I feel we had no choice but to delay action and look into the matter thoroughly.

I am deeply concerned about the slow pace of filling key policy jobs in the Pentagon. This is bad for the Services, for the Department, and for the Nation's security. I want to cooperate fully with our chairman, Senator NUNN, and get the civilian leadership ranks in the Pentagon filled as soon as we can.

But I also feel a strong obligation to safeguard the integrity of the confirmation process. My opposition to any administration nominee is always going to be based on principles and not on personalities. It will be based on a good-faith evaluation of an individual's suitability to serve and the Nation's interests, not on any other consideration.

In spite of the delay and distress in Dr. Carter's nomination, I believe some good has come out of the experience. First, this controversy has put a stop to the assumption of executive authority by unconfirmed appointees. I hope the Senate will take this lesson one step further and pass the Kempthorne bill, which makes this a matter of law. The Carter affair has made it clear that administration nominees, no matter how impressive their academic degrees and other qualifications, must meet high standards of conduct. In the Pentagon's especially sensitive positions, they must avoid even the appearance of impropriety.

Mr. Chairman, I feel the Defense Department has learned these lessons. Based on the assurances of the Department's general counsel and Deputy Secretary Perry, I am satisfied that the Department has taken the necessary steps to end the abuse of authority by Dr. Carter and all unconfirmed appointees. Many of his actions fell into an ambiguous category, and it is debatable whether he truly understood that he had crossed over the line in every instance. Since so many of his actions fell into a grey area where there is no overwhelming certainty, I believe we have to give Dr. Carter the benefit of the doubt.

Mr. President, in the absence of sufficient contradictory information, I also had to accept assurances that Dr. Carter did not willfully and knowingly mislead the committee about his actions. Secretary Perry and our distinguished chairman, Senator NUNN, vouched for his truthfulness and integrity in the most ringing terms, and I sincerely hope that no one will ever have cause to regret their unqualified endorsement of his reliability. For these reasons I voted with the committee, despite lingering doubts, to report Dr. Carter favorably to the Senate, and I will vote to confirm him.

I thank the Chair, and yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Is there further debate on the nomination?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, at this time, I would like to ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, I rise today with some reluctance in opposition to the nomination of Dr. Ashton Carter to be the Assistant Secretary of Defense for Nuclear Security and Counterproliferation.

Mr. President, the Senate's advice-and-consent role in Presidential nominations is vitally important. It is a very important constitutional responsibility—indeed, the responsibility that is outlined in the book presented to us by the Honorable ROBERT C. BYRD of West Virginia, in which he, in his chapter II on the Proceedings of the Senate, addresses the history of the U.S. Senate on the whole nomination process. There are several pages on the importance of nominations and the advise-and-consent role.

I think it is important not only in a constitutional responsibility, but we understand that anything that subverts this process of advise and consent, or diminishes its credibility, undermines the constitutional separation of powers, which is so fundamental to our democratic Government. Sometimes, we hastily push to confirm the nominations before us, even in the interest of rushing. I think that perhaps the nomination of Ashton Carter threatens to do that.

Let me begin with some general background. Until just recently, Dr. Carter was a paid consultant to the Defense Department. While awaiting Senate confirmation, he is also on the payroll of the Minor Corp., a federally funded research and development corporation at Harvard.

We understand the fact that for many of the Defense Department positions, indeed, people have not even been nominated. We also understand that many of these positions are not filled. We only have about 25 percent, it is my understanding, that are filled. I recognize that. It is not the desire of this Senator to delay the nomination but simply to have a recorded vote so that Senators can choose whether or not the advise-and-consent concept or process has been unfairly treated here, and to debate this nomination on some concerns that I feel very deeply about.

I want to also say, Mr. President, that I appreciate the cooperation of Chairman NUNN and the ranking member, Senator THURMOND, for their support and cooperation and the fair process, as we went through this entire issue of the nomination of Ashton Carter.

The policies concerning the preconfirmation activities of nominees such as Dr. Carter are largely a matter of custom, rather than law. In the past, nominees have served as consultants—that is not anything new—or as special assistants, or in other positions within the executive branch. They have to be there to get some idea or some understanding as to what it is their job will be. We all understand that and respect that. It has happened before and will happen again in the future. I do not object to that.

However, in each case, the Defense Department has traditionally deferred to the concerns of the Senate Armed Services Committee with respect to preconfirmation activities.

These concerns include:

First, the nominees adhere to applicable laws and regulations governing conflicts of interest.

Second, that authoritative guidance in the Defense Department should come from the Department's civilian and military officials, not from consultants.

And third, that nominees and potential nominees should assume no duties and take no actions that would appear—and I emphasize the word "appear"—appear to presume the outcome of the confirmation process.

I again repeat the word "appear," Mr. President, because I think appear is the key action word in this debate. Did Ashton Carter do anything that would appear to presume the outcome of the confirmation process? That is really the issue that I am dealing with here today, and I think the Senate is dealing with here today.

If you do not think he did, and you do not object to him for any other reason, then you should vote for him. If you think he did do things that appear to presume the outcome of the confirmation process, and you feel that the advise and consent role, as outlined by Senator BYRD in chapter 2 of his book, if you do feel that that is important, then I think the nomination of Dr. Carter is a problem for the U.S. Senate.

On March 9, 1993, Defense Secretary Aspin issued a memorandum for Presidential appointees. This memorandum outlined guidelines for activities of nominations prior to confirmation.

According to the Aspin memo, and I will quote from it:

The basic principle is that prior to nomination and subsequent Senate consideration, you should act in a manner consistent with your role as an adviser preparing for additional duties and responsibilities—

Additional duties and responsibilities, preparation for those duties—

and avoid acting or appearing as if you have been appointed.

Secretary Aspin continues by stating:

In implementing this principle, you should be guided by the following: You may consult within the Department of Defense on current policy topics, receive briefings, familiarize yourself with relevant issues, and even attend briefings. You may offer general advisory views on policy issues, but on a strictly informal basis.

"Advise" again is the key word.

Secretary Aspin said:

You should not serve as the official Department representative in meetings or on travel. You are not to sign any documents that give the appearance of having assumed official duties.

Again, the word "appearance" appears constantly and consistently throughout this documentation.

You are not to undertake to hire, transfer, or terminate members of your potential future organization or otherwise reorganize its management. You should not use the term "designate" prior to nomination by the President.

Those are the words of the Secretary of Defense.

Now, Mr. President, these guidelines were issued by the Secretary of Defense for good reason. They are very concise, very specific, and very straightforward. There is absolutely no ambiguity whatsoever in what the Secretary said and certainly no room for misinterpretation. You are not to do anything at all that would give the appearance that you were in a position that you had not yet received the advise and consent of the Senate on to do. That is the bottom line here, pure and simple.

Nonetheless, in response to reports of widespread noncompliance with these regulations, Senators NUNN and THURMOND sent a letter dated April 22, 1993, to Secretary Aspin requesting that he issue guidance and take steps to ensure that the activities of nominees comply with the concerns of the Armed Services Committee.

Mr. President, this was all before we knew anything about Ashton Carter. We did not know Ashton Carter was going to be nominated or do anything before he was nominated. But we did not know he was doing anything that might be considered the appearance of taking actions, that he should not be doing.

So, the Secretary of Defense issued the directive. Senators NUNN and THURMOND sent a letter to Secretary Aspin requesting that he issue guidance and take steps to ensure.

So this was proactive on both the Secretary of Defense and the Armed Services Committee, and it had been done many times before. It was just to reaffirm that no one should appear to do anything that would appear to be incorrect or wrong, or in any way give the appearance that they were acting in the role of a nominee before they were confirmed.

Secretary Aspin responded in a letter dated April 29; so in a week, he responded to that letter. He reaffirmed the existing guidelines, and he emphasized that each nominee receive an extensive briefing from the Department's Office of Standards and Conduct to ensure that their behavior met all legal and administrative requirements. An extensive briefing; that is what the language said.

Secretary Aspin stated, and I quote:

I gave this clear directive to all prospective nominees to ensure that no one here in DOD would presume any authority that can come only from the Senate's confirmation.

He said:

I gave this clear directive to all prospective nominees to ensure that no one here in DOD would presume any authority that can come only from the Senate's confirmation.

Dr. Carter was a nominee at that time. On May 25, Dr. Carter appeared before the Armed Services Committee for his confirmation. I was there. He was asked by Senator NUNN whether he, Dr. Carter, had made any authoritative decisions or provided authoritative guidance, and whether he had assumed any duties or undertaken any actions that would appear to presume the outcome of the confirmation process.

Dr. Carter responded in the negative to both questions. This was not a question that was prepared specifically for Dr. Carter. This is a question that is routinely asked by the chairman—correctly so—of all nominees when they come before the committee.

Dr. Carter again said no; he had not assumed any duties or undertaken any actions that would appear to presume the outcome of his confirmation process.

Mr. President, reluctantly I must submit that the facts do not substantiate what Dr. Carter gave in formal testimony under oath before the committee at his hearing. Subsequently, and in direct contradiction to this affirmation, it has been determined that Dr. Carter did in fact make authoritative decisions, did in fact provide authoritative guidance, and did in fact act in a manner which gives the appearance of presuming that he was confirmed.

The information I have before me indicates that Dr. Carter has been actively involved in the formulation and implementation of strategic nuclear policy, counterproliferation policy, and weapons dismantlement programs while serving as a consultant to the Defense Department. Again, implementation of strategic nuclear policy, counterproliferation policy, and weapons dismantlement—very serious issues.

Mr. President, at this time, 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. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NUNN. Mr. President, as I noted at the outset of this debate, I strongly support the nomination of Ashton B. Carter to be Assistant Secretary of Defense for Nuclear Security and Counterproliferation. Dr. Carter brings a wealth of talent and experience to this position and I am confident that he will serve our Nation with distinction in this important position.

Because issues about the prerogatives of the Senate in the confirmation process were raised during the proceedings on his nomination before the Armed Services Committee, I would like to briefly describe the background to the committee's action on this nomination.

On May 26, the committee voted to report this nomination to the Senate. At that time, the committee also decided that prior to reporting the nomination to the floor, Senator THURMOND and I would look into the issue of whether Dr. Carter had taken actions inconsistent with the guidance applicable to preconfirmation activities of nominees.

At the outset, I would note that the committee received and reviewed all of the required standard documents on Dr. Carter, including:

The committee questionnaire;

Letters from the Director of the Office of Government Ethics and the general counsel of the Department of Defense accompanying the nominee's Financial Disclosure Report, certifying that the nominee is in compliance with applicable laws and regulations governing conflict of interest;

The nominee's responses to the committee's prehearing questions; and

The letter from the counsel to the President on the scope of the background investigation.

The committee held a hearing on Dr. Carter's nomination, and on the nominations of seven other DOD officials, on May 25, 1993. Subsequent to the hearing, questions were raised about whether certain of his actions as a consultant to the Department of Defense were consistent with applicable guidance on preconfirmation activities of nominees. Senator SMITH has alluded to those questions.

I would like to briefly review the applicable guidance and the actions taken by the committee to review Dr. Carter's situation.

The policies governing the preconfirmation activities of nominees are largely a matter of custom, rather than law. Nominees in the past have served as consultants, special assistants, or in other positions within the executive branch. The traditional concern of our committee, as expressed in an April 22, 1993, letter from myself and Senator THURMOND to Secretary Aspin, has been that nominees act in accordance with the following three concerns:

First, that such persons adhere to the applicable laws and regulations governing conflicts of interest;

Second, that authoritative guidance in the Department of Defense should come from the Department's civilian and military officials, not from consultants; and

Third, that nominees and potential nominees should assume no duties and take no actions that would appear to presume the outcome of the confirmation process.

Secretary Aspin responded on April 29, expressing his agreement with our views and enclosing guidance which he had issued on March 9, I ask unanimous consent that our letter to Secretary Aspin and his response be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NUNN. At the May 25 hearing, I asked each of the nominees whether they had made any authoritative decisions, provided authoritative guidance, or otherwise undertaken any actions that would appear to presume the outcome of the confirmation process. Each responded in the negative. After the hearing the committee received a document, signed by Dr. Carter on May 17, which raised an issue of whether it constituted authoritative action. I ask unanimous consent that the May 17 document be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. NUNN. The committee determined that Senator THURMOND and I, working with other interested Senators, would review the matter. Senators SMITH, KEMPTHORNE, FAIRCLOTH, and KENNEDY have participated in the process, and several other Senators indirectly.

We met twice, informally, with Bill Perry, the Deputy Secretary of Defense; Jamie Gorelick, the general counsel, and Dr. Carter. I would like to summarize the results of our meetings.

The Department has recognized—and this nomination brought this to their attention in a very vivid way—has recognized using nominees as consultants puts them in a very difficult position. As a general matter, Government consultants are permitted to attend meetings, prepare documents, and provide advice and recommendations. When such an activity has been undertaken by a nominee for a policy position, however—particularly a position which primarily involves providing advice to the Secretary of Defense—it may give the appearance of presuming the outcome of the confirmation process.

Dr. Perry, for whom I have the greatest respect, determined that the Department should make a number of major changes in its preconfirmation procedures after this matter came to his full attention. On June 2, Dr. Perry issued a memorandum containing the following guidance:

First, he directed the general counsel to review all documents by potential appointees pending confirmation to determine whether any action of the Department had been effected through an inappropriate assumption of authority. The general counsel has completed this review, and has advised the committee that there were no such actions.

Second, he directed all potential Presidential appointees to adhere to strict new guidance issued by the general counsel.

Third, he directed that all potential Presidential appointees receive a personal briefing from the general counsel.

Fourth, he directed that in the future, no potential appointee requiring confirmation will become a consultant for purposes of rendering advice.

And it is my understanding, Mr. President, that applies to future appointees and is not retroactive in the sense of people who already are appointees.

The sole purpose of any future designation of such a person as a consultant will be to receive briefings and to participate in other activities related to preparation for confirmation proceedings, and that person will be in an unpaid status.

These actions go far beyond the limitations established by any other agency, and they go far beyond the requirements of law, as well as the requirements of custom. They are not conditions our committee has imposed. And I want to make that clear. These were directed voluntarily by Dr. Perry, after looking at the position consultants were being placed in under the current circumstances. These conditions reflect the seriousness with which Dr. Perry views the confirmation process and the need to avoid any actions which would violate the customary limitations on preconfirmation activities.

Mr. President, I ask unanimous consent that Dr. Perry's June 2 memorandum be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. NUNN. Mr. President, it is my view that this whole situation is a result of the slow pace of nominations. Every administration seems to get slower and slower with nominations. Individuals have been placed in consulting positions for too long a time waiting for their nominations to be formally submitted to the Senate. It is my hope that the transition process in this administration is drawing to a close. It is my further hope that the time between the Secretary's recommendation to the White House and the submission of a nomination will be reduced drastically. When that happens, it may be possible to revisit the guidance issued by Dr. Perry. So I do not think we should view that guidance as permanent.

With respect to the document signed by Dr. Carter on May 17, Dr. Perry has described that as an anomaly. He also noted that the actual action in the case was taken by a confirmed DOD official, not Dr. Carter. Dr. Perry has advised us that he is confident that Dr. Carter has acted in good faith in his role as a consultant, and has not intentionally violated the guidance regarding preconfirmation activities.

I accept Dr. Perry's representations. I have known Ash Carter for many years. I believe him to be a person of intense dedication to public service, and a person of the deepest integrity.

Nevertheless, I would also acknowledge that the document that he signed was a document he should not have signed. He recognizes that now, and I think that has made a deep impression not only on him but on the other nominees and on Dr. Perry and the other people in the Department of Defense, including Secretary Aspin.

Mr. President, as I noted as we commenced this debate, Dr. Carter is superbly qualified for the position of Assistant Secretary for Nuclear Security and Counterproliferation. He has held positions with the Rockefeller University, the Congressional Office of Technology Assessment, the Office of the Secretary of Defense, MIT, and Harvard, where he currently serves as the director of the Center for Science and International Affairs and Ford Foundation of professor for Science and International Affairs at the Kennedy School of Government. I am confident that he will be a significant member of Secretary Aspin's team, and that he will

make a major contribution to our national security policy.

Mr. President, on June 11, the committee held a public meeting, which provided members with an opportunity to speak on this nomination and to have their vote recorded. The committee ordered that Dr. Carter's nomination be reported to the Senate, by a vote of 16-3. I urge the Senate to support this nomination.

It is supported by both me, as chairman of the committee, and by Senator THURMOND, as ranking member, and by the majority of Members on both sides of the aisles.

I respect those Members who dissented on this nomination. To all of us, the confirmation process is very, very important and any time there are procedures adopted, whether advertent or inadvertent, that seem to bypass that confirmation process, then certainly it is up to those of us in the Senate to defend the prerogatives of the institution and the important constitutionality responsibilities that lie with the requirements for confirmation.

So, to those Senators who will vote "no" on this nomination, and I am sure there will be some, I respect their views on it. But I do believe this is a very valuable public servant. I think the mistakes that were made were inadvertent mistakes and in my view there are procedures and guidelines that have now been put into place as a result of this that minimize the chance of this happening again in the Department of Defense.

I would add, though, Mr. President, the Department of Defense is not the only department that has a very long delay in nominees being sent forward by this administration. I would say this process we have been through in the last several weeks with Dr. Carter's nomination should serve as a warning light to other nominees and to other departments, because this could be repeated in other areas. I hope it would not. I hope the delay in this nomination that has occurred will serve notice to other nominees and to other departments, and that this will not be a procedure that is repeated or mistakes would not be repeated.

Mr. President, I urge the Senate to confirm this nominee.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR MR. SECRETARY: We are concerned about recent press and other reports regarding the activities of nominees and prospective nominees in the Department of Defense.

Although nominees on occasion have served for a short period of time in consulting, special assistant, or other similar capacity with the Department of Defense prior to confirmation, our Committee traditionally has advised the Department that their activities with respect to the position for which they may be appointed should be limited to discussions necessary to familiarize nominees with their prospective duties. We have consistently asked the Department to ensure that any such nominees and prospective nominees act in accordance with three concerns that have been important to this Committee:

First, that such persons adhere to the applicable laws and regulations governing conflicts of interest, particularly with regard to private sector investments or employment.

Second, that authoritative guidance in the Department of Defense should come from the Department's civilian and military officials, not from consultants.

Third, that nominees and potential nominees should assume no duties and take no actions that would appear to presume the outcome of the confirmation process.

The longer that individuals remain in a consulting or similar status prior to confirmation, the greater the likelihood that issues will arise concerning activities that could be viewed as presuming the outcome of the confirmation process. We recognize that delays in the nomination process are often beyond your control. In our view, however, such delays make it all the more important that strict guidelines on preconfirmation activities are established and followed.

It is important that guidance be issued to all nominees and potential nominees regarding preconfirmation activities related to the position for which they may be appointed. This guidance should make it clear that their activities must be strictly limited to receiving familiarization briefings, and that they should not undertake any activities that could be construed as providing authoritative guidance on matters within their area of responsibility if confirmed.

Please advise the Committee of the actions that you will take to ensure that the activities of nominees and potential nominees adhere to applicable laws and regulations, take into account the concerns noted above, and do not presume the outcome of the confirmation process.

Sincerely,

SAM NUNN,
Chairman.
STROM THURMOND,
Ranking Minority.

THE SECRETARY OF DEFENSE,
Washington, DC, April 29, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for your letter of April 22, concerning the activities of nominees and prospective nominees.

You outlined those concerns that have been important to the Committee:

Compliance by potential nominees and nominees with applicable conflict of interest and employments rules;

Department civilians and military officials (not consultants) should prioritize authoritative guidance;

Potential nominees assuming no duties or take any action that precedes confirmation.

On March 9, 1993, I issued a memorandum (Attachment 1) for potential presidential nominees that paralleled, and I hope anticipated, the concerns expressed by your letter (Attachment 2). As you can see, the memo is intended to address the same issues you have raised. While potential nominees and consultant nominees may familiarize themselves with their duties properly, and may offer me informal advice as I make decisions as a duly confirmed Secretary of Defense, they are not to act in any way that suggests that they have the authority they would have only after they are confirmed by the Senate. In addition, each potential nominee received an extensive briefing from the Department's Office of Standards and Conduct to delineate the legal requirements concerning their tenure as consultants, prospective nominees and nominees. Of course, all consultant nominees and prospective nominees are to comply with all applicable laws and regulations, including employment and private sector investment.

I gave this clear directive to all prospective nominees to insure that no one here in DoD would presume to any authority that can come only from the Senate's confirmation.

As you pointed out to me at my confirmation hearing, the Committee needs to consider and dispose of over 50 Presidential nominations. We appreciate all the cooperation you, the Committee and your staff have provided. We look forward to continuing to work with you and your staff as we build DoD's new team.

If you need any additional information or clarification, please do not hesitate to contact me.

Sincerely,

LES ASPIN.

THE SECRETARY OF DEFENSE,
Washington, DC, March 9, 1993.

Memorandum for: Potential Presidential Appointees in the Department of Defense.

Subject: Guidelines for Activities Prior to Recommendation, Nomination and Confirmation.

I appreciate your willingness to serve as my advisor during this very important transitional period. I have already given verbal guidelines as to what actions you may appropriately and legally take during the period you are waiting decisions regarding your possible nomination and, subsequently, waiting for the Senate to consider your nomination as a Presidential appointee. However, I think it appropriate to formalize these guidelines to avoid any misunderstandings or potential embarrassment.

The basic principle is that prior to nomination and subsequent Senate consideration, you should act in a manner consistent with your role as an advisor preparing for additional duties and responsibilities, and avoid acting, or appearing, as if you have been appointed. In implementing this principle, you should be guided by the following:

You may consult within the Department of Defense on current policy topics, receive briefings, familiarize yourself with relevant issues, and attend briefings.

You may offer general advisory views on policy issues, but on a strictly informal basis.

You should not serve as the official Department representative in meetings or on travel.

You are not to sign any documents that give the appearance of having assumed official duties.

You are not to undertake to hire, transfer or terminate members of your potential future organization, or otherwise reorganize its management.

You should not use the term "Designate" prior to nomination by the President.

LES ASPIN.

EXHIBIT 2

MAY 17, 1993.

Memorandum for: Mr. Paul Boren, Defense Nuclear Agency.

Through: Senior Civilian Official, OUSD-P. Dr. John Birely, Acting ATSD-AE.

Subject: Nunn-Lugar Funding of Defense and Military Contacts (U).

(U) In accordance with the DepSecDef approved Plan for the Use of Nunn-Lugar Funds for Expanded Defense and Military Contacts request DNA transfer the necessary funds for the interagency approved defense and military contact events described on the attachment. Cost figures are only rough estimates.

Dr. ASHTON B. CARTER.

EXHIBIT 3

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 2, 1993.

Memorandum for: Potential Presidential appointees.

Subject: Procedures To Be Followed Pending Formal Appointment.

Late last week, the Senate Armed Services Committee raised serious questions regarding the level of compliance by potential presidential appointees with the directive issues by Secretary Aspin on March 9, 1993, limiting the activities that may be undertaken pending confirmation. Although the expressed concern related to presidential appointees for whom confirmation is required, the same restrictions are and should be applicable to potential appointees who have not yet actually been appointed.

In response to the concerns that have been raised, I have taken the following actions:

1. I have represented to the Committee that we will take all appropriate steps to ensure that potential appointees adhere to the rules.

2. I have directed the General Counsel to review all documents signed by potential presidential appointees who are pending confirmation to determine whether any action of the Department has been effected through an inappropriate assumption of authority. I direct each of you to cooperate with this review, as requested. Should we find any action that has been so effected, we will revise it in accordance with standard procedure.

3. I am directing each of you to adhere to the implementing guidance prepared by the General Counsel (Tab A) and to address to her any questions that you may have either with regard to documents or actions that you may take. She will be scheduling briefings with you to review this guidance.

4. I have asked the Executive Secretary and the General Counsel to review and revise as necessary the format for memoranda and correspondence within the Department, working with those responsible for such matters in the operating components of the Department, including the Military Departments (Tab B).

5. Henceforth, no potential appointee requiring confirmation will become a consultant to the Department for the purpose of rendering advice pending appointment. Rather, the sole purpose for which unpaid consultant status will be granted such persons is to permit the potential nominee to engage in activities in preparation for undertaking his or her position and/or in connection with the confirmation process (e.g., receiving briefings, reading background material and making courtesy calls.)

WILLIAM J. PERRY.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, May 29, 1993.

Memorandum to: All Potential Presidential Appointees.

Subject: Implementing Guidance for Activities Prior to Appointment.

Before you are formally appointed, there are significant restrictions on what you may or may not do within the Department of Defense. The purpose of this memo is to explain how Secretary Aspin's memo of March 9, 1993, and the relevant regulations apply to various circumstances that may present themselves. For your information, I have attached, at Tab A, the March 9 memo and the subsequent exchange of correspondence between Senators Nunn and Thurmond and the Secretary on that subject.

1. Meetings Outside the Department of Defense.—You should not meet with anyone outside the Department unless you are accompanied by a "responsible official" of the Department who can speak for the Department, *e.g.*, someone who has responsibility for the issue in question and who could have attended the meeting on his or her own. Your limited role as a consultant to the Department and not an official of the Department, should be made clear. This general rule is subject to the following more specific guidance:

a. Meetings with Contractors.—You should not attend a meeting with a contractor.

b. Meetings with Foreign Officials or Interest Groups.—While you may attend meetings with foreign officials or interest groups, subject to the guidance stated above, your participation should be kept to a minimum.

2. Meetings or Advice Inside the Department of Defense.—You should not represent or speak for a component of the Department of Defense, or a prospective component, in a meeting within the Department unless you are accompanied by a responsible official, as defined above. If you have been brought into the Department as a consultant for the purpose of advising the Secretary, you may provide such advice in the form of your personal views. Do not use Departmental stationery.

3. Press Contacts.—You should not meet or speak with the press, other than in connection with the confirmation process and then only after consultation with the Public Affairs office.

4. Contacts with Capitol Hill.—You should not have any contact with members of Congress or staff, other than in connection with the confirmation process and then only after consultation with the Legislative Affairs Office.

5. Speeches or Presentations Outside the Department.—You should not give any speeches, make any appearances or give any presentations outside the Department on any issue relating to the business of the Department.

6. Trips.—You may not participate in official trips of the Department of Defense except with the express permission of the Secretary.

7. Internal Decisions.—You should not make any decision for a component of the Department, *e.g.*, such as clearing a cable. You may advise the decision-maker, and note that you have seen an action item, but you may not order or control the advice that is given by a responsible official of the Department who is representing a component with respect to a particular decision.

8. Documents.—You may not originate an action, have official actions of the Department pass through you or approve or disapprove any actions of the Department. You may indicate that you have seen a particular item. In general, you are not to sign any documents in such a way as to give the appearance of having assumed official duties.

9. Hiring.—You are not to undertake to hire, transfer or terminate members of your potential future organization or otherwise reorganize its management. You may meet and interview applicants. The process for hiring to fill non-career SES and Schedule C positions is outlined in Larry Smith's memo of March 9, 1993 (Tab B).

JAMIE GORELICK.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 1, 1993.

Memorandum for: The General Counsel and the Executive Secretary.

Subject: Review of the Format and Coordination Process for Correspondence, Memoranda, etc.

In light of the matters discussed in my Memorandum to Potential Presidential Appointees of this date, I would like you to review the process by which correspondence, memoranda and other actions are presented within the Department to ensure (a) that the process is operating consistent with the applicable regulations and the commitments that we have made with regard to the limited role that consultants may play within the Department and (b) that there is appropriate legal review of all matters presented for action. This review should include not only documents that come to the Secretary or the Deputy Secretary for review, information or action, but also similar documents within the other components of the Department, including the Military Departments.

WILLIAM J. PERRY.

Mr. KEMPTHORNE. Mr. President, last week, I introduced a bill, S. 1147, which is designed to reinforce the constitutional rights and prerogatives of the U.S. Senate. It is a bill that addresses the serious concerns that many of my colleagues on the Senate Armed Services Committee and I have regarding the activities of unconfirmed Presidential nominees.

Many times in the past, I have looked to the words of the founders of our country for inspiration and guidance in my role as a U.S. Senator. In Federalist paper No. 76, Alexander Hamilton expounded on the nature of the President's nomination power, as provided in the Constitution. He said that concurrence in nominations by the Senate would have a powerful effect on the quality of Presidential nominees and that Senate confirmation would be a source of stability in the administration. Yet, I believe that the intended stability provided through the Senate's role of advise and consent is being compromised by the acts of nominees which frustrate no less a mandate than the U.S. Constitution.

I am here on the floor today to warn my fellow Senators that if we do not act in a bipartisan manner to send a clear message of our constitutional duty, we will lead astray those who feel that we, by our silence, condone such acts by nominees to positions of great importance in our Government. We do not do the Senate, or the Presidency, any favors by allowing the continuing slow erosion of our obligations. As Senator SMITH has so eloquently discussed today, the Senate Armed Services Committee recently encountered a situation where a political nominee, Dr. Ashton Carter, admittedly violated the Secretary of Defense's guidelines concerning the preconfirmation activities

of unconfirmed nominees. There are other documented instances where equally questionable activities have occurred. One problem is that many unconfirmed nominees serve as consultants between the time the President decides to nominate them and the time the Senate confirms them. This dual status, that of a consultant and as an unconfirmed nominee, has blurred the line between appropriate and inappropriate activities. Failure to give clear direction to consultants and others, that they shall not act as if they had already been confirmed, is at the root of my bill and our purpose for being here on the floor today.

I would like to take a few minutes to summarize the activities that led me to introduce my bill. On March 9, 1993, Secretary Aspin issued a memo to potential Presidential appointees in the Department of Defense. In that memo, Secretary Aspin stated:

> The basic principle is that prior to nomination and subsequent Senate consideration, you should act in a manner consistent with your role as an advisor preparing for additional duties and responsibilities, and avoid acting, or appearing, as if you have been appointed.

Secretary Aspin's March 9 memo offered the following guidelines:

> You may offer general advisory views on policy issues, but on a strictly informal basis. You should not serve as the official Department representative in meetings or travel. You should not sign any documents that give the appearance of having assumed official duties.

Throughout the confirmation process, members of the Senate Armed Services Committee have expressed concern about the preconfirmation activities of DOD nominees. As a result of this concern, on April 22, Chairman NUNN and Senator THURMOND sent a letter to Secretary Aspin advising the Secretary that the committee believed that, "nominees and potential nominees should assume no duties and take no actions that would appear to presume the outcome of the confirmation process." The Nunn-Thurmond letter also stated that nominees, "should not undertake any activities that could be construed as providing authoritative guidance on matters within their area of responsibility if confirmed."

In an April 29 letter to Chairman NUNN, Secretary Aspin informed the Armed Services Committee that he had advised prospective nominees that "they are not to act in any way that suggests that they have the authority they would have only after they are confirmed by the Senate."

Based upon these three documents, I believed that the Department of Defense has established clear policies and guidelines concerning inappropriate activities of unconfirmed nominees.

On May 25, the Senate Armed Services Committee met to consider eight DOD nominees. Dr. Ashton Carter was among the eight nominees under consideration. After brief opening statements by the nominees, Chairman NUNN began the questioning by asking each of the witnesses, "Have you made any authoritative decisions or provided authoritative guidance? Have you assumed any duties or undertaken any actions that would appear to presume the outcome of the confirmation process?" In response to Chairman NUNN's question, each of the nominees, including Dr. Carter, answered, "no."

On May 26, members of the Armed Services Committee met just off the Senate floor in the Vice President's office to consider the eight pending DOD nominees. However, an hour before that meeting, I received a copy of a memo signed by Dr. Ashton Carter. In that May 17 memo, Dr. Carter requested that the Defense Nuclear Agency transfer certain funds related to the Nunn-Lugar program. The memo, signed by Dr. Carter, was approved by Dr. Graham Allison. As of today Mr. President, President Clinton has not even nominated Dr. Allison, and yet, Dr. Allison approved the transfer of funds at DOD.

In the Vice President's office, my colleagues on the Armed Services Committee reviewed a copy of the Carter/Allison memo which I had authorized to be released to the committee by my staff. After a short discussion about the memo's significance, the committee voted to report out seven of the pending DOD nominees. The committee agreed to a motion to report out the Carter nomination pending my approval.

On May 27, members of the Armed Services Committee met with the Deputy Secretary of Defense, Dr. Bill Perry, the DOD general counsel, Ms. Jamie Gorelick and Ashton Carter. In the meeting, Ash Carter acknowledged that he signed the May 17 memo but he told us that he did not think that the May 17 memo fell under the authoritative actions Chairman NUNN had asked him about during his confirmation hearing. At this meeting, I asked Dr. Perry to give us written assurances that none of the other 7 DOD nominees had offered authoritative guidance or signed official documents. Pending that written assurance from Dr. Perry, I placed a hold on the seven other DOD nominees.

Later that day, Dr. Perry provided Chairman NUNN with written assurances that none of the seven pending DOD nominees had acted in an authoritative manner. When informed of Dr. Perry's written assurance, I lifted my hold on the seven nominees and the Senate subsequently confirmed them by voice vote.

It was around this time that DOD provided the Armed Services Committee with a revised copy of the Carter/Allison memo. This time, an authorized DOD employee, A.R. Williams, initiated the request to the Defense Nuclear Agency.

During the Memorial Day recess while I was in Idaho, my office received four additional documents signed or initiated by Ashton Carter. In one of these memos, Dr. Carter asks for Secretary Aspin's, "guidance on how to set up a new system to make the [Nunn-Lugar] program work." In another memo, Carter states, "As you requested, I attached a binder containing the essential information on the Cooperative Threat Reduction [CTR] Program. Tabs 8–10 are provided for your information, I have not yet approved them." This statement implies that tabs 1–7 have been approved and tabs 8–10 will be approved. Both of these memos were transmitted to Secretary Aspin and Deputy Secretary Perry through Frank Wisner. This documentation again proved that yet another unconfirmed nominee had rendered the Senate confirmation process irrelevant. The Senate has not yet confirmed Mr. Wisner.

During the Memorial Day recess, my office also received a copy of Dr. Carter's schedule. The schedule showed that Dr. Carter had been busy attending interagency working group meetings at the Department of Defense, the State Department, and the White House. Dr. Carter's schedule refers to these appointments such as "coordinating staff meeting," "meeting on implementation of Vancouver package for Russia" and "steering group meeting Russia, Ukraine, New Independent States." In addition, Dr. Carter's schedule also showed a morning appointment—the Wisner Staff Meeting.

In the wake of the activities of Ashton Carter and Graham Allison, on May 29, the DOD General Counsel issued a memo to all potential Presidential nominees clarifying the restrictions contained in Secretary Aspin's March 9 memo. At about this time, Deputy Secretary of Defense Perry asked the DOD general counsel to review the correspondence, memoranda, and other actions of potential DOD nominees. On June 1, Deputy Secretary Perry issued new guidelines for potential nominees. Included in these new guidelines was a decision not to hire potential nominees as paid consultants.

On June 1, Ashton Carter sent a letter to Secretary Aspin. In the letter, Carter writes:

> I have made every effort to adhere to your guidelines stipulating that, as an advisor who is not confirmed in any official position, I have no authority to assume the duties of office, and, furthermore, should not give any appearance of having done so. As you know, I mistakenly violated that guidance by signing a memorandum dated May 17, 1993, regarding the transfer of Nunn-Lugar funds. That was a careless error, which I deeply regret.

In light of the additional memos signed by Ashton Carter, on June 8, Senator THURMOND sent a letter to Chairman NUNN requesting a second hearing with Dr. Carter.

On June 10 members of the Armed Services Committee met with Dr. Perry, Jamie Gorelick, Dr. Carter, and one of Secretary Aspin's top aids, Rudy De Leon. In this meeting, Dr. Carter and Dr. Perry stated that in their view the additional Carter/Wisner memos did not represent authoritative guidance. Dr. Carter also assured us that he had not served as the official DOD representative as the various interagency meetings he attended. Jamie Gorelick, the DOD general counsel, reported to us that her review did not identify any other authoritative memos from, or actions by, Ashton Carter. I asked Ms. Gorelick to provide me with a written assurance to that effect. After our DOD guests departed, Senator SMITH asked Senator NUNN for a second vote on the Carter nomination. Chairman NUNN agreed to Senator SMITH's request. Later that evening, Chairman NUNN informed me he would not be able to get a quorum for the June 11 meeting of the committee. I told Chairman NUNN that I would lift my objection to reporting out the Carter nomination.

On June 11, the Armed Services Committee met for a second time to consider the nomination of Ashton Carter. At this meeting of the committee, Chairman NUNN and Senator THURMOND outlined the history of the Ashton Carter affair. After comments by other members of the committee, the Armed Services Committee voted 14 to 3 to report out Dr. Carter's nomination. Weighing all of the evidence, I voted not to confirm Ashton Carter because of my belief that a clearly recognizable line had been crossed. For me, this was a question of principle not personality.

Later that day, Senator SMITH sent a series of legitimate and detailed questions to Dr. Carter regarding his preconfirmation activities. When the Carter nomination was placed on the Executive Calendar, Senator SMITH placed a hold on the nomination. On June 14, Senator SMITH received Ashton Carter's responses to his questions. Having reviewed the responses to Senator SMITH'S questions, I cannot say that Ashton Carter reassured me that he had not acted in an authoritative capacity. For example, Dr. Carter says that other DOD officials joined him at White House and State Department interagency working group meetings on all but rare occasions. Thus, Ashton Carter asks us to believe that on the rare occasions he attended these meetings alone, he was not officially representing DOD. Given the subject matter of these meetings, as outlined in Dr. Carter's schedule, I cannot believe that the Department of Defense was not authoritatively represented at these interagency working group meetings.

Mr. President, I ask for unanimous consent that documents verifying this chronology of events by printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, March 9, 1993.

Memorandum for: Potential Presidential Appointees in the Department of Defense.

Subject: Guidelines for Activities Prior to Recommendation, Nomination and Confirmation.

I appreciate your willingness to serve as my advisor during this very important transitional period. I have already given verbal guidelines as to what actions you may appropriately and legally take during the period you are waiting decisions regarding your possible nomination and, subsequently, waiting for the Senate to consider your nomination as a Presidential appointee. However, I think it appropriate to formalize these guidelines to avoid any misunderstandings or potential embarrassment.

The basic principle is that prior to nomination and subsequent Senate consideration, you should act in a manner consistent with your role as an advisor preparing for additional duties and responsibilities, and avoid acting, or appearing, as if you have been appointed. In implementing this principle, you should be guided by the following:

You may consult within the Department of Defense on current policy topics, receive briefings, familiarize yourself with relevant issues, and attend briefings.

You may offer general advisory views on policy issues, but on a strictly informal basis.

You should not serve as the official Department representative in meetings or on travel.

You are not to sign any documents that give the appearance of having assumed official duties.

You are not to undertake to hire, transfer or terminate members of your potential future organization, or otherwise reorganize its management.

You should not use the term "Designate" prior to nomination by the President.

LES ASPIN.

THE SECRETARY OF DEFENSE,
Washington, DC, April 29, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for your letter of April 22, concerning the activities of nominees and prospective nominees.

You outlined those concerns that have been important to the Committee:

Compliance by potential nominees and nominees with applicable conflict of interest and employments rules;

Department civilians and military officials (not consultants) should prioritize authoritative guidance;

Potential nominees assuming no duties or take any action that precedes confirmation.

On March 9, 1993, I issued a memorandum (Attachment 1) for potential presidential nominees that paralleled, and I hope anticipated, the concerns expressed by your letter (Attachment 2). As you can see, the memo is intended to address the same issues you have raised. While potential nominees and consultant nominees may familiarize themselves with their duties properly, and may offer me informal advice as I make decisions as a duly confirmed Secretary of Defense, they are not to act in any way that suggests that they have the authority they would have only after they are confirmed by the Senate. In addition, each potential nominee received an extensive briefing from the Department's Office of Standards and Conduct to delineate the legal requirements concerning their tenure as consultants, prospective nominees and nominees. Of course, all consultant nominees and prospective nominees are to comply with all applicable laws and regulations, including employment and private sector investment.

I gave this clear directive to all prospective nominees to insure that no one here in DoD would presume to any authority that can come only from the Senate's confirmation.

As you pointed out to me at my confirmation hearing, the Committee needs to consider and dispose of over 50 Presidential nominations. We appreciate all the cooperation you, the Committee and your staff have provided. We look forward to continuing to work with you and your staff as we build DoD's new team.

If you need any additional information or clarification, please do not hesitate to contact me.

Sincerely,

LES ASPIN.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR MR. SECRETARY: We are concerned about recent press and other reports regarding the activities of nominees and prospective nominees in the Department of Defense.

Although nominees on occasion have served for a short period of time in a consulting, special assistant, or other similar capacity with the Department of Defense prior to confirmation, our Committee traditionally has advised the Department that their activities with respect to the position for which they may be appointed should be limited to discussions necessary to familiarize nominees with their prospective duties. We have consistently asked the Department to ensure that any such nominees and prospective nominees act in accordance with three concerns that have been important to this Committee:

First, that such persons adhere to the applicable laws and regulations governing conflicts of interest, particularly with regard to private sector investments or employment.

Second, that authoritative guidance in the Department of Defense should come from the Department's civilian and military officials, not from consultants.

Third, that nominees and potential nominees should assume no duties and take no actions that would appear to presume the outcome of the confirmation process.

The longer that individuals remain in a consulting or similar status prior to confirmation, the greater the likelihood that issues will arise concerning activities that could be viewed as presuming the outcome of the confirmation process. We recognize that delays in the nomination process are often beyond your control. In our view, however, such delays make it all the more important that strict guidelines on preconfirmation activities are established and followed.

It is important that guidance be issued to all nominees and potential nominees regarding preconfirmation activities related to the position for which they may be appointed. This guidance should make it clear that their activities must be strictly limited to receiving familiarization briefings, and that

they should not undertake any activities that could be construed as providing authoritative guidance on matters within their area of responsibility if confirmed.

Please advise the Committee of the actions that you will take to ensure that the activities of nominees and potential nominees adhere to applicable laws and regulations, take into account the concerns noted above, and do not presume the outcome of the confirmation process.

Sincerely,

SAM NUNN,
Chairman.
STROM THURMOND,
Ranking Minority.

SENATOR NUNN'S QUESTIONS
PRECONFIRMATION ACTIVITIES

In my opening statement, I outlined the concerns that the Committee has expressed about activities of nominees and prospective nominees prior to confirmation. I would like each member of the panel to respond to the following questions.

First, what position in the Department of Defense have you occupied prior to confirmation?

Second, have you adhered to the applicable laws and regulations governing conflict of interest?

Third, have you made any authoritative decisions or provided authoritative guidance?

Fourth, have you assumed any duties or undertaken any actions that would appear to presume the outcome of the confirmation process?

MAY 17, 1993.

Memorandum for: Mr. Paul Boren, Defense Nuclear Agency.

Through: Senior civilian official, OUSD-P and Dr. John Birely, Acting ATSD-AE.

Subject: Nunn-Lugar Funding of Defense and Military Contacts (U).

(U) In accordance with the DepSecDef approved Plan for the Use of Nunn-Lugar Funds for Expanded Defense and Military Contacts request DNA transfer the necessary funds for the interagency approved defense and military contact events described on the attachment. Cost figures are only rough estimates.

Dr. ASHTON B. CARTER.

Attachment:

EXPANDED DEFENSE AND MILITARY CONTACTS WITH THE FSU—EVENTS TO BE FUNDED UNDER THE NUNN-LUGAR PROGRAM

Event No.	Sponsor and Description	Use of funds [1]	Estimated cost
OSD-1	OUSD-P(REE): Belarus BWG Meeting in early May in Minsk.	1	$22,000
OSD-2	OASD (FM&P): Russian DepMOD for manpower visit to United States.	2	22,000
JS-1	Joint Staff J-5: Russian Joint Staff Talks in Washington May.	2	31,000
JS-2	Joint Staff J-4: Russian Rear Service Delegation visit to United States, May 21-28.	2	22,000
A-1	Army: Russian military historian Gen. Gareev visit to United States in April.	3	23,000
A-2	Army: Russian Frunze Academy Cmdt. visit to Combined Arms Center in May.	3	6,000
A-3	Army: Army Recruiting Command delegation visit to Russia in May.	1	17,000
A-4	Army: Combined Arms Center (CALI) visit to Russia in May/June.	1	35,000
A-5	Army: Russian Main Staff visit to TRADOC.	3	22,000
A-6	Army: Russian O-6 visit to Ft. Sill in May.	3	4,000
A-7	Army: Russian visit to Combined Arms Center on peacekeeping in June.	3	40,000
A-8	Army: DA team visit to Russian Frunze Academy on FAOs in June.	1	7,000
A-9	Army: Russian participation in Pacific Armies Reserve Comp. Seminar in July.	3	7,000

EXPANDED DEFENSE AND MILITARY CONTACTS WITH THE FSU—EVENTS TO BE FUNDED UNDER THE NUNN-LUGAR PROGRAM—Continued

Event No.	Sponsor and Description	Use of funds [1]	Estimated cost
N-1	Navy: Russian Naval Staff Talks in United States, May 22-29.	2	31,000
N-2	Navy: Russian ship visit to Boston July 7-10.	5	40,000
N-3	Navy: Russian Chief of Main Navy Staff visit to United States, June 6-11.	2	22,000
AF-1	Air Force: Joint search and rescue exercise in Russia April 19-24.	4	344,900
AF-2	Air Force: Russian AF Engineering Academy visit to United States, June 21-26.	2	22,000
AF-3	Air Force: Russian AF visit to Charleston AFB (Sister Base Exchange), June 26-July 2.	2	20,000
AF-4	Air Force: Air Command and Staff College visit to Gagarin Air Academy in May.	1	15,000
AF-5	Air Force: Barkesdale AFB visit to Ryazan AB in Russia (Sister Base Exchange).	1	10,000
AF-6	Air Force: Russian Kachinski Academy visit to the AFA (Sister Base Exchange).	2	15,000
C-1	PACOM: Russian FEMD working group visit to United States, April 22-29.	2	22,000
C-1	STRATCOM: Visit by CIS CINC and delegation to United States this summer.	2	22,000
Total			821,000

[1] Use of funds: 1. Travel and perdiem for DOD members of United States delegation. 2. Travel and perdiem for DOD members of United States delegation and food, lodging, transportation, etc. to host visiting delegation while in the United States. 3. Travel and perdiem for DOD members of United States delegation and food, lodging, transportation, etc. to host visiting delegation while in the United States and transportation for the visiting delegation to and from the United States. 4. Cost of United States participation in exercise. 5. United States services provided to support ship visit and food and transportation necessary to host visiting crews.

OFFICE OF
UNDER SECRETARY OF DEFENSE,
Washington, DC.

Memorandum for: Mr. Paul Boren, Defense Nuclear Agency.

Through: Dr. John Birely, Acting ATSD-AE.

Subject: Nunn-Lugar Funding of Defense and Military Contacts (U).

(U) In accordance with the DepSecDef approved Plan for the Use of Nunn-Lugar Funds for Expanded Defense and Military Contacts request DNA transfer the necessary funds for the interagency approved defense and military contact events described on the attachment. Cost figures are only rough estimates.

A.R. WILLIAMS,
Acting Assistant Deputy Under Secretary of Defense, Russian, Eurasian, and East European Affairs.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, May 27, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the meeting earlier today, we have reviewed with each of the pending nominees the letter signed by Dr. Carter on May 17, 1993, and your letter to Secretary Aspin of April 22, 1993. We have received the good faith assurance of each nominee that he or she has not given authoritative guidance or signed documents in an official capacity. Deborah R. Lee has served as Assistant to the Secretary of Defense for Legislation and has properly carried out her duties pursuant to her appointment in the Senior Executive Service on January 22, 1993. She has not given authoritative guidance or signed documents relating to the position for which she has been nominated.

This confirms my earlier report to you and, I trust, is responsive to your concerns.

Sincerely,

WILLIAM J. PERRY.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, May 29, 1993.

Memorandum to: All potential Presidential appointees.

Subject: Implementing Guidance for Activities Prior to Appointment.

Before you are formally appointed, there are significant restrictions on what you may or may not do within the Department of Defense. The purpose of this memo is to explain how Secretary Aspin's memo of March 9, 1993, and the relevant regulations apply to various circumstances that may present themselves. For your information, I have attached, at Tab A, the March 9 memo and the subsequent exchange of correspondence between Senators Nunn and Thurmond and the Secretary on that subject.

1. Meetings Outside the Department of Defense. You should not meet with anyone outside the Department unless you are accompanied by a "responsible official" of the Department who can speak for the Department, *e.g.*, someone who has responsibility for the issue in question and who could have attended the meeting on his or her own. Your limited role as a consultant to the Department and not an official of the Department, should be made clear. This general rule is subject to the following more specific guidance:

a. Meetings with Contractors. You should not attend a meeting with a contractor.

b. Meetings with Foreign Officials or Interest Groups. While you may attend meetings with foreign officials or interest groups, subject to the guidance stated above, your participation should be kept to a minimum.

2. Meetings or Advice Inside the Department of Defense. You should not represent or speak for a component of the Department of Defense, or a prospective component, in a meeting within the Department unless you are accompanied by a responsible official, as defined above. If you have been brought into the Department as a consultant for the purpose of advising the Secretary, you may provide such advice in the form of your personal views. Do not use Departmental stationery.

3. Press Contacts. You should not meet or speak with the press, other than in connection with the confirmation process and then only after consultation with the Public Affairs office.

4. Contacts with Capitol Hill. You should not have any contact with members of Congress or staff, other than in connection with the confirmation process and then only after consultation with the Legislative Affairs Office.

5. Speeches or Presentations Outside the Department. You should not give any speeches, make any appearances or give any presentations outside the Department on any issue relating to the business of the Department.

6. Trips. You may not participate in official trips of the Department of Defense except with the express permission of the Secretary.

7. Internal Decisions. You should not make any decision for a component of the Department, e.g., such as clearing a cable. You may advise the decision-maker, and note that you have seen an action item, but you may not order or control the advice that is given by a responsible official of the Department who is representing a component with respect to a particular decision.

8. Documents. You may not originate an action, have official actions of the Department pass through you or approve or disapprove any actions of the Department. You

may indicate that you have seen a particular item. In general, you are not to sign any document in such a way as to give the appearance of having assumed official duties.

9. Hiring. You are not to undertake to hire, transfer or terminate members of your potential future organization or otherwise reorganize its management. You may meet and interview applicants. The process for hiring to fill non-career SES and Schedule C. positions is outlined in Larry Smith's memo of March 9, 1993 (Tab B).

JAMIE GORELICK.

Memorandum for The General Counsel and the Executive Secretary.

Subject: Review of the Format and Coordination Process for Correspondence, Memoranda, etc.

In light of the matters discussed in my Memorandum to Potential Presidential Appointees of this date, I would like you to review the process by which correspondence, memoranda and other actions are presented within the Department to ensure (a) that the process is operating consistent with the applicable regulations and the commitments that we have made with regard to the limited role that consultants may play within the Department and (b) that there is appropriate legal review of all matters presented for action. This review should include not only documents that come to the Secretary or the Deputy Secretary for review, information or action, but also similar documents within the other components of the Department, including the Military Departments.

WILLIAM J. PERRY.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC.

Memorandum For: Potential Presidential appointees.

Subject: Procedures To Be Followed Pending Formal Appointment.

Late last week, the Senate Armed Services Committee raised serious questions regarding the level of compliance by potential presidential appointees with the directive issued by Secretary Aspin on March 9, 1993, limiting the activities that may be undertaken pending confirmation. Although the expressed concern related to presidential appointees for whom confirmation is required, the same restrictions are and should be applicable to potential appointees who have not yet actually been appointed.

In response to the concerns that have been raised, I have taken the following actions:

1. I have represented to the Committee that we will take all appropriate steps to ensure that potential appointees adhere to the rules.

2. I have directed the General Counsel to review all documents signed by potential presidential appointees who are pending confirmation to determine whether any action of the Department has been effected through an inappropriate assumption of authority. I direct each of you to cooperate with this review, as requested. Should we find any action that has been so effected, we will revise it in accordance with standard procedure.

3. I am directing each of you to adhere to the implementing guidance prepared by the General Counsel (Tab A) and to address to her any questions that you may have either with regard to documents or actions that you may take. She will be scheduling briefings with you to review this guidance.

4. I have asked the Executive Secretary and the General Counsel to review and revise as necessary the format for memoranda and correspondence within the Department, working with those responsible for such matters in the operating components of the Department, including the Military Departments (Tab B).

5. Henceforth, no potential appointee will become a consultant to the Department for the purpose of rendering advice pending appointment. Rather, the sole purpose for which unpaid consultant status will be granted is to permit the potential nominee to engage in activities in preparation for undertaking his or her position and/or in connection with the confirmation process (e.g., receiving briefings, reading background material and making courtesy calls).

WILLIAM J. PERRY.

WINCHESTER, MA, *June 1, 1993.*

Secretary of Defense LES ASPIN,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: It has been an honor to serve as your advisor during the first months of the new Administration, and I strongly hope that I will have the opportunity for further service, as Assistant Secretary of Defense for Nuclear Security and Counterproliferation.

During this initial period when I have been serving as an advisor, I have made every effort to adhere to your guidelines stipulating that, as an advisor who is not confirmed in any official position, I have no authority to assume the duties of office, and, furthermore, should not give any appearance of having done so. As you know, I mistakenly violated that guidance by signing a memorandum dated May 17, 1993, regarding the transfer of Nunn/Lugar funds. That was a careless error, which I deeply regret.

To avoid any potential for further problems of this sort, I have decided that I should not continue my advisory role while my nomination is pending in the Senate. I look forward to rejoining your team if and when I am confirmed.

Yours,

ASHTON B. CARTER.

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 20, 1993.

EXECUTIVE SUMMARY/COVER BRIEF

Memorandum for Secretary of Defense, Deputy Secretary of Defense.

Through: OUSD(P) senior civil official.

From: OASD(ISP) senior civilian official.

Subject: SDIO Expanded Acquisition of Russian TOPAZ Space Nuclear Reactors.

Purpose: Action—(U) To seek approval to procure four additional Russian TOPAZ space nuclear reactors, prior to seeking interagency approval.

Discussion: The main DoD objectives of the proposed acquisition are: to capitalize on significant Soviet investment and experience in space nuclear reactors for the benefit of SDIO and other DoD missions which require large amounts of power in orbit; and to promote conversion in the former Soviet Union from a defense oriented, state controlled economy to a commercially oriented, privatized, free market system.

SDIO seeks to procure four unfueled Russian TOPAZ II space nuclear reactors. These would be used in follow-on tests to the Thermionic System Test Evaluation (TSET), which is evaluating TOPAZ II technology for U.S. space missions. The additional reactors will be used in the Nuclear Electric Propulsion Space Test Program, which will eventually involve fueling and space testing one of the reactors. Total SDIO cost for the reactors will be $20M, with $15M going to Russian entities over a four year period. Details on the SDIO effort are at TAB A.

In March 1992, a White House Press Statement announced the procurement of the two reactors used in the TSET effort. Based on informal guidance from the Deputy Secretary, DoD approval for that procurement was based on a technical evaluation by DDR&E and a foreign policy evaluation by USD(P). Following DoD approval, USD(P) ensured the necessary interagency coordination. SDIO gave an informal briefing to the interagency on March 22 (See memorandum for record at TAB B). In accord with the prior guidance, the same internal DoD review has been accomplished on this additional acquisition.

Recommendation: That you approve SDIO acquisition of four additional Russian TOPAZ reactors in accordance with applicable law, upon clearance by USD(P) through the appropriate interagency process.

Note: Ashton Carter initials
MAY 13, 1993.

NUCLEAR SECURITY AND COUNTERPROLIFERATION UPDATE

Memorandum for: Secretary of Defense, Deputy Secretary of Defense.

Through: Frank Wisner.

From: Ashton B. Carter.

Subject: Format for the Daily Update Cover Memo—Information Memorandum.

This should be a standard opening on all updates: "As part of your Cooperative Threat Reduction and Denuclearization effort [or: Counterproliferation Initiative; or: the Aspin New Nuclear Policies effort] we have" * * * blah, blah, (introduce how this paper is of interest to Nuclear Security, Counterproliferation, Regional Security, Democratic Security, Economic Security * * * put it in the context of our new strategic framework and goals—one short paragraph.)

This one paragraph (or two) is a short summary of what the update means. To the point * * * use attachments if you intend to build a watch * * * tell what time it is here.

The credit line. "This information memorandum was prepared by Larry, Darrell, and their other brother Darrell."

The intent of this one (one!) page cover memo is to focus the SECDEF's attention on why he should read further. Put the bottom line first and add in deeper rationale as attachments.

(Since the memo may have some edits, you may wish to bring a paper copy and a Word for Windows disk * * * we'll do the retype in that case. This template is available as a Word for Windows template file if you are interested.)

NUCLEAR SECURITY AND COUNTERPROLIFERATION

Memorandum for: Secretary of Defense, Deputy Secretary of Defense.

Through: Frank Wisner.

From: Ashton B. Carter.

Subject: Nunn-Lugar Implementation Update—Information Memorandum.

Tomorrow's meeting has the purpose of giving your people—especially Deutch. Guidry, Broydrick, and me—your reactions to our plans to implement the new Nunn-Lugar ("CTR") program.

As you read the attached material, please reflect upon these points, on which we will be seeking your direction:

(1) This is your program, and it draws on your budget. I believe that this building can do the best job of carrying out the program, since you actually want to implement it and have the required expertise at hand. We are carrying the burden of the previous administration's administrative system, where DoD

was an unwilling partner. We need your guidance on how to set up a new system to make the program work.

(2) We are seeking authority from the Hill for a dedicated appropriation. We have devised language that follows precedent so as not to arouse opposition, but also strikes out in new directions.

(3) Several meetings are proposed at which you enlist the support of congressional leaders for the program. Do you concur in these plans, or should we change them?

(4) Reducing the nuclear threat to the United States is your principal responsibility—and a responsibility for which you can receive much public exposure.

How would you like us to proceed?

NUCLEAR SECURITY AND COUNTERPROLIFERATION

Memorandum for: Security of Defense, Deputy Secretary of Defense.
Through: Frank G. Wisner.
From: Ashton B. Carter.
Subject: Follow-Up on Today's Briefing on Secretary Aspin's Cooperative Threat Reduction Program.

As you requested, I attach a binder containing the essential information on the Cooperative Threat Reduction (CTR) program. Tabs 8–10 are provided for your information only; I have not yet approved them.

Tab 1: Major Points for the Secretary of Defense.

Tab 2: Outline of Today's Discussion.

Tab 3: DOD Nunn-Lugar Task Force Report (a separate package requests your approval).

Tab 4: Past Problems and New Solutions: What's We're Doing Differently to Implement CTR.

Tab 5: Proposed Letter to Members of Congress, with List of Addressees (a separate package requests your approval).

Tab 6: Summary of Nunn-Lugar Spending to Date: What Have We Spent, Where, on What?

Tab 7: Summary of Current Nunn-Lugar Legislation and Proposed FY94 Appropriations Language.

Tab 8: Draft CTR Legislative Affairs Plan (under review).

Tab 9: Draft CTR Public Affairs Plan (under review).

Tab 10: Possible Threat Reduction "Docudramas" (under review).

DR. CARTER'S SCHEDULE, WEDNESDAY, 17 FEBRUARY (REV NO. 1)

0800—Wisner Staff Meeting.
0945—LTGEN Teddy Allen, Dir, Defense Security Assistance Agency (courtesy call).
1000—LTGEN Ed Leland, Dir, J-5, Strategic Plans and Policy (courtesy call).
1100—Scooter Libby.
1300—POAC.
1300—Working Lunch [trays] w/Mr. Miller [et al], Prep for Interagency Group Meeting (Thurs, 18 Feb, 0900).
1500—Dr. Deutch, 3E 1006.
1530—VADM Dick Macke, Dir, Command & Control, Joint Staff (courtesy call).
1700—Meeting at National Academy of Science, Main Bldg.
1900—German Marshall Fund Dinner, Nora's Restaurant.

MR. INGLEE'S SCHEDULE, WEDNESDAY, 17 FEB 93

0830—Morning Brief.
1100—SecDef Mtg w/GE MOD Ruehe.
1300—Closure of NATO Site 43.

DR. CARTER'S SCHEDULE, TUESDAY, 30 MARCH

8:00—Policy Video Conf.
9:00—(CCC).
9:30—IWG Mtg @ NSC.
11:00—(Re: ABM/SCC).
11:15—Lunch w/D. Poneman.
12:00—Mtg w/D. Poneman & T. Graham.
12:45—(Re: HEU, Rm. 208).
1:00—Brussels Debrief w/F. Wisner.
1:45—(DepSecDef's Ofc).
3:00—Mtg w/F. Miller & M. Schneider.
4:00—(Re: Ballistic Missile Defense).
4:30—Mtg w/B. Auster & S. Strednansky.
5:00—(Re: Proliferation Interview).

MR. INGLEE'S SCHEDULE, TUESDAY, 30 MAR 93

0830—Morning Brief.
1000—Mtg w/German Parliamentarians (W. Wimmer, W. Kolbow & Col. Mueller).
Re: CSCE.
1400—USD(P) Staff Mtg.

SCHEDULE FOR MR. LOCHER, SENIOR CIVILIAN OFFICIAL—USD(P) WEDNESDAY, MAR. 31, 1993

0800—Mr. Wisner Staff Mtg.
0900—Mtg w/Gen Joulwan and Mr. Wisner.
1400—Briefing by DSAA to Mr. Wisner.
1500—SO/LIC Staff Mtg.

DR. CARTER'S SCHEDULE, WEDNESDAY, 31 MARCH (REV±1)

8:00—Policy Staff Meeting.
8:45—Coordinating Staff Meeting.
9:30—Dr. Perry and Dr. Deutch rm 3E944.
10:30—SDI Brfg on International.
10:45—rm 3E 1006.
12:00—Poneman Mtg on HEU, rm 208.
1:00—Prof Paul Doty.
2:00—Poneman Mtg on Iran, rm 208.
3:00—SDI Brfg On Weapons Lethality.
4:00—Mr. Wisner/Mr. Miller.
4:15—Mitchell Wallerstein.

MR. INGLEE'S SCHEDULE: WEDNESDAY, 31 MAR 93

0845—Coordinating Staff Mtg.
1000—Mtg w/D. Cooke.
1400—Mtg w/T. Parker.

SCHEDULE FOR MR. LOCHER, SENIOR CIVILIAN OFFICIAL—USD(P) WEDNESDAY, APR.7, 1993

0800–0830—Wisner staff meeting.
0900–1000—Interview with Col Pearce.
1100–1330—Appointment with Dr. Litman.
1400–1500—SF briefing W/LTC Davis, BG Dubia, BG Taylor & Mr. Dominguez.
1500–1600—SO/LIC staff meeting.
1600–1630—Bottom-up review of strategy, forces and programs W/PD, DASDS & Dr. Lamb.

DR. CARTER'S SCHEDULE, WEDNESDAY, 7 APRIL

8:00—Policy Staff Meeting.
9:30—Coordinating Staff Meeting.
10:00—Gen Klugh.
11:00—Pantex Brfg.
12:00—"Try" POAC.
1:45—Courier to OEOB.
2:00—Toby Gati, Amb Goodby, Eric Edelman OEOB 368.
3:30—Jim Hinds, SecDef Rep for Forum Security Cooperation.
4:15—Courier to State Department.
4:30—Amb Winston Lord, State 5205.
5:30—Courier to Pentagon.
6:00—RAND Working Reception, 2100 M Street, NW.

MR. INGLEE'S SCHEDULE: WEDNESDAY, 7 APR 93

00845—Morning Brief (4E838).
0930—Coordinating Mtg
1000—Mtg w/Cal Vos, SOCO
1100—Pantex Briefing by Steve Guidice & George West Re: Dismantlement Ops

DR. CARTER'S SCHEDULE, TUESDAY, 13 APRIL

8:00—Policy Video Conf, CCC
8:30—Mtg w/ Messrs. Wisner & Freeman
8:45—Re: Korea
9:30—Coordinating Staff Meeting
10:30—Charles Kelley, RAND
11:00—Tom Parker, Interview
11:30—Amb Ted McNamara, Ass't to Gallucci
11:45—Courier to OEOB
12:00—Lunch w/Dan Poneman, OEOB 380
1:00—IWG on PDD±3, OEOB 208
2:30—Poneman Brainstorming session on COCOM and ExportControls OEOB 380.
4:00—Courier to Pentagon.
[4:00—W/T Topics due].

MR. INGLEE'S SCHEDULE: TUESDAY, 13 APR 93

1000—Mtg w/Mr. Scher.

DR. CARTER'S SCHEDULE, THURSDAY, 15 APRIL

7:30—Breakfast w/Dr. Perry, 3E944.
[8:00—Policy Staff Meeting.]
9:00—Slocombe Mtg on Contingency Plan/Bastion Paper, 4E829.
11:00—FARR Brfg.
12:30—POAC.
2:30—Ken Flamm.
3:00—Dorothy Zinberg.
3:45—Courier to OEOB.
4:00—IWG on Ukraine Nuc Issues OEOB 208.
4:45—Courier to Pentagon.
5:00—Swearing-In Ceremony/Reception iho Dr. Deutch, 3E869/912.

MR. INGLEE'S SCHEDULE, (THURSDAY, 15 APR. 93)

0930—Coordinating Staff Mtg.
1700—Swearing-in Ceremony for John Deutch (3E869).

DR. CARTER'S SCHEDULE, FRIDAY, 16 APRIL

8:30—Policy Staff Meeting.
9:30—Coordinating Staff Meeting.
(T) 11:45—Larry Smith, 3E 856.
(2:00—Steering group meeting, Russia, Ukraine, New Independent States, State 7516).
2:00—Courier to Residence/AP.
Reminders: Lisa Burdick, Inglee/Joseph (prebrf).

MR. INGLEE'S SCHEDULE, (FRIDAY, APR. 93)

1215—Lunch w/Mr. Hadley (Blue Room).
1400—HASC Briefing (Rayburn Bldg.).

DR. CARTER'S SCHEDULE, FRIDAY, 23, APRIL 93

8:30—Policy Staff Meeting.
9:00—Michael May.
9:30—Dr. Perry w/Michael May, 3E944.
10:00—Coordinating staff meeting.
11:30—"TRY" POAC.
2:00—Talbott Mtg on Implementation of Vancouver Package for Russia, State 7516.
4:00—Jim Miller.
7:00—JASON Reception., JW Marriott Hotel, Capitol Ballroom., Pennsylvania Ave.

MR. INGLEE'S SCHEDULE, FRIDAY, 23 APR 93

No schedule.

MR. WISNER'S SCHEDULE—WEDNESDAY, MAY 12

0730—Breakfast with Roland Evans, Metropolitan Club.
0900—Appt. with Dr. Kossack, 1634 Eye Street., N.W., Suite 406.
1000—50th Anniversary Ceremony of the Pentagon, River Entrance, followed by SecDef's private reception in Room 3E912.
1100—Courtesy call by Lt. Gen. Mike Ryan (replacing McCaffrey).
1200—Luncheon w/Liz Drew, Metropolitan Club.
1330—Amb. Charles Thomas (Hungary).
1400—Meeting with Gordon Adams, Assoc. Dir for Natl. Security & Intrntl. Affairs OMB, w/Halperin and Locher.
1500—Gen. David Ivry, DirGen Israeli Defense Ministry.
1600—Briefing by Commander Ingram on Special Access Programs
1800—Mr. Francisco Villa, Secy Gen. Political Affairs, Spanish MFA.
1930—Reception/Dinner Speech, Defense Science Board, Army Navy Club, Farragut Square, N.W.

MR. SLOCOMBE, WED. 12 MAY 93

0900–0930—Policy Bfg to SecDef.

0945–1000—D. Johnson/Prbrf Teleconf.
100–1100—Teleconf, COC.
1130–1200—Lt Gen Mike Ryan, USAF, Asst to CJCS/CC (Here).
1600–1630—Wisner's Ofc/Special Program Briefing.
1815–1900—Defense Gp Mtg Chrd by Dr. Deutch, 3E928.
1930—Personal Engagement/Rosslyn.

SCHEDULE FOR GRAHAM ALLISON, WEDNESDAY, MAY 12, 1993, AS OF 5/11, 1830

10:00—River Entrance-Ceremony re 50th Anniversary of Pentagon (Reception follows in Rm 3E912)
12:40—Depart River Entrance
13:30—Mtg w/Nick Burns re: Kokoshin Visit, Rm 368 OEOB
1400—Return car.
1500—General Leland (15 mins) Farewell call.

DR. CARTER'S SCHEDULE, WEDNESDAY, 12 MAY

8:30—DSB Spring Meeting 3E869
9:30—Coordinating Staff Meeting
10:00—Ceremony/Reception iho Pentagon 50th Anniversary Hb SecDef, River Entrance/3E912.
11:30—Mr. Vos, Standards of Conduct Ofc
12:00—Lunch w/DSB
1:30—Blue Rm
1:30—Bruce Burton
2:00—North Korea Working Group
4:00—Messrs. Rostow and Knapp.
4:20—re Update on Conf on Disarmament.
7:00–8:00—DSB Spring Dinner (Cocktails).
8:00–9:00—Dinner.
9:00–10:00—Speaker.
Army/Navy Club, 901 17th St., NW.

MR. INGLEE'S SCHEDULE, WEDNESDAY, 12 MAY 93

0845—ISP Morning Brief.

COMMITTEE MEETING TO ACT ON THE NOMINATION OF ASHTON B. CARTER TO BE ASSISTANT SECRETARY OF DEFENSE (NUCLEAR SECURITY AND COUNTERPROLIFERATION), JUNE, 11, 1993

(Remarks by Senator Sam Nunn, Chairman, Senate Armed Services Committee)

The Committee meets today to act on the nomination of Ashton B. Carter to be Assistant Secretary of Defense for Nuclear Security and Counterproliferation. On May 26, the Committee voted to report this nomination to the Senate. At that time, the Committee also decided that prior to reporting the nomination to the floor, Senator Thurmond and I would look into the issue of whether Dr. Carter had taken actions inconsistent with the guidance applicable to preconfirmation activities of nominees.

Senator Thurmond and I, along with several other Senators, have reviewed these matters over the past two weeks. It is my intention this morning to give the Committee a report on our review, and to provide an opportunity for any member who wishes to reconsider his prior vote.

At the outset, I would note that the Committee has received and reviewed all of the required standard documents on Dr. Carter, including: the Committee questionnaire; letters from the Director of the Office of Government Ethics and the General Counsel of the Department of Defense accompanying the nominee's Financial Disclosure Report, certifying that the nominee is in compliance with applicable laws and regulations governing conflict of interest; the nominee's responses to the Committee's prehearing questions (May 20, 1993); and the letter from the Counsel to the President on the scope of the background investigation.

The Committee held a hearing on Dr. Carter's nomination, and on the nominations of seven other DoD officials, on May 25, 1993. Subsequent to the hearing, questions were raised about whether certain of his actions as a consultant to the Department of Defense were consistent with applicable guidance on preconfirmation activities of nominees.

I would like to briefly review the applicable guidance and the actions taken by the Committee to review Dr. Carter's situation.

The policies governing the preconfirmation activities of nominees are largely a matter of custom, rather than law. Nominees in the past have served as consultants, special assistants, or in other positions within the Executive Branch. The traditional concern of our committee, as expressed in an April 22, 1993 letter from myself and Senator Thurmond to Secretary Aspin, has been that nominees act in accordance with the following three concerns:

First, that such persons adhere to the applicable laws and regulations governing conflicts of interest.

Second, that authoritative guidance in the Department of Defense should come from the Department's civilian and military officials, not from consultants.

Third, that nominees and potential nominees should assume no duties and take no actions that would appear to presume the outcome of the confirmation process.

Secretary Aspin responded on April 29, expressing his agreement with our views and enclosing guidance which he had issued on March 9. Without objection, our letter to Secretary Aspin and his response will be included at an appropriate point in the record.

At the May 25 hearing, I asked each of the nominees whether they had made any authoritative decisions, provided authoritative guidance, or otherwise undertaken any actions that would appear to presume the outcome of the confirmation process. Each responded in the negative. After the hearing the Committee received a document signed by Dr. Carter on May 17, which raised an issue of whether it constituted authoritative action. Without objection, the document will be included in the record. The Committee determined that Senator Thurmond and I, working with other interested Senators, would review the matter. Senators Smith, Kempthorne, Faircloth, and Kennedy have participated in the process.

We have met twice, informally, with Bill Perry, the Deputy Secretary of Defense; Jamie Gorelick, the General Counsel, and Dr. Carter. I would like to summarize the results of our meetings.

The Department has recognized that using nominees as consultants puts then in a very difficult position. As a general matter, government consultants are permitted to attend meetings, prepare documents, and provide advice and recommendations. When such an activity has been undertaken by a nominee for a policy position, however—particularly a position which primarily involves providing advice to the Secretary of Defense—it may give the appearance of presuming the outcome of the confirmation process.

Dr. Perry, for whom I have the greatest respect, determined that the Department should make a number of major changes in its preconfirmation procedures. On June 2, Dr. Perry issued a memorandum containing the following guidance:

First, he directed the General Counsel to review all documents by potential appointees pending confirmation to determine whether any action of the Department had been effected through an inappropriate assumption of authority. The General Counsel has completed this review, and has advised the Committee that there were no such actions.

Second, he directed all potential Presidential appointees to adhere to strict new guidance issued by the General Counsel.

Third, he directed that all potential Presidential appointees receive a personal briefing from the General Counsel.

Fourth, he directed that in the future, no potential appointee requiring confirmation will become a consultant for purposes of rendering advice. The sole purposes of any future designation of such a person as a consultant will be to receive briefings and to participate in other activities related to preparation for confirmation proceedings, and will be in an unpaid status.

These actions go far beyond the limitations established by any other agency, and go far beyond the requirements of law or custom. They are conditions this Committee has imposed. They were directed by Dr. Perry. They reflect the seriousness with which Dr. Perry views the confirmation process and the need to avoid any actions which would violate the customary limitations on preconfirmation activities. Without objection, Dr. Perry's June 2 memorandum will be included at an appropriate point in the record.

It is my view that this situation is the result of the slow pace of nominations. Individuals have been placed in consulting positions for too long a time waiting for their nominations to be formally submitted to the Senate. It is my hope that the transition process in this Administration is drawing to a close, and that the time between the Secretary's recommendation to the White House and the submission of a nomination will be reduced drastically. When that happens, it may be possible to revisit the guidance issued by Dr. Perry and return to traditional, short-term use of potential nominees as consultants.

With respect to the document signed by Dr. Carter on May 17, Dr. Perry has described that as an anomaly. He also noted that the actual action in the case was taken by a confirmed DoD official, not Dr. Carter. Dr. Perry has advised us that he has confidence that Dr. Carter has acted in good faith in his role as a consultant, and has not intentionally violated the guidance regarding preconfirmation activities.

I accept Dr. Perry's representations. I have known Ash Carter for many years. He is a person of intense dedication to public service, and a person of the deepest integrity.

He is superbly qualified for the position of Assistant Secretary for Nuclear Security and Counterproliferation. He has held positions with the Rockefeller University, the Congressional Office of Technology Assessment, the Office of the Secretary of Defense, MIT, and Harvard, where he currently serves as the Director of the Center for Science and International Affairs and Ford Foundation of Professor for Science and International Affairs at the Kennedy School of Government. I am confident that he will be a significant member of Secretary Aspin's team, and that he will make a major contribution to our national security policy.

We have already voted to report out his nomination. In order to provide an opportunity for all members to be recorded, we will have a roll call after we complete our discussion this morning. I will keep the vote open until 6:00 p.m. today for any members who wish to be recorded. If, as I anticipate, the Committee continues to support his nomination, I will report it to the floor on Monday.

I will now turn to Senator Thurmond for any opening remarks he would like to make.

STATEMENT BY SENATOR THURMOND, MEETING OF THE ARMED SERVICES COMMITTEE, JUNE 11, 1993, FOR FINAL ACTION ON THE NOMINATION OF ASHTON CARTER

Mr. Chairman, these past few weeks have caused Dr. Carter, the Defense Department, and the Committee a great deal of distress. I can assure you that Republican Members were not seeking a battle over this particular nomination. But once serious and legitimate questions were raised, I felt we had no choice but to delay action and look into the matter thoroughly. I appreciate your accommodating us in this regard.

I can speak for the Minority in saying that we share your deep concern about the slow pace of filling key policy jobs in the Pentagon. This is bad for the Department and for the nation's security, and we want to continue to work with you to expedite the confirmation of DoD appointees.

But we also feel a strong obligation to safeguard the integrity of the confirmation process. I know you share that commitment as well. If we are forced to contest any future nominations, I know you will take these words to heart, and understand that our opposition to any DoD nominee is based on principles and not on personalities. It is based on our good-faith evaluation of an individual's suitability to serve in a sensitive national security position, and not on any other consideration.

In spite of the delay and distress surrounding Dr. Carter's nomination, I believe some good has come out of the experience. First, we have put a stop to the unauthorized assumption of executive powers by un-confirmed appointees. We have sent a strong message that all Administration nominees, no matter how well qualified they may be, are accountable to high standards of conduct. We have demonstrated the Committee's belief that in the Pentagon's especially sensitive positions, there should not even be the appearance of impropriety.

Mr. Chairman, I cannot speak for every Republican Member, but yesterday's meeting with Dr. Carter, Deputy Secretary Perry, and the Department's General Counsel resolved the Carter case to my satisfaction. Based on the assurances of the General Counsel and Secretary Perry, I am satisfied that the memos Dr. Carter signed—besides the May 17 memo—were not genuine action items, but were instead informational and advisory in nature. In the absence of contradictory information, I must also accept their assurances that his attendance at inter-agency meetings was permissible, and that he did not represent himself as the official Department representative.

It is clear that Dr. Carter and other unconfirmed nominees were in a very difficult situation. As time and world events marched on and they were still not confirmed, they were steadily pulled into the leadership vacuum. As active, intelligent people—perhaps with too much hubris—they felt a natural urge to put their hands on the tiller of the ship. In doing so Dr. Carter stepped well over the line of what was permitted.

But frankly, Mr. Chairman, it was not merely his improper actions that precipitated this controversy. It appeared to some Members that Dr. Carter may have misled the Committee about his actions, and not just the one time in his confirmation hearing, but several times. This is why the additional memos and documents, the reports of hiring, and the daily appointment schedule were significant. They constituted at least prima facie evidence contradicting his statements that he had not assumed executive authority. Under the difficult circumstances, we could overlook some improper assumptions of authority—if corrected. But we could not overlook what we felt were acts of equivocation.

However, upon hearing from the General Counsel and Secretary Perry, I agree it is at least debatable whether his actions crossed permissible lines of authority. Many of them fall into an ambiguous category. And it is equally debatable whether Dr. Carter understood that he had crossed over the line in every instance. Since so many of his actions fall into a grey area where there is no overwhelming certainty, I believe we have to give Dr. Carter the benefit of the doubt.

Moreover, Mr. Chairman, both you and Secretary Perry assured us yesterday that Dr. Carter did not intentionally mislead the Committee about the extent of his unauthorized assumption of authority. You and Secretary Perry vouched for Dr. Carter's truthfulness and integrity in the most ringing terms. I accept your assurances, Mr. Chairman. But lingering doubts remain in the minds of some Members, and no doubt they will be observing Dr. Carter's future actions and statements very closely. I sincerely hope that no one will ever have cause to regret their unqualified endorsement of his reliability.

Though I will vote to confirm Dr. Carter, I am aware that legitimate, unresolved questions remain in the minds of other Republican Members. I wholeheartedly encourage them to vote their conscience, and commend them for doing so. I am grateful to you, Mr. Chairman, for scheduling another Committee meeting so that Members could vote again, record their individual opposition to Dr. Carter if that is the case, and make known their reasons.

I hope this will be the last such hotly contested nominee to come before the Committee. But if it is not, then I hope future disagreements can be resolved as amicably as this one.

In closing, I want to commend you for the fair way in which you have handled this matter, Mr. Chairman. I also want to commend the Senator from Idaho, Mr. Kempthorne, the Senator from New Hampshire, Mr. Smith; and Senator Kennedy for their concern, and for participating with us in resolving the issues surrounding this nomination.

Thank you, Mr. Chairman.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 14, 1993.

Hon. BOB SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I have enclosed responses to the questions posed to Dr. Carter in your letter of June 11, 1993. I hope that this is of assistance.

Sincerely yours,

WILLIAM J. PERRY.

RESPONSE TO QUESTIONS OF SENATOR SMITH

1. Interagency Working Group (IWG) meetings on issues in the general area of nuclear security and counterproliferation took place at a rate I would estimate as about 5–7 per week. I attended about one fourth or one third of such meetings. Invitations for me to attend such meetings were extended by the Acting Assistant Secretary of Defense for International Security Policy, by the Undersecretary for Acquisition or the Undersecretary-Designate for Policy, and/or by the White House staff. I understood my role in such meetings to be to familiarize myself with the issues and with the personalities and views of other government agencies, and not to represent the Department of Defense. I did, on occasion, voice my opinion, but I did not do so as the Department's official representative. On several occasions I noted that I was not a confirmed official of DoD and could not speak for it. I understood the above-described activities to be consistent with my role as a consultant to the Department and within the guidance to potential appointees.

2. Ambassador-at-Large Strobe Talbott invited me to several (I would estimate three to five) meetings at which policy towards the former Soviet Union was discussed. My role in these meetings was the same as in the IWG meetings.

3. On all but rare occasions when I was invited to such meetings, the White House or State Department parties convening the meeting would also invite DoD officials who could represent the Department. The officials present most often at meetings I attended were John Deutch, Frank Miller, Susan Koch, Bob Joseph, and Bill Inglee.

4. I have not officially represented the DoD at meetings with foreign officials, but the Secretary and other DoD officials sometimes invited me to sit in on their meetings with foreign government officials. Again, I understood this to be consistent with my role as a consultant and the guidance to potential appointees.

5. As noted in response to Question 4, I have not officially represented DoD at such meetings or participated as an official representative of DoD.

6. The HEU agreement with the Russian Federation was the topic of numerous meetings and discussions that I attended. Though DoD did not have lead responsibility for this issue within the U.S. Government, the Secretary viewed it as an important aspect of facilitating nuclear weapons dismantlement in the former Soviet Union. The Secretary and other DoD officials asked me for my advice on this issue, in view of my familiarity with issues relating to nuclear power technology and with nuclear dismantlement in the former Soviet Union. My role was advisory and not decisionmaking.

7. I have limited personal knowledge of this matter because my involvement was limited, as noted. I believe, however, that if the U.S. were to buy highly enriched uranium (HEU) from Russia, it should not do so unless the proceeds are shared with Ukraine, Kazakhstan, and Belarus. I also believe that the U.S. should be confident that such HEU comes from dismantled nuclear weapons.

8. I did not issue authoritative policy guidance or policy directives. Consistent with my role as a consultant, I provided advice and analysis as requested. On occasion that advice was in writing. On occasion, I also reported to others positions advocated by the Secretary. I understood this to be proper and consistent with my stated role.

I cannot recall doing analysis or giving advice regarding nuclear weapons targeting or the SIOP, though these topics fall within the general areas upon which Secretary Aspin asked me to advise. I did advise Secretary Aspin on the related issue of how the U.S. could respond to Russian President Yeltsin's "detargeting" proposal at the Vancouver summit.

I cannot recall doing analysis or giving advice on START I or START II compliance, though these topics fall within the general

areas upon which Secretary Aspin asked me to advise. I did advise Secretary Aspin on the related issue of what steps the United States could take to ensure that Russia, Ukraine, Kazakhstan, and Belarus carried out their obligations under the START agreements.

I cannot recall doing analysis or giving advice on force structure levels or weapons deactivation regarding U.S. forces, though these topics fall within the general areas upon which Secretary Aspin asked me to advise. I gave advice on means the U.S. could take to ensure and hasten deactivation of Russian/CIS forces.

I attended briefings and provided Secretary Aspin with advice regarding whether and how the U.S. should respond to Russian "detargeting" and "strategic disengagement" proposals. A number of options were analyzed, though details are classified.

9. I have not hired or fired anyone nor have I reorganized elements of the DoD. With regard to reorganization, my involvement was as follows. Secretary Aspin has stated that he intends to reorganize the Office of the Undersecretary for Policy (OUSD/P), replacing the existing assistant secretary offices with new offices. One of these new offices, that of the Assistant Secretary for Nuclear Security and Counterproliferation, is the one to which I would be appointed if confirmed. Secretary Aspin's guidelines to nominees also made it clear that nominees had no authority to carry out such a reorganization. General John Gordon, [title] and the military assistants in OUSD/P prepared for the eventual reorganization, and I am aware of two steps they look to that end. First, the responsibilities of each of the new offices was defined. My role in this step was to convey the topics and issues Secretary Aspin had discussed with me at the time he told me he intended to ask President Clinton to nominate me to one of the new positions. I explained that these topics fell into three broad categories, as I described in my written statement before the SASC at the time of my confirmation hearing: reducing the nuclear threat from the former Soviet Union, counterproliferation, and U.S. nuclear policy and forces. Second, notional staffing levels ("billets") were defined for each office in a manner consistent with the overall staffing targets for OUSD/P. This task was performed by the Acting Assistant Secretary for International Security Policy (Bill Inglee) and his military assistant (Col. Ron Keys). Mr. Inglee and Col. Keys showed me these staffing tables. With regard to staffing, I do not have authority to hire, but I have been asked to interview potential candidates for schedule C positions and to make known my views to the appropriate personnel within the DoD, which I have done.

10. Mr. Barre was hired by the Department to join the OUSD/P in the office that I would join if confirmed.

11. I did not make, nor do I have authority to make, a hiring decision. I may, and did, recommend candidates to the appropriate personnel within the DoD.

12. I did not interview, recommend or offer a position to Robert Blackwill or recommend that he receive government contracts.

13. I have received approximately 150 resumes since being nominated for this position. I have interviewed approximately 15 persons. I have recommended to the appropriate people within DoD that two career DoD employees be considered for DASD-level positions, three non-career employees be considered for DASD-level positions, and two non-career employees be considered for Schedule C positions. I have recommended that one State Department official and one Congressional Research Service analyst be detailed to OSD/P, and that a Council on Foreign Relations Fellow be given a desk in OSD/P. Some, but not all, of these recommendations were accepted.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, June 17, 1993.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: My office was directed by Deputy Secretary Perry to determine whether any action of the Department had been effected through an inappropriate assumption of authority by Dr. Ashton Carter. As indicated when we met last week, we found no action of the Department that is required to be reversed or ratified.

Sincerely,

JAMIE S. GORELICK.

Mr. KEMPTHORNE. Mr. President, the legislation I introduced, S. 1147, I introduced in a spirit of bipartisanship and out of a sense of duty to this body and the U.S. Constitution. Currently, although the Constitution requires Senate action on certain Presidential nominations, there is no law which specifically prohibits nominees from performing functions required to be performed by an officer of the United States.

The enforcement of the constitutional duty to refrain from acting as a Federal officer before this body acts, is left to individual policies promulgated by the several executive departments. It is not memorialized in law and, Mr. President, it should be. We do no favors to this or future administrations by not providing clear direction that this body intends to continue to exercise the duty of confirmation. Any nominee who acts as a Federal officer, before he or she has been confirmed by the Senate, should carefully consider their oath to "support and defend the Constitution."

However, I do not intend to reinforce one clause of the Constitution at the expense of another. This legislation exempts from its embargo constitutional recess appointments. Further, it exempts acting appointments or details; we do not intend to restrict the legitimate acts of Federal officers.

Mr. President, Alexander Hamilton recognized that, with regard to the nomination process, "the true test of a good government is its aptitude and tendency to produce a good administration." The Senate confirmation process is but one building block to a good administration.

It is my sincere hope that my bill, which simply makes law what has been custom for decades, will receive the bipartisan support that I believe it deserves.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). The Senator yields the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. Mr. President, I thank my colleague from Idaho for his remarks and also for the fine work that he has done in preparing the information we have on the nominee. I concur very much with the very strong statements he has made.

I think everyone understands mistakes. Lord knows we are all guilty of making them. Certainly this Senator has made a few in his time. The issue here, though, with this nominee is whether or not he, in essence, inadvertently signed a document that he should not have signed or, in fact, maybe he signed it deliberately but should not have signed it.

That is the one side. The other side is whether he was an active participant in other decisions or whether he believed he was a participant, was he engaged? I think it is the latter. That is where I disagree with my colleague, Senator NUNN, for whom I have the greatest respect. He knows that, I am sure.

I think it is a matter of interpretation, and people can differ. But I think what I intend to try to show during the course of this debate—not to beat it to death, if you will, or beat a dead horse, if you will—is to show that we have a person who violated the advise-and-consent process of the Constitution. That is a fact.

Was it done deliberately, with some sinister motive? I do not know that I know the answer to that question, but I think there was certainly a modus operandi around the White House which allowed this thing to take place. I do not think that Ashton Carter was the only one who was doing these things. I do not think he was the only nominee who was engaged in making decisions.

Now, the argument has been used that a very low number of nominees have been approved and the process is not very good because there are so few nominees sent to us and we need more people on duly in the Pentagon. I agree we need more people on duty there and the nominees should be coming to us at a faster pace, but that does not mean an individual should be engaged in doing work in the executive branch before he or she is approved by the Senate.

There is great precedent for that. Senator BYRD talks about it in great detail, the advise-and-consent process. As a matter of fact, he says that:

> The Senate must continue seriously and painstakingly to perform its constitutional responsibility of rendering advice and consent on Presidential nominations if we are to maintain the unique system of checks and balances that has brought our democratic form of Government to its bicentennial.

It is interesting that many times there are confrontations between the executive branch and the legislative branch over nominations. But again, it is not meant to be a confrontation with

the executive branch. I am not trying to have a confrontation with the executive branch in calling the Senate's attention to this matter. Those of us in the committees of jurisdiction have a responsibility to bring this to the Senate's attention. The vote was 16 to 3 in committee, as the chairman has indicated. I was one of the three. It is clear that this nomination will be approved, I believe, but I think it is also clear to me that a record must be made, a public record must be made as to what happened.

Now, I referred in my earlier remarks to a memorandum, and I would like, Mr. President, to enter three documents into the RECORD.

The first of those documents is the "Potential Presidential Appointees in the Department of Defense," dated March 9, 1993 from the Secretary of Defense, Les Aspin, which outlines the point that I made before that "you are not to sign any documents that give the appearance of having assumed official duties." That is the key line. It is very clear. It was sent out to all nominees.

I ask unanimous consent that document be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, March 9, 1993.

Memorandum for: Potential Presidential Appointees in the Department of Defense.

Subject: Guidelines for Activities Prior to Recommendation, Nomination and Confirmation.

I appreciate your willingness to serve as my advisor during this very important transitional period. I have already given verbal guidelines as to what actions you may appropriately and legally take during the period you are waiting decisions regarding your possible nomination and, subsequently, waiting for the Senate to consider your nomination as a Presidential appointee. However, I think it appropriate to formalize these guidelines to avoid any misunderstandings or potential embarrassment.

The basic principle is that prior to nomination and subsequent Senate consideration, you should act in a manner consistent with your role as an advisor preparing for additional duties and responsibilities, and avoid acting, or appearing, as if you have been appointed. In implementing this principle, you should be guided by the following:

You may consult within the Department of Defense on current policy topics, receive briefings, familiarize yourself with relevant issues, and attend briefings.

You may offer general advisory views on policy issues, but on a strictly informal basis.

You should not serve as the official Department representative in meetings or on travel.

You are not to sign any documents that give the appearance of having assumed official duties.

You are not to undertake to hire, transfer or terminate members of your potential future organization, or otherwise reorganize its management.

You should not use the term "Designate" prior to nomination by the President.

LES ASPIN.

Mr. SMITH. In addition, the second document, Mr. President, was the letter to the Secretary of Defense from Chairman NUNN and Senator THURMOND which basically reaffirms that. And therein the response on April 29, 1993, from Secretary Aspin in which he said I gave this clear directive to all prospective nominees to assure that no one here in DOD would presume any authority that can only come from the Senate's confirmation.

Mr. President, I ask unanimous consent these documents be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR MR. SECRETARY: We are concerned about recent press and other reports regarding the activities of nominees and prospective nominees in the Department of Defense.

Although nominees on occasion have served for a short period of time in a consulting, special assistant, or other similar capacity with the Department of Defense prior to confirmation, our Committee traditionally has advised the Department that their activities with respect to the position for which they may be appointed should be limited to discussions necessary to familiarize nominees with their prospective duties. We have consistently asked the Department to ensure that any such nominees and prospective nominees act in accordance with three concerns that have been important to this Committee:

First, that such persons adhere to the applicable laws and regulations governing conflicts of interest, particularly with regard to private sector investments or employment.

Second, that authoritative guidance in the Department of Defense should come from the Department's civilian and military officials, not from consultants.

Third, that nominees and potential nominees should assume no duties and take no actions that would appear to presume the outcome of the confirmation process.

The longer that individuals remain in a consulting or similar status prior to confirmation, the greater the likelihood that issues will arise concerning activities that could be viewed as presuming the outcome of the confirmation process. We recognize that delays in the nomination process are often beyond your control. In our view, however, such delays make it all the more important that strict guidelines on preconfirmation activities are established and followed.

It is important that guidance be issued to all nominees and potential nominees regarding preconfirmation activities related to the position for which they may be appointed. This guidance should make it clear that their activities must be strictly limited to receiving familiarization briefings, and that they should not undertake any activities that could be construed as providing authoritative guidance on matters within their area of responsibility if confirmed.

Please advise the Committee of the actions that you will take to ensure that the activities of nominees and potential nominees adhere to applicable laws and regulations, take into account the concerns noted above, and do not presume the outcome of the confirmation process.

Sincerely,

SAM NUNN,
Chairman.
STROM THURMOND,
Ranking Minority.

THE SECRETARY OF DEFENSE,
Washington, DC, April 29, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for your letter of April 22, concerning the activities of nominees and prospective nominees.

You outlined those concerns that have been important to the Committee:

Compliance by potential nominees and nominees with applicable conflict of interest and employments rules;

Department civilians and military officials (not consultants) should prioritize authoritative guidance;

Potential nominees assuming no duties or take any action that precedes confirmation.

On March 9, 1993, I issued a memorandum (Attachment 1) for potential presidential nominees that paralleled, and I hope anticipated, the concerns expressed by your letter (Attachment 1). As you can see, the memo is intended to address the same issues you have raised. While potential nominees and consultant nominees may familiarize themselves with their duties properly, and may offer me informal advice as I make decisions as a duly confirmed Secretary of Defense, they are not to act in any way that suggests that they have the authority they would have only after they are confirmed by the Senate. In addition, each potential nominee received an extensive briefing from the Department's Office of Standards and Conduct to delineate the legal requirements concerning their tenure as consultants, prospective nominees and nominees. Of course, all consultant nominees and prospective nominees are to comply with all applicable laws and regulations, including employment and private sector investment.

I gave this clear directive to all prospective nominees to insure that no one here in the DoD would presume to any authority that they can come only from the State's confirmation.

As you pointed out to me at my confirmation hearing, the Committee needs to consider and dispose of over 50 Presidential nominations. We appreciate all the cooperation you, the Committee and your staff have provided. We look forward to continuing to work with you and your staff as we build DoD's new team.

If you need any additional information or clarification, please do not hesitate to contact me.

Sincerely,

LES ASPIN.

Mr. SMITH. So again, the question here is, was this simply a document that passed by Dr. Carter which he signed? Maybe he should not have signed it. He said that, to his credit. He told us he should not have signed it. And he was very honest in his answer to those of us who spoke with him about it. But the question is, were there other documents and was he in a mode of operation over there where he was more of an active person in terms of policy than a passive?

I submit that he was an active participant, and I think the evidence concludes that. I would like to go into some of that evidence at this time.

There is a memorandum which I referred to in my earlier remarks, dated May 17, which was signed by Dr. Carter and was approved by Dr. Allison on May 13. The interesting thing about the approval by Dr. Allison is that Dr. Allison was not confirmed either, and yet he approved what Dr. Carter had said.

So I think we see here more than one individual—Dr. Carter happens to be the unfortunate one who is being debated right now, but there was an attitude going on in DOD which I think, to the credit of the Secretary in response to the concerns raised by the chairman and by the committee, has stopped. But the point is, it did take place, and we have an obligation to cite for the record that it did take place, and Senators have to determine whether or not they believe it is appropriate and wish to vote against a nominee because it took place.

In the memo dated May 17, Dr. Carter directed the transfer of Nunn-Lugar funding for defense and military contacts with the former Soviet Union. The memo is signed by Dr. Carter, and let me quote what it states:

> In accordance with the Deputy Secretary of Defense approved plan for the use of Nunn-Lugar funds for expanded defense and military contacts, request DNA transfer the necessary funds for the interagency approved defense and military contact events described on the attachment.

I request that the transfer take place. That is not a person who is not engaged. When you request something, you clearly feel like you have the authority to request it. I do not think there is any question about it. This memo is not the work of somebody sitting on the sidelines watching and learning, trying to determine what the policy is. This is the work of someone who is actively involved in the formulas and implementation of policy. Clearly, he believes that he is—and he is.

The memo directly violates the Secretary of Defense regulations, and I will not go through all of this because, in essence, Dr. Carter admitted that he signed the document and admitted that he should not have signed it.

But again, to repeat, the point which sent up a red flag to me was that Dr. Allison approved it, and Dr. Allison, again, is not confirmed, or was not at the time. He has been named to be Assistant Secretary, and evidently he, too, then is conducting policy level work in the Defense Department. The question is, was it a one-time occurrence? I say that it was not. And I think, again, the documentation supports that.

I ask unanimous consent, Mr. President, that the document dated May 17, 1993, memorandum to Mr. Paul Boren, Defense Nuclear Agency, from Dr. Carter be entered as part of the RECORD.

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

MAY 17, 1993.

Memorandum for: Mr. Paul Boren, Defense Nuclear Agency.

Through: Senior civilian official, OUSD-P; Dr. John Birely, Acting ATSD-AE.

Subject: Nunn-Lugar Funding of Defense and Military Contacts (U).

(U) In accordance with the DepSecDef approved Plan for the Use of Nunn-Lugar Funds for Expanded Defense and Military Contacts request DNA transfer the necessary funds for the interagency approved defense and military contact events described on the attachment. Cost figures are only rough estimates.

Dr. ASHTON B. CARTER.

Mr. SMITH. The second document, Mr. President, is one entitled "Nuclear Security and Counterproliferation" which is a memorandum from the Secretary of Defense through Frank Wisner, who has also not been confirmed, and this document sailed through him as well for his review. It came from Dr. Carter and the subject was a "Follow-up on Today's Briefing on Secretary Aspin's Cooperative Threat Reduction Program." And the language is:

> As you requested, I attach a binder containing the essential information on the Cooperative Threat Reduction Program. Tabs 8-10 are provided for your information only; I have not yet approved them.

"I have not yet approved them" is the line.

Again, is this a person who is not engaged? This is a second document. And I would just ask my colleagues, again, does this memorandum reflect someone who is a passive observer, who made the mistake of signing one document, or is he an adviser, or does he think he is an adviser to someone who is acting in an official capacity?

So here, again, I think that the evidence concludes very strongly that it was an active person we had here, not a passive one, who inadvertently signed a document. So now we have two documents.

Mr. President, I ask unanimous consent that memorandum be printed in the RECORD.

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

NUCLEAR SECURITY AND COUNTERPROLIFERATION

Memorandum for: Secretary of Defense, Deputy Secretary of Defense.

Through: Frank G. Wisner.

From: Ashton B. Carter.

Subject: Follow-up on Today's Briefing on Secretary Aspin's Cooperative Threat Reduction Program.

As you requested, I attach a binder containing the essential information on the Cooperative Threat Reduction (CTR) program. Tabs 8-10 are provided for your information only; I have not yet approved them.

Tab 1—Major Points for the Secretary of Defense.

Tab 2—Outline of Today's Discussion.

Tab 3—DOD Nunn-Lugar Task Force Report (a separate package requests your approval).

Tab 4—Past Problems and New Solutions: What's We're Doing Differently to Implement CTR.

Tab 5—Proposed Letter to Members of Congress, with List of Addresses (a separate package requests your approval).

Tab 6—Summary of Nunn-Lugar Spending to Date: What Have We Spent, Where, on What?

Tab 7—Comparison of Current Nunn-Lugar Legislation and Proposed FY94 Appropriations Language.

Tab 8—Draft CTR Legislative Affairs Plan (under review).

Tab 9—Draft CTR Public Affairs Plan (under review).

Tab 10—Possible Threat Reduction "Docudramas" (under review).

Mr. SMITH. Mr. President, I ask unanimous consent that a document dated April 20, 1993, a TOPAZ reactor memorandum for Secretary of Defense that was initialed by Ashton Carter be printed as part of the RECORD.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 20, 1993.

Memorandum for: Secretary of Defense, Deputy Secretary of Defense.

Through: OUSD(P) senior civilian official.

From: OASD(ISP) senior civilian official.

Subject: SDIO Expanded Acquisition of Russian TOPAZ Space Nuclear Reactors.

Purpose: Action—(U) To seek approval to procure four additional Russian TOPAZ space nuclear reactors, prior to seeking interagency approval.

Discussion: The main DoD objectives of the proposed acquisition are: to capitalize on significant Soviet investment and experience in space nuclear reactors for the benefit of SDIO and other DoD missions which require large amounts of power in orbit; and to promote conversion in the former Soviet Union from a defense oriented, state controlled economy to a commercially oriented, privatized, free market system.

SDIO seeks to procure four unfueled Russian TOPAZ II space nuclear reactors. These would be used in follow-on tests to the Thermionic System Test Evaluation (TSET), which is evaluating TOPAZ II technology for U.S. space missions. The additional reactors will be used in the Nuclear Electric Propulsion Space Test Program, which will eventually involve fueling and space testing one of the reactors. Total SDIO cost for the reactors will be $20M, with $15M going to Russian entities over a four year period. Details on the SDIO effort are at TAB A.

In March 1992, a White House Press Statement announced the procurement of the two reactors used in the TSET effort. Based on informal guidance from the Deputy Secretary, DoD approval for that procurement was based on a technical evaluation by DDR&E and a foreign policy evaluation by USD(P). Following DoD approval, USD(P) ensured the necessary interagency coordination. SDIO gave an informal briefing to the interagency on March 22 (See memorandum for record at TAB B). In accord with the prior guidance, the same internal DoD review has been accomplished on this additional acquisition.

Recommendation: That you approve SDIO acquisition of four additional Russian TOPAZ reactors in accordance with applicable law, upon clearance by USD(P) through the appropriate interagency process.

Note: Ashton Carter initials.

MAY 13, 1993.

Mr. SMITH. Again, Dr. Carter's initials are on this April 20 memo to the Secretary of Defense. We are talking here about the acquisition of Russian TOPAZ space nuclear reactors. This is not exactly some minor decision here. The memo was submitted by senior civilian officials, and recommends that the former strategic defense initiative organization acquire four Russian TOPAZ reactors for use in the United States nuclear electric propulsion space test program. The conclusion of Dr. Carter's approval, on memo again, reinforces his direct role in formulation and implementation of nuclear policy while serving as a consultant who is not a confirmed official—a paid consultant, but not a confirmed official.

So again, this third document I think speaks for itself. Again a person engaged; again, a person who is acting, I believe, in a capacity that is far more than passive, and indeed very active. I think, also, it indicates that there was an environment around DOD at this time which was very clear, that maybe the memorandum on paper, directed by Secretary Aspin, was there on paper; but it is not anything we have to worry about because we have to get moving, we have to keep the Government running. And there is some justification for keeping the Government running, especially DOD. But there is also another process that could be used.

Out of respect for the chairman of the Armed Services Committee in the Senate, I think they could have come to us, could have come to the committee, and said: Look, we have a problem here. Here it is: We cannot make decisions. We need a little latitude. Or, even better, they could have come up with the nominees at a faster pace.

It is my understanding that Senator KEMPTHORNE might be interested in making comments at this point. I will be more than happy to yield to the Senator from Idaho at this point.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank the Senator for yielding.

Mr. President, clearly, something is wrong here. Clearly, errors have been made. I believe we have established that the system at the Department of Defense is flawed. Hopefully, corrective measures have been taken. But during the outline and during much of the timeframe in which this all occurred, the process was flawed.

I want to make sure, though, that it does not bring into question the integrity of the individuals involved. When I lifted my hold with regard to the confirmation of Ashton Carter, it was based in part because of the comments made to me and my office by Dr. Perry. I have the utmost respect for Dr. Perry. When he speaks and gives his word on behalf of an individual, as he did for Ashton Carter, that carries great weight with me.

It also is based upon the comments made by the chairman of the Armed Services Committee, Chairman NUNN. Again, when the chairman of that committee speaks on behalf of an individual, to me that is significant, because of the integrity and the respect that is universally held for Chairman NUNN.

Dr. Carter did violate the process. When the chairman of the Armed Services Committee feels that an issue is so important that he issues a memo to the Department of Defense and has response, when the chairman feels that it is so important that he asks the nominees the first question—if they have done anything that could be construed as operating in an authoritative manner—and we have now established that, in fact, it did occur, then I feel somebody crossed the line.

In this case, I have to vote against the confirmation of Dr. Carter. But again, it is based on the principle of this issue, not on the personality or the integrity of Dr. Carter.

I believe, again, that Dr. Carter may be a victim of a flawed system. But that is why I have to stand as I do for this principle, and again hope that we can have bipartisan support for the legislation that hopefully will prevent this from happening to future nominees.

Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Idaho, and also the Senator from New Hampshire. I particularly want to emphasize, again, the feeling I have as chairman of this committee, that there are two Senators on the floor today who are indeed sincerely expressing their concern about the process itself, about the confirmation process, and protecting the integrity of the Senate's prerogative and protecting the integrity of the Senate's responsibility under the Constitution of the United States.

The Senator from Idaho made it clear that he does not question the integrity of Dr. Carter nor his ability, and that his objection to this nomination lies with certain procedures that have not been followed as they were intended to be followed.

I would also stipulate for the record that I think Dr. Carter made a mistake. I think it was a mistake. And he acknowledges he made that mistake. He did not make it, in my opinion, in bad faith. I think he made it inadvertently, and I think his value to the Department of Defense is such that I would urge my colleagues to support the nomination.

I hope that those who are now designated by the President as being probable nominees, but who have not yet been sent up for confirmation, or even those who are pending in the Senate—we do not have many of them in the Department of Defense. I believe we now have two not counting this nomination, because we have been moving them out very rapidly. But I hope all of them will learn a lesson from this. I know it has been a very painful lesson for Dr. Carter himself. I know that he would not have signed that document if he had thought about it in a careful way.

But, nevertheless, I hope we can support the nomination.

I inquire of my colleagues from New Hampshire if they know how many more speakers they anticipate. I know the Senator from Massachusetts would like to make some remarks. If we did have some feel about how much more time, I could inform the majority leader because we do have caucuses coming up in a few minutes. Perhaps we could set some time for disposition of this matter after the caucus.

Mr. SMITH. Mr. President, if the Senator will yield for a moment, I know we are about at caucus time. It is my understanding that Senator LOTT wanted to speak. I have some more remarks.

I think probably between Senator LOTT and myself, unless other Senators were to come by, I do not know of any, I would say an hour or less on our side.

Mr. NUNN. Does the Senator from New Hampshire believe we could perhaps vote on this at about 3 o'clock, considering we will be out of here, and probably come back here about 2:15?

I am not going to propound the unanimous consent. I just ask the Senator from New Hampshire to think about that.

Mr. SMITH. I think that would be very, very close, unless somebody comes in that I do not know about. Yes.

Mr. NUNN. I will discuss it with the majority leader before I propound the unanimous consent request.

Mr. SMITH. Will we be coming back to this?

Mr. NUNN. I have to discuss that with the majority leader. But it is my hope that we can come back and dispose of this as soon as possible.

The Senator from Massachusetts, I want to thank—I have already done that in his absence—for his interest in this nomination. I know he knows the nominee very well on a personal basis.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the chairman of the committee.

Parliamentary inquiry: Do I understand that the Senate is supposed to recess at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I was wondering if I could ask unanimous consent that we void that request to permit brief comments by myself so we could get a complete comment on this measure and on another matter.

Mr. President, I ask unanimous consent that we do so. If there is some objection, obviously, by the majority leader, I would then conform to that request and accede to adjourning at an earlier time.

The PRESIDING OFFICER. Does the Senator request a specific time?

Mr. KENNEDY. Yes; for 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. Mr. President, reserving the right to object, I assume the Senator wishes to speak for the next 10 minutes. When we come back after the recess, we will go back to this issue?

Mr. KENNEDY. Permit me to speak briefly, about 6 minutes. But I have no objection, when we return, for the Senator from New Hampshire to be recognized, if that is the will of the Senate.

Mr. SMITH. I have no objection.

The PRESIDING OFFICER. Without objection, the time is extended for 10 minutes.

Mr. KENNEDY. Mr. President, I want to join in thanking the chairman, Chairman NUNN, and the Senators from Idaho and New Hampshire, as well, for the way this issue was handled. I, too, join in respecting their deep concerns about the process and procedures, which are fundamental in terms of not only the Defense Department, but other agencies as well.

And I am very hopeful that we will be able to have a final resolution and a vote on this individual, who is superbly qualified by background and reputation. In both his public and private life, he has been a person of extraordinary integrity and of commitment to the security of this country. He has performed his commitment in a variety of different ways for the security of this Nation. I appreciate very much the comments that have been made, and in spite of the delay of the confirmation, there is not really any doubt as to the fundamental integrity of this superb nominee.

Mr. President, I give my strong support to the nomination of Ash Carter for Assistant Secretary of Defense.

Anyone who studies the threats we face from nuclear and other high-technology weapons knows two things. First, even with the end of the cold war, the existence of thousands of nuclear weapons and the spread of high-technology weapons around the world pose grave challenges to U.S. security. Second, they know that Ash Carter is among the most qualified persons in the country to lead the Pentagon's effort to reduce these threats.

In fact, it is no surprise that the Clinton administration chose him for this position. Dr. Carter is one of the world's foremost experts on nuclear weapons and the dangers of nuclear proliferation. He has unique understanding of both the practical and political dimensions of modern security issues. It is this dual expertise that makes him so qualified to lead the Pentagon's counterproliferation effort.

Dr. Carter's academic credentials are impeccable. He is a Rhodes scholar who earned his doctorate at Oxford in theoretical physics. He held positions at the Rockefeller University and MIT before joining the faculty at Harvard. He has also served in Government, holding positions at the Office of Technology Assessment and in the Office of the Secretary of Defense, and serving on numerous Government, academic, and private advisory boards, including the White House Office of Science and Technology Policy, the National Academy of Sciences, and the Sandia National Laboratory. He is currently a member of the Defense Science Board, for which he has chaired several studies on intelligence matters.

I could also list his many other affiliations and achievements, including the long list of his books and articles on the issues of nuclear security, nonproliferation, and ballistic missile defense. Obviously he is eminently qualified for the position to which President Clinton has nominated him.

My colleagues on the other side of the aisle point to a Department of Defense document that Dr. Carter signed on May 17. They argue that it amounted to a violation of the guidelines on behavior of Presidential nominees in the Defense Department prior to confirmation.

I understand why this issue was raised when the document first came to light. It is certainly important that nominees at the Defense Department honor the constraints on their activities. But what this episode demonstrates is that prospective nominees were asked to carry out duties as consultants to the Secretary of Defense, without any clear lines between permitted and prohibited activity. Clearly, there was no intentional violation.

When the incident first came to light, the chairman of the Armed Services Committee, Senator NUNN, joined by Senator SMITH, Senator KEMPTHORNE, Senator THURMOND, and Senator FAIRCLOTH met to study the matter further. We met twice with Deputy Secretary of Defense Bill Perry, Defense Department General Counsel Jamie Gorelick, and with Dr. Carter. We reviewed the facts, and discussed the concerns of the Republican members of the committee.

Senator NUNN has described this thorough investigation in detail. As Dr. Perry assured us, the action described in the document signed by Ash Carter on May 17 was executed by a confirmed DOD official, not by Dr. Carter. The document does not constitute a case where Dr. Carter acted in final, official capacity.

The guidelines governing the behavior of preconfirmation consultants are a matter of custom, not law, and are very unclear. They create a gray area in which Department consultants are permitted to take part in many activities. they attend meetings, prepare documents, and provide advice and recommendations. One of the restrictions is that they cannot take actions which "presume the outcome of the confirmation process." This is an especially murky guideline.

As a result of this process, Secretary Aspin and Dr. Perry have instituted revised guidelines and are redoubling their efforts to ensure that nominees avoid the appearance of improper acts.

Ash Carter answered the President's call, to serve in the Pentagon and has acted as a consultant prior to his confirmation. The incident involving the document has pointed out the need for clearer guidelines. It is certainly not a disqualification that should keep this extraordinarily able nominee from serving in the Department of Defense. I urge the Senate to confirm him.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I would like to comment that I think, for future Presidents, this should be an indication of how we need to speed up the nomination process. This certainly is an example of what can go wrong, as we all know, for judges that have been sent to the White House for approval and for U.S. marshals and U.S. attorneys. The process simply takes too long. This is certainly true with all of the Cabinet offices that need to be filled.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate at 12:43 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. 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. METZENBAUM. Mr. President, is the body in morning business at the moment?

The PRESIDING OFFICER. The body is not in morning business. It is considering a nomination.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the body now turn to morning business for a period not to exceed 30 minutes.

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

CONCLUDING MY SERVICE IN THE U.S. SENATE

Mr. METZENBAUM. Mr. President, at the adjournment of this, the 103d session of the Congress, I will conclude my service as a Member of the U.S. Senate.

For over 17 years, the people of Ohio have allowed me the great privilege and high honor of representing them in this body. For that, I am extremely grateful. My years here have been the most rewarding and meaningful of my life.

I have endeavored to express that sense of gratitude by working as hard as possible on behalf of my State, and by fighting for what I believe is right for this country.

Over the years, I have loved my work here—I have won my share of battles, and fought my share of lost causes. And while I have not tired of the vigorous debates in this Chamber, and though I still enjoy the work of my committees and the friendship of my colleagues, I have concluded that it is time to turn the final pages of this chapter in my life, and begin another.

It is a decision I have struggled with and one I am convinced is sound.

I love my job in the Senate but I love other things in my life more.

Foremost, I am blessed to be married almost 47 years to a woman I adore, and for whom my love has continued to grow. Shirley has been a full partner in my life; my confidante, conscience, and my closest friend.

She has stood by me, adapting to the irregular, erratic, and often excessive demands on my time that running and serving requires.

Every hour I spend with her is special to me, and the stolen moments, the interrupted dinners, and the days away on the campaign trail simply allow us to see too little of each other. I want more time with her, and the schedule of a Senator constantly conflicts with that desire.

I also have four wonderful daughters, with four great families, and seven incredible grandchildren.

I need to see more of them. I want to be on hand to watch those kids grow.

I fully expect to stay actively involved in public affairs, and to serve in some appropriate capacity. While I will retire this seat, I will not retire my views, nor my voice. Throughout my life—both in and out of government—I have tried to do everything I can to make progress on civil rights and social justice; to represent the interests of American consumers; to improve and protect the public health; and to fight for jobs, fairness, and dignity for the American worker. These are the issues I care about deeply. They are the issues which will continue to be my concern.

But I have concluded that it is time for me to stand down as a Member of this body.

My regrets are few, my memories are treasured, my health is great, and my love for the battle is undiminished. I have acquired sufficient wisdom to realize that that ain't a bad way to go out.

To my colleagues, I will miss both the camaraderie and the clashes. The friendships I have made I hope to maintain always. And while there are many here in the Senate for whom I have made life difficult, or with whom I've had disagreements, I have always tried to honor this body by being clear about my intentions, direct in my statements, and true to my word. I respect this institution, and hold its Members in the highest regard.

And on this point, I offer my colleagues a reflection and a challenge.

I know that the Members of this body have the wisdom, talent, and experience to accomplish more than we now do. We seem somehow to fall short of our considerable potential, and as a result have a less positive impact than might otherwise be possible. I have come to believe that this is because we regularly calculate every vote for its immediate political impact.

We do not look beyond 1 day's news cycle—unless it is to envision the next election's negative ad. We, therefore, find ourselves ducking tough choices, postponing the inevitable, passing the buck, and pointing fingers.

Obviously, that is not always the case—but too often it is. And it is a criticism from which I certainly do not exempt myself.

So I hope that we can challenge ourselves. Let us make better use of the opportunity that the voters have given us and face squarely the Nation's problems, There will always be plenty of time for healthy partisan scrapping.

Easy for me to say, I suppose, as I will not face the voters next fall. But if I have learned one thing here, it is that you can take positions that do not sit well with the majority of your constituents and still thrive politically.

I never believed that I was sent here to take a computerized opinion poll on every issue, nor to adopt the prevailing view from the latest electronic town meeting.

I have always felt it was my obligation to vote based on my own values, and to accept the fair judgment of the voters on election day.

While these are far from farewell remarks, I find it impossible to make this statement without a word of appreciation to the most dedicated, loyal, and hard-working staff any Senator has ever had. Many have been with me since I was first elected.

All of them have given of themselves to help me serve in this body. I will be everlastingly grateful.

Finally, to my constituents, I again offer my heartfelt gratitude for the confidence you have placed in me. I have voted my conscience, spoken my mind, and fought on the side I believed to be right.

I have tried to let you know exactly where I stand on an issue and why. It has been an honor to serve you, and I will continue to do so until the last vote is cast in this Congress.

I look ahead with a renewed sense of enthusiasm and excitement. There remains much yet to do, and I will strive in the months ahead to accomplish as much as I possibly can.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

RETIREMENT IS WELL DESERVED

Mr. MITCHELL. Mr. President, I listened to Senator METZENBAUM'S words with mixed feelings. I recognize from the point of view of his personal life, his retirement is well deserved. He served the public for many years, the last 16½ here in the Senate. He has devoted a great deal of time, energy, and effort to serving the public at the expense of time with his family, as he has just described here. And so all of us understand his desire to devote more to his family and respect and admire his decision for that reason.

At the same time, I, and I know many others of our colleagues and many, indeed I venture most of the people he represents, listened and consider his retirement with a considerable degree of sadness. If the American people need proof of the fact that independent judgment is a prize attribute in a representative democracy, HOWARD METZENBAUM has provided that proof in his time here in the Senate.

We have often disagreed. We have often debated, often vigorously, but there has never been the slightest doubt in my mind, nor do I think there can be any doubt in any other Senator's mind, that each and every one of Senator METZENBAUM'S positions and decisions is based upon a deeply held conviction and a statement of his principle.

He has done what his conscience and his judgment have told him are best for the people of his State and our country, and that is the ideal to which every legislator in a representative democracy strives but rarely attains.

He has especially been an effective advocate for those in our society who

are otherwise lacking in advocates—the poor, the elderly, minorities, women, those who have suffered from discrimination, those who have confronted barriers to progress, those who have not had the means to be represented through spokesmen here in our Nation's Capital, those who have depended upon democracy for the vindication of their interests. They have never had a better, more convincing, more aggressive, more articulate, and more persuasive advocate than Senator HOWARD METZENBAUM.

I know that Senator METZENBAUM will not mind my disclosing our personal conversation this morning. He, of course, is described, and I think enjoys the description, as being irascible and difficult. And when he told me this morning that he was going to be announcing his retirement, he said, "You won't have to deal with an irascible Senator like me." That was his self-characterization. And I told him then and I repeat now, Senator METZENBAUM is not nearly as irascible as he likes to think he is.

He is, in fact, a very decent, civil, honorable, and dedicated person, and it has been an honor to serve with him in the Senate, more than that a matter of great personal privilege to call him a good friend. I know that although I do not often speak confidently for every single Member of the Senate, I believe on this occasion I can do so and say to Senator METZENBAUM, we will miss you very much.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

A CHAMPION OF THE UNDERDOG

Mr. GLENN. Mr. President, as many of our colleagues here know, HOWARD METZENBAUM and I have had a long, long history together. We ran against each other twice, and to say that those were spirited campaigns would be to understate the campaigns. I am sure HOWARD will agree with that. They were tough campaigns. Our relationship many years ago was not all that smooth on many occasions. But for many other years and for all of the most recent years while we have shared tenure in the Senate, HOWARD and I joined forces and we wound up even chairing one another's reelection campaigns.

In short, I have worked with HOWARD METZENBAUM and I have worked against HOWARD METZENBAUM, and I think every Senator in this Chamber will agree with me when I say it is a whole lot more pleasant to be working with HOWARD METZENBAUM. HOWARD is by nature a fighter. He is by nature a champion of the underdog and the little guy, and I think that probably comes naturally because he started out from humble beginnings. He did not have a lot of money starting out in life. He made his own way in the world. And HOWARD is by nature a man who will never back down or back off when he believes he is right. I would say that is the case no matter what the odds or what may be the strength of the opposition.

I have not always agreed with HOWARD on every issue. In fact, we still disagree on matters of policy and politics on occasion, but no one can ever doubt HOWARD'S dedication or commitment to the values and the principles that he holds dear.

I think it also fair to say, as the majority leader has already mentioned, that the working men and women of this country have never had, I do not think, in the history of this body a stronger voice or a more dedicated proponent for their causes than HOWARD METZENBAUM has provided for them.

A few minutes ago I said that HOWARD and I had had our differences, but there is one thing on which HOWARD and I have always agreed, and maybe it is the most important thing of all. For HOWARD and for me, there has always been one thing more important than our jobs or our careers, and that one thing has been our families. I have not totaled this up quite exactly, but I think between HOWARD and Shirley and Annie and me there is a combined total of very close to 100 years of married life, and I guess that comes close to setting some sort of record for two Senators from the same State.

I know how much HOWARD loves the work of being a Senator. I also know how much he loves Shirley and how important his children and grandchildren are to him. I know the prospect of being able to spend more time with all of them is the only thing that could have persuaded HOWARD to leave the Senate of the United States.

So I warn other people, get the tennis rackets out, alert the art galleries, give his wife fair warning: Get ready, Shirley, because HOWARD is coming home.

I wish to close by quoting a man who meant so much to me and I know to HOWARD also. That was Bob Kennedy. Although he wrote these words more than two decades ago for another purpose, I think they describe very well what motivated HOWARD during his 18-year career in this Chamber. Bob said:

> We have triumphed not in spite of controversy, but because of it; not because we have avoided problems, but because we have faced them. * * * And if we ever place the claims of power ahead of the claims of justice * * * if we shrink in the face of the passing winds of controversy or reaction * * * then we will have lost the great purpose which has made us strong.

Mr. President, HOWARD METZENBAUM has always given top priority to the claims of justice. He certainly has believed in facing problems in spite of controversy when he believed he was right, and he has always done his level best to hold, and to hold all of us, to the great purposes which have made this Nation strong.

So the Senate will never be the same without him. And because he served here, because he stood tall and stood fast, because he refused to bend with the winds or break with the waves, and because he has always answered the call of conscience, I know millions of Americans all across this great land are better off because HOWARD METZENBAUM has spent 18 years in the Senate of the United States.

So, HOWARD, I know I speak also, as the majority leader said, for many in this Chamber when I say we respect you; we salute you; we are going do miss you.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

A GREAT LOSS TO THE NATION

Mr. KENNEDY. Mr. President, I learned of HOWARD METZENBAUM'S decision this morning with real regret. His retirement is a great loss to the Senate and to the people of Ohio, whom he has served so well. It is also a great loss to the country because HOWARD METZENBAUM is a wise and brilliant and dedicated Senator who has left an indelible mark on virtually every aspect of the Nation's Life for the past two decades of his outstanding service.

If President Kennedy were writing his book today, he would have a special chapter on HOWARD METZENBAUM as a profile in courage for our times.

Day after day, on the Senate floor, year in and year out, HOWARD METZENBAUM has taken principled stands for the people of America and against the special interests.

He has stood up with eloquence and insight and wisdom for the working men and women of America, for the consumers of America, and for the hard-pressed taxpayers of the country. In the years ahead, it will be said of HOWARD METZENBAUM, as it was of Franklin Roosevelt, "He was loved for the enemies he made."

Senator METZENBAUM was often at his best in the closing hours of each Congress, insisting that special interest legislation shall not pass. He has stood up for countless courageous whistleblowers, and in fact he has been a courageous whistleblower himself, insisting that the Senate meet its responsibility to the people.

I could single out a thousand issues and a hundred bills that HOWARD METZENBAUM has left his mark on—and the Metzenbaum Mark is like the Good Housekeeping Seal of Approval. It means that these issues and these laws are in better and fairer shape, because HOWARD METZENBAUM cared enough to roll up his sleeves, get to the bottom of the issue, and persuade a Senate committee, the full Senate, and even the entire Congress to do the right thing.

He and I have served together on the Labor Committee and the Judiciary Committee for many years, so I feel his loss especially deeply and personally.

His leadership there, on issues ranging from health care and education to the Brady bill and the most arcane issues of antitrust policy, has set the highest standard of excellence for us all.

All Senators, when we take the oath of office, solemnly swear to support and defend the Constitution. Few, if any, Senators have been more committed to that document and to "We the People." Often, in battles for civil rights and on Supreme Court nominations, Senator METZENBAUM'S ability and his passionate commitment to the basic principles of the Constitution have carried the day and won the battle. He would have made a great Supreme Court Justice, too.

I know this decision was a difficult one for Senator METZENBAUM to make, and I suspect that all of us on both sides of the aisle wish it had come out the other way. We will miss his leadership and his statesmanship, but most of all, we will miss the friendship of HOWARD and Shirley.

It has been both a privilege and constant learning experience for us all to serve with HOWARD METZENBAUM. He will rank as one of the greatest Senators in the long and enduring history of this institution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. I thank the Chair.

SENATOR HOWARD METZENBAUM'S IMPACT ON MANY LIVES

Mr. RIEGLE. Mr. President, I want to join with my other colleagues in talking for just a few moments about HOWARD METZENBAUM and how special he is to us personally, and how special he is to this institution.

I feel a lot of emotion about it because HOWARD has had a great impact on the lives of many of us here. He has had an impact on my life. It is an understatement to say that he is both a great Senator and a great human being. HOWARD brings something that we do not see here too often; that is, he brings conscience, which everybody has to a greater or lesser degree. But he also brings the courage to do something about it. We have seen that any number of times in his actions here.

I do not think there is anybody here who works harder or accomplishes more than he does. When I look at the carpet on the floor under his desk, it is worn down more so than it is almost any other place on the floor, because HOWARD has stood here hour after hour presenting issues, challenging certain items. I would say that if we could add up all the money that has been saved by challenges that he has made to things that he thinks were wasteful, it would total easily in the hundreds of millions, I think in the billions, of dollars. I can think of a great number of cases like that.

I think the tribute that he pays to his wife, Shirley, is also very important and part of this story, because HOWARD has had the good fortune to have not just a loving wife and partner, but a family situation from which great children and grandchildren have come.

They have done this together. They have done this as a joint venture, if you will. And I think that has given HOWARD the strength here at times, when otherwise I think a normal human being might have been too tired or too weary to press on, 3 or 4 o'clock in the morning, in the face of withering gunfire in terms of the debate here on the floor. But Shirley Metzenbaum has given HOWARD METZENBAUM strength he could never otherwise have had.

I want to also, just on a personal note, remember an occasion just 15 years ago this year when my wife, Lori, and I were married in a little town in northern Michigan called Reed City. HOWARD and Shirley were kind enough to fly up and be present at our wedding. But they had to come through a violent thunderstorm in a small plane. HOWARD, not being one to turn back on anything, persevered and got up there, and they were with us on that very special occasion.

So I know my wife, Lori joins me in expressing the special feelings that we have for the Metzenbaums.

Also, GEORGE MITCHELL, a few minutes ago, talked about irascible Senators. HOWARD has never been irascible, in my view. He has spoken up and he has stood his ground. But when he leaves, I can assure you that there will be 98 irascible Senators left, if we leave out the majority leader himself. So that should not be overworked here, in terms of the focus on HOWARD.

In terms of his impact for working people, I come from a community—Flint, MI—in a State where we have a lot of working people that are really struggling every day, and a lot of them sliding backwards, in the kind of economic riptides that we have seen in this country over the last several years.

No one has fought harder to help working families, day in and day out, on the things that really give them a chance to have a better life, than HOWARD METZENBAUM—not just some working families; not just some working families in Ohio, Michigan, or other States, but all working families.

And on the issue of discrimination—confronting, racism, sexism, and the other "isms" that have blocked people out and have served as a cause of denial to people in terms of their chance to advance and achieve fully in our society—he has fought against those kinds of barriers and evils as much as anybody here.

So if there is a person around here that is irreplaceable—I do not know that anybody is irreplaceable here in the Senate. But HOWARD, I think, gets as close to that as anyone we might think of.

Finally, in addition to being a prodigious worker, and I think expending as much energy day in and day out as any Senator here on the issues in which he has given leadership, HOWARD also has a great love for art. It is an important part of his makeup and personality. If you do not know that about HOWARD, then you do not know everything you should know about him.

So I urge every Senator that may not yet have had the occasion, to go to HOWARD'S office, to take that opportunity over the next year and a half and go over and walk through and see the different—the many art objects, and the expression of HOWARD'S personality that you will not get just by watching him in action here on the Senate floor. This is a man of a very diverse and broad set of interests.

There are wonderful, sparkling aspects to his personality that are unique and endear him to this institution and to all of us who know him.

So HOWARD and Shirley, you go with the love of all of us.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

TRIBUTE TO SENATOR HOWARD METZENBAUM

Mr. HATCH. Mr. President, I would feel badly if I did not stand up and pay tribute to the Senator from Ohio.

I might add, as one of those in the Senate whose life has been made more difficult by the Senator from Ohio, perhaps I can speak with a certain amount of authority. I do not know anybody that I would rather debate or rather have to fight with than HOWARD METZENBAUM. He fights clean. He is tough. He is articulate. He is knowledgeable. And he really believes what he does. To me, that is the mark of a great Senator, regardless of whether you agree or disagree with him or her. HOWARD really believes what he is doing. And that, to me, makes all the difference in the world.

I am honored today to pay tribute to my good friend HOWARD METZENBAUM. I congratulate the good Senator from Ohio on a long and honorable record. And I wish him well when, at the end of this term, he returns to a well-deserved private life. I have to say, HOWARD, I feel the same way, too, about my children and grandchildren. Elaine and I should have our 14th grandchild maybe by the end of this day. And I understand how you feel to want to spend some time with that wonderful family of yours.

I will miss this friend from across the aisle for many reasons. We came to the Senate as classmates. We have served for many years together on the Labor and Human Resources Committee, one of the most contentious and difficult committees in the whole Congress of the United States. We hosted a weekly talk show in tandem known as the Howie-Hatch Program. If we could not

always find common political ground, we were always able at least to peaceably share a hallway together, as our offices faced one another. I have had more joy in telling people this is Senator METZENBAUM's office on the other side of the hall. I think they got the idea that I had respect for him, and they were kind of in awe knowing that this is the great legend of the Senate.

HOWARD has defined for me the essence of the term "loyal opposition." While we aim for many of the same goals, our means to the end frequently differ. In fact, our working relationship reminds me of the two moving men who were struggling to get a huge crate through the doorway. They pushed and they shoved, but the big crate just would not move. Finally, the man on the outside said, "We had better give up. We will never get this in." "What do you mean, get it in?" the fellow on the outside shouted. He said, "I thought we were trying to get it out."

I am afraid HOWARD and I are a little bit that way.

Despite our ideological differences, we have had occasions, many occasions, to join hands. Let me just mention a few.

I have been privileged to work with Senator METZENBAUM on a variety of issues, including job training, AIDS legislation, child care, and a whole raft of others. But whatever the issue and our respective positions, I can unequivocally pay homage to a friend and a colleague as an individual of ideals and dedication.

The famous doctor, William C. Benninger, once gave this pithy definition of mental health: Find a mission in life and take it seriously.

HOWARD had done just that. He has been a tenacious advocate for the elderly, the underprivileged, for civil liberties and those seeking it, for important health issues, job training, consumers rights, and for many other areas that are very important.

I have a great deal of respect for his wife, Shirley, too. I think this Senate ought to strike a medal for Shirley for having put up with him all these years. All I can say is that she is truly a saint in my eyes, because she is a wonderful woman, and she loves HOWARD very much, and it is very apparent to me. That means a lot to me, too.

HOWARD METZENBAUM is indefatigable. He is in his seventies, and I do not know of anybody in the Senate who outworks him. We wish he would take it a lot easier on our side. Many on our side of the aisle will be grateful for this retirement because of all of the pain he had put us through. But he is indefatigable in what he believes. When he believes something, he is uncompromising in fighting for it. That is the mark of a great Senator. I admire him for it. I care for him a great deal, and I salute him. When it comes to the end of HOWARD's term, I will personally miss him. I know that whatever he takes on as his next mission, that will benefit from his indefatigable insights and energies.

HOWARD, I am not supposed to directly address you, but I am going to right now. I personally am going to miss you. I personally am going to miss these battles. I am personally going to miss that tremendous intellect that you have and that ability in the law that you have because, in addition to serving on the Labor and Human Resources Committee, we have served on the Judiciary Committee for 17 years as well. There is not a more contentious committee in the Senate than the Judiciary Committee, unless it is the Labor and Human Resources Committee. Even though we have disagreed, you have always presented yourself in an intelligent, very, very forthright and, I think, persuasive way. I just pay my tribute to you and share my respect with my colleagues, and I want to let you know that you will have a friend here for life and, hopefully, well beyond that.

AN OUTSTANDING SENATOR AND WONDERFUL FRIEND

Mr. SARBANES. Mr. President, I will be very brief. I want to say at the outset that it has been a privilege and a real pleasure—I mean that in every sense of the term—to serve in the Senate with HOWARD METZENBAUM. He is an outstanding Senator and a wonderful, wonderful friend, and we are going to miss him.

Fortunately, it is not for another 18 months, but he has had a powerful impact on the Senate, and I think a powerful impact on many Members of the Senate. HOWARD METZENBAUM has been a battler for justice and a fighter for human dignity. He has stood for fairness and decency for working people, not only across this land, but indeed around the world, and he has never shrunk from that fight, never tired, never backed off. He stuck with it every moment of every day, and I admire him very deeply for carrying that banner.

Time and time again, we have rallied to his call in making these fights here on the floor of the U.S. Senate and in the committees. And there are people all across this land, and indeed in other countries, who lead better lives today, with a little more dignity, with a greater decency because of the battles that HOWARD METZENBAUM has waged.

I appreciate the personal dimensions of the decision, but in many respects it is a sad day for me, because I always felt a certain comfort in knowing HOWARD would be here on the floor defending the barricades. That may be the best way to put it. I take some comfort from the fact that we are still going to have him here doing that for the next 18 months. If I know him at all, I know it is going to be done with even more renewed energy and determination. Also, I take some comfort from his statement when he said he would not still his voice or drop his views, that he would still be out there in the great struggle to build a more decent and a more just society, which has been the hallmark of his life.

I wish HOWARD and Shirley and their family the very best.

Let me simply close by saying they do not come any better than this couple, HOWARD and Shirley Metzenbaum.

A SENATOR FOR THE DISADVANTAGED

Mr. PELL. Mr. President, as we pay tribute to HOWARD METZENBAUM, there are three points I think are overriding. First is that he really represents here the people who need representation, who do not have much representation—the disadvantaged, the old, labor, the little people; he was truly their representative.

Second, when he had a view, it was always tenaciously held, he fought for it and obviously believed in it very deeply indeed.

Three, he brought the arts into a focus that they would not have otherwise enjoyed. So his contribution to our body has been great. We will all miss him. We may not always miss his methods, but we will all surely miss the values for which he stood. I wish him and Shirley the very best.

DEVOTION TO FAMILY AND CHILDREN

Mr. KERRY. Mr. President, as I listened to colleagues talk about HOWARD METZENBAUM's devotion to family and to children, which he will now turn his attention to, I said those lucky children, because anybody who has been to his office has seen this extraordinary bulletin board with photos of all the kids that he collects as they come to his office. He has a very well-known special affection for children, which now will be to their benefit as we lose him.

As I listened to colleagues talk about HOWARD, some of them reciting things they have worked on with him, there are those things that he will point to and others will point to as his accomplishments in the Senate by the legislation that he passed: children's bills, the Brady bill, the assault weapons measure, plant closings—so many battles. I would like to just take a moment, if I can, to suggest that people ought to also measure HOWARD METZENBAUM not by what he passed, but by what he prevented from being passed in this body.

I daresay the record of what he has saved the American taxpayer—the loophole legislation, the giveaways, the bad legislation, the countless times that, at midnight and 1 o'clock in the morning, the danger hour around here, when a lot of people have gone home and things slide through, HOWARD METZENBAUM was the Senator down here who had read the legislation, whether it was in his committee or not, who consistently stood up and held the barricades, as the Senator from Maryland just said.

That is an extraordinary record, and at a time when Americans are more and more filled with cynicism about the concept of public service and about Washington and the vice grip that we are in with respect to special interests. Here is a U.S. Senator who helped to define public service, helped to give definition to the public interest and who, on more occasions than I can possibly list, has been the American consumers' advocate in the U.S. Senate.

When you think about bills that we all point to that we may have had an impact on or not, you can usually find what we hate to call but is called a special interest there, servicing the smaller group. This man always kept in mind the larger interest, not just the people of Ohio, but of people all over this country. It was usually, Mr. President, the interest of people who, without HOWARD METZENBAUM, would not have been represented in the U.S. Senate—the homeless, disenfranchised, poor people, people who are discriminated against, people who do not have the capacity to create that special interest.

I might quickly say as a member of the Banking Committee, most recently we had another example of that as we were passing on the RTC legislation, and there in our committee front row during the hearing on the RTC, though not on the committee, but nevertheless so concerned that this not be another mistake in favor of big interests and against the taxpayer, there was HOWARD METZENBAUM at the committee hearing; HOWARD METZENBAUM on the telephone to me, "How are we doing on that legislation? Are you sure we are going to come together?" And HOWARD METZENBAUM on the floor who made certain that the final package was indeed in the interests of the citizens of this country.

I, too, was very pleased to hear him say his voice is not going to retire, because what a voice it has been and what a champion he has been. And, Mr. President, I heard Senator GLENN quote someone, HOWARD METZENBAUM reminds me of what I and others, I think, came to the Senate to try to do, which is change things for the better and represent the larger interests. But he also personified something that Teddy Roosevelt talked about years ago, how the credit belongs to the person—and I am paraphrasing—I do not remember it completely, but:

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, and comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotion; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

He has known victories and defeats. He surely will be remembered as someone whose soul is anything but cold and timid. He has cared.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senator from Connecticut, who has been waiting patiently, be given some time to speak without losing the opportunity for the floor.

Mr. DODD. I thank my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I want the record to note HOWARD METZENBAUM is still with us. Having listened to these remarks, I began to wonder whether or not the person sitting in front of me had somehow left us. This is not participating in a wake at all, but rather a celebration of a career and the best wishes for a future beyond this career in the Senate.

We have 18 more months, roughly, of the pleasure of his company, and I look forward to working with him during those next 18 months.

Mr. President, so much has been said here about HOWARD and Shirley, his lovely wife, and family. I will just note there are several types of Senators, all of whom play an important role historically in a Chamber such as this:

There are those who come and represent their States and do admirably well because their States need good representation. There are others who come here and represent various constituencies and do that tremendously well and play a critically important role in the life of this institution and the life of this country. And then every now and then historically this Chamber has provided people who are truly national Senators.

In a room not far removed from this Chamber, in the reception room of the U.S. Senate, there are five paintings on the wall that reflect the choice of a committee that was formed some 25 or 30 years ago to identify those five Members of the Senate historically who had made the greatest contributions. Clay, Calhoun, Webster, La Follette, and Taft are those five.

They were national Senators regardless of party. They came to this institution with the appreciation that this was not a Chamber to deal with the parochial interests of one State or merely one's own constituency, but to try to look at the great length of this country and deal with the complexities, the constituencies, the varieties and differences that make us strong.

It is not, for example, exaggeration—at least from this Senator's perspective—to include HOWARD METZENBAUM in that group and amongst that number. From day one, when he arrived here, during his entire tenure he has sought and striven very hard to be a national Senator; to not just look at the interests of his own State, but to take into consideration the needs of a nation.

Second, Mr. President, HOWARD METZENBAUM, as has been reflected or stated earlier today, cared about those who did not have the lawyers and the lobbyists and the financial interests to be heard very loudly here. He was their voice. That is why he is to be critically missed in my view with his departure.

So it is, in a sense, a sad day that a colleague with whom I have had the pleasure of serving on the Labor Committee will not be with us for the next Congress. But he serves as a good role model for all of us. We may not meet his standards every day, but we ought to remind ourselves how to become a national Senator, how to strive to serve the interests of all the people of this country no matter which State we may come from, and to remember that there are those out there today who do not have a job, who may be in difficult shape because of a health-care problem, may have children in need and cannot afford an education for them, may be struggling to provide shelter for themselves.

Those people struggling to make it through life day-to-day, their interests, their concerns, ought to be the concerns of each and every one of us. But to HOWARD METZENBAUM they were paramount, and for that reason he will go down, in my view, certainly during my tenure and I think the tenure of many people here, as truly one of the great national Senators.

I will miss you and I love you.

Mr. METZENBAUM. Thank you.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

TRIBUTE TO A GOOD FRIEND

Mr. LAUTENBERG. Mr. President, I too want to remind everybody that this is not a eulogy but rather a tribute to a good friend who is alive and well, and we want him to stay that way.

I noticed that in the family gallery is the other part of the Metzenbaum family.

These are dear friends of mine. HOWARD and I have known each other for more than 20 years. We first made contact when we were at the Democratic Convention in 1972, each of us with a business career at hand but each of us with an interest in Government and change.

HOWARD went on to set an example for me. He took the bull by the horns, ran for office under very difficult circumstances, took adversity as graciously as he did victory and he went on to fight each time that a cause appeared that he supported.

I am not going to talk a long time today because we are going to have lots

and lots of speeches and lots of opportunities to talk about a good friend, a great Senator.

HOWARD, for me, has been a special friend. He has been a mentor. He has given me good advice. We are close enough in age that I could not sit on his knee and say, thanks, dad. Nevertheless, the advice often was paternal in a way. But we have a special relationship, I and the Metzenbaum family. They are an achieving family, a gracious, warm family. When you sit around their table or join them at home and you see all the daughters, their spouses, the grandchildren, you see a record that does not appear in the CONGRESSIONAL RECORD but one that is equally prideful and welcome.

HOWARD is the exceptional person who can perceive, who can be as tenacious—and I will use the term—as a bulldog. I am going to make a couple of canine references, and Senator METZENBAUM will forgive me as I do this.

He has been a bulldog to make sure that his people—and his people are not limited just to Ohio, they are people across this country who are typically without the representation that we see often brought here, well financed, very resourceful by lobbyists and by skilled representatives—HOWARD is someone who automatically connects with those who are not represented as they should be. And, lo and behold, when there is some obscure issue that no one else is thinking about, no one else is looking at, HOWARD METZENBAUM comes to the forefront to defend and promote it. To that extent our friendly bulldog has earned his spurs.

HOWARD is a watchdog. Late at night—you heard it described by others—no matter what the time of day or night, there was nothing that was going to be put over on HOWARD METZENBAUM and the things that he stands for.

I am always amazed—and HOWARD and I are good friends, and we spend a lot of time together—by the number of things that he has his fingers into. The awareness of everything that goes on here is uniquely HOWARD METZENBAUM. As a matter of fact, one time one of our colleagues referred to me as the Senator from Ohio.

I greeted that with mixed emotions, because sometimes HOWARD has an adversary or two on the floor. I do not think it was meant to be complimentary at that moment because it was in the heat of a debate, but I took it as a compliment because HOWARD METZENBAUM represents the best among us.

As a matter of fact, one of those who are in leadership here once said that his disagrees with HOWARD so often, but that if HOWARD METZENBAUM were not here we would have to invent a Metzenbaum to keep us straight, productive and concerned, handling the responsibilities we have.

HOWARD is that watchdog when others are looking away, that we on this side, and many over there, turn to be on guard when necessary.

Lastly I will say this. If you have ever seen HOWARD with his grandchildren or with anybody else's child—I can barely restrain him from seizing a baby out of someone's arms and cuddling that child and saying, "Look at this beautiful child." That is when HOWARD turns into a puppy dog—last canine reference.

He is a dear friend, a great Senator. We will miss him here. But he will always be friend and Senator—HOWARD METZENBAUM.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

HOWARD METZENBAUM—SENATE CAREER COMING TO AN END IN 1994: A DEDICATED LIBERAL, AND PROUD OF IT

Mr. DOLE. Mr. President, the junior Senator from Ohio announced today that he would not be running for reelection come 1994, so I want to take a moment, too, to talk about my friend, HOWARD METZENBAUM. That is right. Some may dispute it, but he is my friend. I hope I am his friend.

As we all know, friends can differ on the issues and, no doubt about it, probably BOB DOLE and HOWARD METZENBAUM differ on just about every issue you can name. We have locked horns on the Senate floor year after year, fighting for what we believe in. I can tell you, when you lock horns with Senator METZENBAUM, you have your hands full, because he is a dedicated, smart, man of integrity and he knows the issues.

I recall when I was chairman of the Finance Committee on this floor managing tax bills, I always appointed the distinguished Senator from Ohio as my assistant IRS Commissioner, to make certain nothing slipped through in the dead of night, or in the dead of day, either one. He did an outstanding job and probably saved the taxpayers of this country untold millions of dollars by keeping an eye on some of those things that slip through from time to time.

I have always respected HOWARD METZENBAUM because he has never been shy about who he is and what he stands for. He is a liberal and proud of it; a dedicated and determined liberal. And no liberal has ever carried the banner of liberalism more proudly or more effectively than HOWARD METZENBAUM. Although I told HOWARD he was wrong on all those liberal issues, he still pushed ahead year after year after year and had a great many successes, as the Senator from New Jersey has just pointed out.

He has learned to master Senate procedure and he has tied this place up in knots. I can recall when I was majority leader one time I was trying to get his approval—I think I wanted to adjourn the Senate. I cannot remember—something not too major—he was on a flight to Ohio, and I had to wait until the plane landed and we worked it out with the Senator. He has always been obliging—to a degree. It has always been helpful. We have always gotten along fairly well.

I know how dedicated Senator METZENBAUM is to his family, his wife Shirley. I know how much he feels about his State and the people in his State. I have to believe he is going to spend a great deal of time enjoying his family because the campaigning and staying up late every night, having sort of an uncertain life from time to time, is not in anyone's best interests. But I know Senator METZENBAUM has certainly earned his retirement.

I wish him well. I speak for all my colleagues on this side of the aisle and I thank my friend, Senator METZENBAUM, for the privilege of having served with him the past many years.

The PRESIDING OFFICER. The chair recognizes the Senator from Illinois [Mr. SIMON].

HOWARD METZENBAUM

Mr. SIMON. Mr. President, once in a while we are asked by people, whatever happened to the giants in the Senate? I think that probably is a question people always ask because sometimes, when you are with your contemporaries, you do not recognize that.

History happens to be one of my loves. Just as LaFollette from Wisconsin was a giant, both as Governor and Senator, we are in the company of a giant in the U.S. Senate. His announcement that he is going to retire—although, frankly, after all of these speeches he may change his mind and decide to run again; he has great campaign material here—but, if I were to be asked who is the greatest public servant you have ever had the opportunity to be associated with, I would give the name Paul Douglas, who was my mentor and a great U.S. Senator. But I did not have the privilege of serving with him in Congress. I was in State government when he was here.

But I have never served with anyone finer than HOWARD METZENBAUM. CHRIS DODD mentioned that he has served the Nation. HOWARD METZENBAUM has really been a U.S. Senator—not just a Senator from Ohio. He has served the people from Ohio well. But people all over this Nation ought to be grateful to HOWARD METZENBAUM. I have never seen—and I know your wife Shirley is watching us right now—but I have never seen HOWARD METZENBAUM do a thing on the floor of the Senate, or in committee—and I serve on two committees with him—that ever helped HOWARD METZENBAUM directly or indirectly. He is interested in serving the public.

We use the term servant much too loosely. HOWARD METZENBAUM really is a public servant. And, in terms of courage—the only counterpart I can think, in terms of a willingness to step on

toes, and I hope my friend from North Carolina will not object to this—but JESSE HELMS on the other side and HOWARD METZENBAUM on this side, have been willing to step on toes no matter whose toes they step on. I happen to disagree with Senator HELMS on a great many things, as does HOWARD METZENBAUM. But he has shown uncommon courage. We all know that.

If he has to offend the majority leader and the minority leader, and 99 Members of the U.S. Senate and even the Members of the Ohio delegation in the House, he is willing to do that. He has shown courage. And he has fought for people who are in need.

I, basically, believe as Paul Douglas believed, in this process of government the rich and the powerful can pretty much take care of themselves. Help the people who really need help.

HOWARD METZENBAUM happens to be a man of wealth. But he did not fight for the wealthy here. He fought for the people who really need help, to see that there was opportunity in this country. He has just been terrific.

I think it was Senator DOLE who just mentioned Senator METZENBAUM'S efforts in terms of stopping waste. I would just correct Senator DOLE. He said HOWARD METZENBAUM has saved millions of dollars. He has saved billions of dollars for the taxpayers. Being here at night when the rest of us are dog tired, and Senator WOFFORD or Senator WELLSTONE or Senator HARKIN or Senator KOHL or Senator MCCAIN were all just barely dragging along, this white-haired bulldog, if I can use Senator LAUTENBERG's phrase, is there watching: What does that amendment do? He is in there fighting for us.

Then, finally—this is one of these things that is a subjective thing: He is genuine.

If there is a phony bone in his body, I have never seen it. We have been fortunate, indeed, Mr. President, to have a public servant like HOWARD METZENBAUM.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

HOWARD METZENBAUM—A MAN TO LOOK UP TO

Mr. WELLSTONE. Mr. President, I want to be very brief. There are other Senators waiting to speak, and I had a chance to preside and listen to many Senators speak from the floor of the Senate. I, at one point, wanted to, in my capacity as a Senator from Minnesota in the chair, just simply say I find myself in full agreement with what was said.

This may be the first decision Senator METZENBAUM has made that I disagree with, and if I could, I would try to talk him out of it. I would be less than honest if I did not say to Senator METZENBAUM, when I heard about this this morning, I was very disappointed because HOWARD METZENBAUM is somebody I really look up to. If I had a wish for the impact that I could make in the U.S. Senate, the imprint that I could leave in history, it would be to be a Senator in the HOWARD METZENBAUM tradition.

Let me give three examples, all very brief. When I first came here—and I will be very personal—it was not that easy a time. I took a position that turned out to be a minority position on the war. It was a very, very difficult time for me in the country.

HOWARD METZENBAUM came up to me and he said, "I want to talk with you," and we just sat down and talked. What he taught me then was when it gets to be very difficult, you have to have confidence in yourself; you have to reach deep within. That is who HOWARD METZENBAUM is. I think that is a lesson all of us need to learn, and I have never, never, never ever forgotten his—not courtesy—but his sensitivity and his friendship and that kind of strong support he gave me. That made all the difference in the world.

All of us know that it is the people who talk to you when the times are tough, the people who are your friends during those times, who are your really great friends.

The second point: One night late, Senator METZENBAUM was on the floor of the Senate—many Senators have commented on this—vigilant, making sure that amendments, whatnot, do not go through, really fiscally conservative, saving this country billions of dollars. I agree with Senator SIMON. I was presiding again. Someone came up to me and said, "Senator WELLSTONE, if you want to watch"—and this is a quote—"a great Senator in action, just watch Senator METZENBAUM out on the floor of the Senate."

HOWARD METZENBAUM has been and will be a great Senator. He is someone that I deeply admire. Obviously, many of his colleagues admire him from both aisles. I just simply would like to say—Senator SIMON said it better than anybody could—in the last analysis, Senator METZENBAUM—sometimes this is rhetoric, but in his case it really fits—Senator METZENBAUM has been the peoples' Senator. Senator METZENBAUM has been a U.S. Senator who has fought for the people. Senator METZENBAUM has been a strong voice for justice. Senator METZENBAUM epitomizes principle. Senator METZENBAUM exhibits tremendous courage, and he has really set the tradition for the U.S. Senate that I hope all of us, in whatever ways we can, live up to.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

TRIBUTE TO SENATOR METZENBAUM

Mr. SIMPSON. Mr. President, I am pleased to see that my friend from Ohio is here in the Chamber. I do not want this to sound like a eulogy, although there have been times I thought I would like to give a eulogy or two for HOWARD METZENBAUM.

We have had what can only be described as a most fascinating relationship. When I came here, I had a deep suspicion of him, and I think he shared a similar suspicion of me.

I do not think we have voted together 5 percent of the time in my 14 years here. But we have served together on Judiciary, and now on the Environment and Public Works Committee, and I have come to know him well. I have traveled with him and with Shirley. She is a magnificent woman. She is a steady, kind, compassionate woman. HOWARD and I both agreed many years ago that we had overmarried. That is very true. My wife, Ann, and Shirley are quite the evidence of that.

But we worked well together, even though we had some volatile incidents early on. I recall once when we were in a spirited exchange, utilizing the most earthy of terms. The media witnessed all this, and saw that our faces were red, and our neck muscles were bulging. As they came toward us HOWARD said, "Here they come. What do we do?" I said, "I don't know. You have been here longer than I have." He said, "Well, let's make baseball the topic by the time they get to us," and by the time they got to us, that is what we were talking about.

He works hard. He is a steady legislator. When you are in combat with him, you want to be absolutely prepared. He will be fully prepared, committed, and knowledgeable. I have never seen more determination in a man. We have scrapped. I have won some; he has won some; and we have worked to craft compromises. But the greatest indicator of trust—and I shall never forget it—was shown when we were laboring on the illegal immigration bill. HOWARD METZENBAUM, my friend—and I call him that with great sincerity—came to me and said, "You have worked long and hard on this. You are going to conference. I will try to get by whenever I can, but when I cannot—keep this proxy in your pocket, and I am ready to help."

So you can imagine the power I had in that conference. Every time it would get a little testy, I would just whip out HOWARD METZENBAUM's proxy and I would say, "What do you chaps think of that?" Well, our House colleagues thought a lot of that. That got them back in their holes. That bill was a great ride.

I have never seen Senator METZENBAUM posture much on issues. You can disagree with him—in fact, there have been times—often late at night, when the entire Senate has disagreed with him. But he is a man who sticks to his principles, even when he himself has sometimes been the issue. He does his work to the very best of his ability.

When the day comes that I begin to look at my own Senate career in retrospect, the best memory will be having the privilege of serving with people of principle—colleagues who really "stuck to their guns" and "fought the good fight," even when they knew they would lose. Those are values that I have been able to observe as being consistently manifested in the outstanding Senate career of my friend, HOWARD METZENBAUM.

So, to my friend, you can expect that I and my colleagues over here will continue scrapping with you right down to the last hours of this Congress.

But it has been a very splendid experience to have come to know you, to work with you, to travel with you, to legislate with you, and to come to know your wife, Shirley.

I wish you well and look forward to your vigorous participation in the months to come. That is the way you have always done your work and always will.

So I commend you and wish you well in all of life's endeavors.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. WOFFORD].

A SALUTE TO HOWARD METZENBAUM

Mr. WOFFORD. Mr. President, I have not been here long, but I have known about HOWARD METZENBAUM for a long time. So it was a special pleasure for me to get to know him and Shirley and to have this chance to serve with him at his side, seeing the fruits of his victories and his defeats, but seeing him lead the charge on the barricades.

As Secretary of Labor and Industry in Pennsylvania, I experienced one of the effects and felt the effects of one of his victories: The passage of the Federal plant closing law. I saw come true one of his prophecies: That in a little while, business and labor and communities would discover that it was good to give advance notice, it was good to work together to deal with the crisis of a plant closing, and it was a law that would be seen as a law for the common good. And I saw that recognition spread around Pennsylvania, as that law went to work in Pennsylvania.

So I salute HOWARD METZENBAUM for his past battles, but I also want to promise that I hope to be at his side in the battles to come in the next 18 months, because the best gift we can give HOWARD is some more victories along the way. And in these 18 months, we can help bring about success in the causes that he gives so much for: The passage of OSHA reform, of Hatch Act reform, of prohibition against permanent replacements in a strike, and the next main order of business where I feel honored to be working together with him, the enactment of comprehensive health care reform that makes high quality, affordable health care a reality for all Americans.

It is said that we are supposed to govern in prose but we can start our campaigns in poetry. I would say today that this is an occasion of governing where at least one more line of poetry might be in order: HOWARD, when the forts or folly fall, they will find you bravely by the law.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

THE CONSCIENCE OF THE SENATE RETIRES

Mr. HARKIN. Mr. President, I join with my friends and my colleagues in marking this very sad day because the conscience of the Senate is retiring.

HOWARD, I know that you want to spend more time with your family. Certainly your loss is their gain, not only Shirley but Shelly and Barbara and Susan and Amy, and all your grandkids. I heard about this this morning when I was chairing a hearing. I could not believe it.

I went back to my office. There was a note there. Evidently someone had called my wife and told her. There was just one message, and it said, "I thought you said he was going to run again."

The reason I said that was because we just last week, Mr. President, had a battle in getting a reduction in cuts in Medicare on reconciliation, helping the poorest, the elderly to make sure they did not bear the brunt of the cuts we are making to get our deficit down. I worked with HOWARD a couple weeks on that, and there was the old flash. That old fire was there again. And I told Ruth, I said, "HOWARD is in there again. He is in there doing it again." And I said, "Boy, I tell you, it was so great what he did on that to make sure we prevailed."

So I was very shocked to hear that, very sad.

Mr. President, I think it is fitting perhaps that the announcement comes on a week when America is gearing up to celebrate the Fourth of July because no Member of this body better represents what it means to be an American than HOWARD METZENBAUM, to represent what it means to have freedom.

He was not born with a silver spoon in his mouth. He worked hard all his life, a self-made businessman. But then when he made it to the top in business, when he could have retired comfortably, lived well, he rededicated himself to making sure that others had the same opportunities he did.

I have often said, Mr. President, it seem that around here we have two groups that always talk about economic opportunity. There are those—and I put perhaps former President Reagan and some of the people around him in that category—who always tell you about going out and making it; it is the American dream. Go out and work hard, save and everything, and you will make it in American. But what they say in all their actions and in the laws they want passed is go ahead and make it, but when you get to the top pull the ladder up behind you.

Then there are those of us who believe that, yes, you ought to work hard in America, take advantage of opportunities, study hard and make it to the top, but we want to make sure that when you make it to the top you leave the ladder down there for others to climb, too.

That has been HOWARD METZENBAUM'S legacy. He has always made sure that the ladder was left down there for others to climb, that others had the kind of opportunity.

One of my favorite stories is about Hubert Humphrey. It seems, HOWARD, that 1 day Humphrey was playing with his grandkids, and of course he was always telling his grandkids about being a Democrat, they had to be a Democrat, what the Democratic Party meant. It was his 60th birthday. Hubert was playing with his grandkids on his 60th birthday, and one of his grandkids said, "Grandpa, how long have you been working for the Democratic Party?

Humphrey though a minute, and he said, "Oh, about 65 years."

And the grandkid said, "Well, Grandpa, you are only 60 years old. How could you have worked for the Democratic Party for 65 years?"

And Hubert said, "Easy; I put in a lot of overtime."

Well, HOWARD METZENBAUM has put in a lot of overtime, I can tell you that, a lot of overtime, not just for Democrats but a lot of overtime for the working people of this country, the little guy.

I do not mean that in any kind of a gender connotation. The little person in this country, whether it be a small businessperson on Main Street, the union person about to lose his job or her job, maybe it is the woman out there who in dire circumstances has found herself AFDC, nowhere to turn. These are the people who have always been foremost in HOWARD METZENBAUM'S mind. He has put in a lot of overtime for a fair and just society and for dignity and respect for working people.

I went back to my office. I thought how many things could I, in just a few minutes, dictate to put down on a piece of paper he has fought for here on the Senate floor. And this is not exhaustive. It is just what I came up with in just a few minutes: Fighting against price-fixing; fighting against plant closings where they did not notify their workers when they were going to close a plant; fighting against strikebreaking legislation; fighting the mandatory retirement issue; sticking up for whistleblower rights; food labeling; poultry safety; pension protection; insurance and consumer banking reform;

infant formula regulations; antitrust bills; point man on the Brady bill; restructuring the thrift industry; publicly exposing tax breaks and special provisions.

As my friend from Minnesota just said, when it comes to the end of a session and there are always these little things tried to be slipped through, there is one person who is the guardian of the public interest, and he is here. I swear, whether it is 1 in the morning, whether it is a Saturday or Sunday, at the end of the sessions when people try to slip those little things through, I have always felt good because HOWARD METZENBAUM was here guarding the public interest.

I do not know who is going to pick it up after he leaves, but somebody better because, I tell you, as someone said it is not millions, it is billions of dollars he has saved the public, billions of dollars he has saved the public, by being here and guarding the public interest at the end of a session.

So, as far as I am concerned, he is a Democrat's Democrat. Nobody has done more to keep the progressive cause alive. He founded the Coalition for Democratic Values, to fight for progressive values in our politics and our policies.

HOWARD recently celebrated his 50th year in politics. Not many knew that. He entered the Ohio Legislature in 1943, the Ohio House.

One time after a session here—I forget what the issue was, but it was one in which HOWARD had held forth for a long time on the floor of the Senate—someone asked me if America still needed a HOWARD METZENBAUM. My answer then is my tribute to him today: As long as one worker is in danger of losing his job, as long as one handgun threatens our children, as long as one judge threatens to take away a woman's right, so long as powerful economic groups push their way around, then so long will America need a HOWARD METZENBAUM.

Hubert Humphrey once said that "Public and private endeavor ought to be concentrated on those who are in the dawn of life, our children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the disabled." Nobody has lived up to that credo better than HOWARD METZENBAUM.

So our loss is Shirley's gain and his children and grandchildren. He has left his mark and made this country a better place. I know we have not heard the last from him. As my friend from Wyoming said, "It sounds almost like a eulogy." Well, those of us who have gotten this news feel very sad today, but I think we take heart from one thing. HOWARD METZENBAUM will be here for 18 more months. Eighteen months in the Senate for HOWARD METZENBAUM is at least the equivalent of one full term for anyone else in the Senate. So the way I look at it, we still have HOWARD at least for one more term.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

A GENUINE PATRIOT

Mr. LEVIN. Mr. President, I was hoping against hope that Senator METZENBAUM would not retire. He and Shirley have been such great friends to Barb and me for so many years that when I first came here he was a role model for me, as somebody who had courage and guts and who would stand up for things he believes in, sometimes step on toes—never personal, never petty, always for principle, always for causes in which he deeply believes. Those causes are genuinely American causes, causes that are rooted in our Constitution and in our history. He has fought as hard as anyone I know in the Senate, anyone I think I ever could know in the Senate, for those principles. He is a genuine patriot; he is a great American; he is a great Senator; and I am going to very much miss him.

Frequently, I am asked is it possible to vote your conscience around this place and still get reelected. It is kind of the critical issue we all face because there are times when each of us reach a conclusion as to what is best for our Nation, our State, and that conclusion might not be a popular one back home at the moment.

We all face those kinds of questions around here. It is the kind of question they ask in government classes and civic classes all the time. It is a fascinating question as to what our role here is, as to whether we are here to represent what might be popular back home at the moment or what we think in our conscience is best for our people, after listening, after being accessible, after being open, after thinking, after struggling with our conscience. Are we really here to be polltakers, or are we here to vote for what we honestly believe is best for our people, be it popular or not at the moment?

HOWARD METZENBAUM, as much of any of us, is not pure, as he was the first to point out. But as much as any of us around here, HOWARD METZENBAUM has proven, No. 1, that the best Senators are those who really vote for what they believe is best for their Nation and their State, whether it might be popular or unpopular at the moment, because those poll numbers go up and down, but what is best. That is our fiduciary duty. That is the oath that we take, to do what we believe in our conscience is best for our State and our Nation, and if that means defeat at the next election, so be it. That is what elections are for.

But HOWARD is proof that you can both be conscience and win reelection. That is reassuring, I think, to a whole bunch of future officeholders that will sit in the seat that he now occupies. I have been privileged to sit next to him in that role for a number of years and always do feel a kindred spirit in HOWARD METZENBAUM. He has been an important model for many of us who worry about whether or not we might be stepping on toes of friends. None of us like to do that. But so long as you do it with the kind of spirit that he has brought to the Senate, which is never personal, never petty, always principled, I think that everybody understands the Metzenbaum spirit, wants to emulate it, admires it on both sides of the aisle.

I associate myself with the comments of my good friend from Wyoming because I know that he does speak for everybody here, both Republican and Democrats, in saying there were times when we were the victim of the principles that HOWARD METZENBAUM espoused, that we admired him even at that moment, and maybe particularly at that moment, as someone, who is so good a friend and so great a man, who would stick to his principles even when that meant that sometimes we were on the receiving end of those battles.

So we are happy for Shirley and his family. We are not at all happy for the country or for the Senate. But for me and Barbara personally, we wish HOWARD METZENBAUM the best of luck and look forward to 18 great months and many, many years thereafter.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

TRIBUTE TO SENATOR HOWARD METZENBAUM

Mr. EXON. Mr. President, I was not intending to come to the floor for this purpose, but when I came on the floor and saw my great friend, HOWARD METZENBAUM, sitting there, I suspected that his colleagues were using this opportunity to express gratitude for what he has done for all of us here in the Senate, to say nothing of the respect that we have for him for the great job that he did in representing the State of Ohio.

When I heard at the caucus today that Senator METZENBAUM had decided to retire, my heart kind of sank because I guess probably he did not know or appreciate fully how much he is admired and loved by his colleagues. My heart kind of sank because I thought here is another great one of the U.S. Senate that has decided it is time for him to go on to other endeavors.

I say this from the bottom of my heart. I want him to know how much I respect him and admire him. I have listened to some of the other very eloquent comments by my colleagues here today. I cannot match those. I just want to say that, from a standpoint of philosophy, from a basic approach, possibly, to some of the important issues of our times, if you look at the voting record, you will see that this Senator

from Nebraska has been on the conservative side of the voting, if there is such a thing, and my great friend from Ohio has been on the liberal side.

I have always admired him because I thought, more than anything else, he had an image of a fighting Democrat liberal doing the right thing always for what he believed in to represent his people and his State that have been so good to HOWARD METZENBAUM over the years, and I say to all he has been very, very good for them.

But more important than that, I want to say that I do not recall, Mr. President, even though you would not think that HOWARD METZENBAUM and Jim Exon come from the same strain of the Democratic Party, I do not recall an issue in 15 years that I have been here—and Senator METZENBAUM was here before I came—I do not remember that we ever clashed in debate on the floor of the U.S. Senate, which I think is somewhat unusual because I have clashed on the floor of the U.S. Senate with people on that side of the aisle and with people on this side of the aisle.

I have never seen a time when I thought that HOWARD METZENBAUM cast a political vote. I have seen him stand there like a rock, or as my friend JOHN WARNER describes people from time to time, like Stonewall Jackson, defending the very principles that are embedded in him because he is so real, he is so unselfish, and he is so dedicated to helping mankind that I have always admired him greatly.

We are going to lose the conscience of at least the Democratic side of the U.S. Senate when the Senator from Ohio walks out of here for the last time in a year and a half from now. I do not look forward to that time. I simply say that, as a friend of his, there is no one in this body, I think, who has had more respect for him and what he stands for, his determination, his standing right there, as Senator HARKIN said, on many, many occasions when things were being rushed here and putting up a hold on this or that. I remember two or three times when he put holds on some measures that I was trying to get through. I remember on each and every one of those two or three times, when I could get his attention and when something was being introduced, we would sit down and I would explain my proposition to him, and every time he said, "That is all right, Jim, You are trying to do the right thing, and I support you."

I never remember ever, where I felt that he treated me or anyone else unfairly in this body. And for one that has been here now for this, my 15th year, he is the conscience of the U.S. Senate, at least he is the conscience of those of us on the Democratic side of the aisle.

If I might pay one more tribute to Senator METZENBAUM that I have thought of often—when I had the opportunity to serve, Mr. President, my State of Nebraska as Governor, I appointed more judges than any Governor in the history of the State of Nebraska. I always used a measuring stick when I came down to make the decision as to which person I should appoint for these judgeships. And the end measuring stick then, as Governor, and the end measuring stick here when I am required to vote yea or nay on appointments to our court systems, I have always asked myself: If I stood in front of that man or that woman who is a judge and if they were judging me as to whether or not I was guilty or not guilty for whatever I am accused of doing, I would always ask myself, is this an individual that I, as the appointing officer, was standing in front of rather than over, so to speak, with regard to whether I am going to select that individual or vote in support of that individual—the question was would I feel that this individual would be fair in the assessment and judgment of myself appearing before them?

I know the distinguished career quite well of Senator METZENBAUM. I know he is a lawyer. I do not know whether or not he ever served as a judge. But I guess maybe the highest compliment in all sincerity that I could pay Senator METZENBAUM is that he is the one, he is the type, that seems to me would be the acme of what I have just described, as my thought processes were in appointing someone to a court. If I appeared before them, would I be judged fairly? My answer is that if I ever had an opportunity to vote for you for a judgeship, you would be the very typical case, someone with the highest respect, in whom I would have respect, I think, whether under such circumstances as I outlined, you would judge me guilty or not guilty, because I felt that you would give me a fair shake.

You have given the people of Ohio a fair shake. You have given those who had the opportunity to serve with you in the U.S. Senate a fair shake, and we are looking to the continuance of that for the next 18 months. And then it is time to say: Farewell, my good servant and faithful friend. You have made a great impression on all of us here in the U.S. Senate, and we were proud to have served with you.

SENATOR METZENBAUM'S DEDICATION TO PRINCIPLES

Mr. MCCAIN. Mr. President, I would like to join with my colleagues who have spoken, and those who have not, in praising Senator METZENBAUM'S service to this body. We admire his dedication to his principles, and we especially admire his intricate knowledge of the parliamentary procedures that rule this body and his ability to move forward his agenda with that intimate knowledge and detailed study not only of the issues, but the parliamentary procedures surrounding them.

We wish him and his family every success, and we will be seeing a lot of him in the intervening 18 months. I think it is entirely appropriate, and I know I speak for all of the Members on this side of the aisle in wishing him every success.

HOWARD METZENBAUM

Mr. JEFFORDS. Mr. President, I am caught somewhat by surprise by my friend and colleague HOWARD METZENBAUM'S announcement of his retirement.

Most of what I might say about HOWARD has already been said. He is a tenacious man, greatly admired by those who agree with him, and perhaps a bit less admired by those who disagree with him.

That pretty much describes the universe. Whatever else he might be, HOWARD is not bashful. You know where he stands, and seldom does he stand for equivocation.

But seldom does he stand still. I am amazed at the variety of issues on which he has pursued and prevailed. When he was on the Energy Committee, now on Environment, on Judiciary, and on the Labor Committee where we serve together, he has attacked issue after issue, seeing them through to completion.

While it is far from over, I will treasure our time together on the committee. It has been one long lesson for me in perseverance. On many issues we have agreed, and I have counted myself lucky to have him as an ally. On some we have disagreed, and I have considered myself unlucky to have him as foe.

I served as ranking Republican on the Subcommittee on Labor over these past 4 years. I must say, we had many times where we had some battles, battles royal. But, also, I found him willing to compromise. On issues where we could see commonality, we, I think, came forward with good legislative improvements. On the other hand, on other issues, I was with him most of the time. We had some good battles in the East-West confrontation about grazing fees and other matters of similar nature wherein we tried to do the best to defend our interests in the East of this country. We had a common understanding of the validity of the arts as a proper function of the Federal Government, to ensure that all our young people in particular have an opportunity to participate in training for the arts; defended the Endowment for the Arts when it was under attack and did so with vigor, both of us. He was a tremendous ally to have in those endeavors.

Some people will not regret his leaving, some witnesses in the Labor Committee for example. Businessmen will not miss being told by a former businessman how they should be running their businesses.

But I will miss him. HOWARD METZENBAUM has been good humored, straightforward, and principled in all of our dealings. His heart and his goals have always been in the right place. And his commitment to serving the public has been unshakable.

I will miss HOWARD, and I think the Senate will miss him as well.

A TRIBUTE TO SENATOR HOWARD METZENBAUM

Mr. THURMOND. Mr. President, in my many years in the Senate, I have come up against some remarkable people, and one of the most remarkable has certainly been my good friend HOWARD METZENBAUM. We have served together for a long time, and while it is an understatement to say we often disagree, I have come to respect him deeply, and to value his friendship.

HOWARD METZENBAUM has been an untiring Representative for the people of Ohio, and for the causes he holds dear. He is a fierce opponent, a sought-after ally, and an individual who never gives up. The American people—and his Senate colleagues—have come to know him as a man of character, courage, and compassion; a hard worker; and an advocate for those who often have no other champion.

I respect HOWARD METZENBAUM as an honorable man with strongly held beliefs. I like him because he always knows what he is talking about, and never loses his sense of humor. We have worked together on the Senate Judiciary Committee during many historic nominations and issues, and I have always found him to be a man of his word. Our discourse, over the years, has been spirited—to say the least—but it has always been conducted with mutual respect. I shall miss him when he retires. This place will not be the same without him.

THE COMPROMISE BUILDER

Mr. DECONCINI. Mr. President, I rise in respect of, and with the deepest friendship I can express for the retiring Senator from Ohio [Mr. METZENBAUM]. He and I came to the Senate—actually his second time to the Senate, my first—in 1977, and we became good friends both with his wife and my wife and our families. We have enjoyed a professional relationship. We come from different backgrounds from the standpoint of business. Senator METZENBAUM was a very successful businessman in Ohio and a community leader. I cannot claim that success as a businessman, although things have been very good for me in that area. But I can claim some involvement in community projects over the years.

And yet, when we came to the Senate together, we immediately found ourselves at odds on some important issues before the Judiciary Committee. In a sincere effort, time and time again, the Senator from Ohio demonstrated his very high intellect, his capacity to understand, and how to make something work. Sometimes, I must say, at first I might have had some misimpressions that the Senator was bombastic or confrontational.

Quite the contrary. The Senator from Ohio [Mr. METZENBAUM] approached things with a strong feeling. He had a will to try to impress upon you that strong feeling. But he had an understanding, a fundamental understanding that Government needed to find a compromise, and that there was a compromise if people would work in good faith. He and I worked out a number of compromises. A couple of times perhaps we did not. Time and again he offered an approach that I might feel was a little bit extreme; I offered an approach that he might have felt the same way, and we would sit down. Sometimes the staffs could work it out. Often it would be the Senator and myself.

But what Senator METZENBAUM taught us—taught me at least—and I think is an example, is that you must speak up for what your beliefs are, even if they are not popular back home at the very moment. Senator HOWARD METZENBAUM has done that for the 17½ years he has been in this body. Though he can find a way to be effective in passing legislation, he also has not forgotten the principle to keep in mind what you believe in and to be sure that your opinion is well expressed, well thought out, and then deal with legislation before you.

I am going to miss HOWARD METZENBAUM, but I am glad to know that friendships are developed in this body that go on after one leaves office. I only wish he and Shirley and his family real retirement in the sense of their peace of mind and happiness to enjoy themselves, and the prosperity which I believe they have. They are very wealthy people because they have a family and grandchildren to enjoy life with, and they have each other.

I know that our friendship will continue because I know the Metzenbaums well enough to know that the office in itself is not what makes a man or a woman; it is the kind of being you are inside. Senator METZENBAUM is an exemplary human being who has tenderness and affection, and yet knows how to fight for his principles. So I commend him on his long service.

I thank him for his friendship, for what he has done for this country. I know during the next 18 months he will continue to be a leader.

I want to thank my friend from Montana for yielding to me a couple of minutes.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

HOWARD METZENBAUM TRIBUTE

Mr. REID. Mr. President, Oliver Wendell Holmes wrote, "I say to you in all sadness of conviction, that to think great thoughts you must be heroes as well as idealists." Senator METZENBAUM is both a hero and an idealist, and it is with sadness that I learn of his departure from the Senate.

HOWARD METZENBAUM has been a hero to the downtrodden, to those who don't have enough, to those seeking justice, and to all Americans, no matter their station.

He is a man of principle who never backed down from the hard fights. It was not popular to be a liberal over the past 12 years, but HOWARD METZENBAUM never worried about his popularity. He was never ashamed to stand up and champion an unpopular cause.

The underdog could always count on HOWARD METZENBAUM. The guy who was out of work, the senior citizen who needed help making ends meet, the child who needed more to eat could all count on him. He never let them down. He didn't always win, but he always fought.

It is the spirit of this man of conscience that I will miss most. He has been an inspiration to all those who aspire to do the right thing in Government. We have not always agreed on every issue, but I respect his tenacity and his courage.

We all owe HOWARD METZENBAUM a debt of gratitude for his leadership. He is admired by even his enemies. If you are going to engage him in debate, you had better be well prepared.

He is truly one of the great heroes of our party, of the Senate, and of our time.

SENATOR METZENBAUM'S COMBINATION OF SERVICE AND DOING

Mr. BAUCUS. Mr. President, I join my very good friend from Arizona, Senator DECONCINI, in paying tribute to SENATOR METZENBAUM.

Mr. President, I believe that the most noble human endeavor is service—service to family, service to friends, service to community, service to one's God, service to State, service to Nation.

I also believe that, regardless of whether it is private service or whether it is public service, that there are two classes of people. One class is that of the be-ers, people who like to be something. They like to be a Senator, they like to be President, they like to be head of an organization, they like to be something. The other category is the doers. They like to do something. They want to make something happen. They want to be effective.

I can think of no one who better combines service with doing something than HOWARD METZENBAUM.

I wish that everyone could see the way HOWARD METZENBAUM and his wife, Shirley, love each other. They are constantly together. They do things together. They help each other out. They support each other. The glow when they are together. For HOWARD and Shirley Metzenbaum, the honeymoon has lasted for many years.

Moreover, HOWARD METZENBAUM is the quintecentral family man. Over the

69-059 O—97 Vol. 139 (Pt. 10) 35

years his commitment to the Senate and to the people of Ohio has in no way lessened his commitment to his children and grandchildren.

The same is true with his God and his religion. HOWARD is a man of admirable, faith.

HOWARD METZENBAUM constantly wins elections and reelections by very large margins. He does so by being outspoken, by being effective and standing up for what he believes in.

What does HOWARD believe in? HOWARD METZENBAUM believes in people. He believes in the little guy. He believes in the average person. More than anything else, HOWARD METZENBAUM knows the difference between right and wrong.

If something is wrong, he fights against it. If something is right, he rights for it. For HOWARD, what is right is to assure that the average person, whether he or she lives in Ohio, or anywhere else in this country, is treated fairly, and is not taken advantage of.

I can tell you, Mr. President, I can think of no one for whom I have more admiration or higher regard, or is more of a role model for what is really right in life: the basic values in life of love, decency, and standing up for what you believe in.

A lot of people in the State of Ohio do not agree with HOWARD'S position. They think perhaps he is a little too confrontational or a little too outspoken, but they vote for him. They vote for him because they trust him. They trust him because he says what he thinks and believes.

Why else do they trust him? They trust him because they know he is working for them. He is working for people. He is working to help make their lives better.

Mr. President, the State of Ohio the Nation and this body are going to sorely miss Senator METZENBAUM when he retires.

But we know that whenever he does, wherever he is, he is going to be working as hard for those basic values in life, and he will continue to be an example for us all.

I wish him, and I wish Shirley, his children, and his grandchildren the very best.

SENATOR METZENBAUM

Mr. NUNN. Mr. President, I know there are others who want to speak to the announcement by Senator METZENBAUM. but I would like to identify myself with all the remarks that have been so apt in describing his terrific contribution to this body. He has been a person I have voted with not very often. But I have always admired and respected and always benefited from hearing him and his views. He brings a perspective and a sense of courage and a sense of integrity to this body that will be sorely missed when he retires. But I know we are going to have him quite a while longer and we are all going to be blessed by that.

I also admire very much the priorities he has in his own life and his obvious love for his wife, Shirley, who we all know and love, and his fine family.

So I wish you, Senator METZENBAUM, the very best.

SENATOR METZENBAUM

Mr. WARNER. Mr. President, I would like to add my voice to the many voices who have spoken today on behalf of our distinguished friend and colleague from Ohio who has shown his usual capacity for great and true incredible wisdom, and made a tough decision. It is a decision all of us face at some point in time in our careers. I will not give a long speech but I want to come right directly to it.

How will I remember the Senator from Ohio? As the individual who would stay here way into the night, 2, 3, 4 o'clock in the morning. Senator NUNN and I would manage the authorization bills, check on those amendments. He was the honest broker who kept us honest. And no matter how much flexibility the managers of a bill may have from time to time, certainly in those instances where my colleague was present I think my distinguished friend, the chairman from Georgia, would agree with me we were very cautious and careful.

Also, Mr. President, the Nation is now considering a very serious issue and that is the service of gays in the military. I remember it was the Senator from Ohio who first addressed the Chamber about the importance of that subject. It was his intention to move on it last fall but we were able to persuade him that more time, more analysis had to be done. The Senator reluctantly but I think wisely acceded to that request rather than trying to have that completed last fall.

So I salute my good friend and his lovely wife, with whom I shared many happy occasions in our Senate life. I wish you well. I commend you for the strength of your wisdom to make this tough decision at this time.

Mr. METZENBAUM. Mr. President, I thank my good friend from Virginia for his very kind remarks. I am very grateful.

Mr. WARNER. I wish you luck.

SENATOR METZENBAUM

Mr. BIDEN. Mr. President, I want to speak to the Senator from Ohio for literally just 2 minutes. I have served in the U.S. Senate now going on 21 years. I have had the benefit of, in that long duration, serving with some of the great names in the U.S. Senate. I have also had the benefit of observing how lobbying groups and interest groups, left, right, and middle, influence the process, as they have a right to under our process in this body.

But I have never met in my years in the U.S. Senate, any U.S. Senator who feels as strongly about some of the most controversial issues that have come before this Nation and before this body, who nonetheless has never once in my observation been cowed by, had his opinion altered by, been intimidated by, changed his view by—any lobbying, any influence, any attempt to apply pressure.

There are very conservative Senators who would no more take on some of the conservative groups than fly. There are very liberal Senators over here, none of whom I have ever observed to be willing to take on liberal interest groups. Conservative Senators seldom ever have the courage to take on conservative interest groups; liberal Senators seldom ever take on liberal groups.

This is the only man that I have served with who is the darling of the left, who, when he thinks they are wrong whether it is a women's group, a black group, a Hispanic group—any of the groups with whom I vote mostly all the time, and he does—has looked them straight in the eye and said: You are wrong. I am against you on this. And come to the floor.

I do not know of any other Member of the Senate in the years I have been here, who has been—sometimes as strident, always as forceful, and totally with conviction—who has been willing to take on those very groups with whom he most often agrees when he thinks they are wrong on some of the most inflammatory, controversial and divisive issues in the Nation.

HOWARD—if you will excuse the personal reference—I truly admire you. You have known that for a long time. Because I think you have such incredible integrity politically. I just want to say that. I realize that is not as flowery as others have been. But I want to tell you something, it is a trait that I admire more than you will ever know. I think it is a trait the Senate is about to lose because we have a tendency to elect people, myself included, to this body, who get elected by groups—I do not mean interest groups per se—by points of view. And even when we disagree with them we are very reluctant to say so, for fear it will be used in ways unrelated to our own personal political gain or political loss; that will undercut the overall cause or it will, whatever—1,000 rationalizations.

You are the only person with whom I have served—it would not matter whether the Lord Almighty disagreed with you. It would not matter whether it was your family, whether it was—whatever. If it was a principled position with you, you took it, you stood by it, you fell or rose on it, you made no excuses about it.

Senator METZENBAUM, that is an incredible, admirable trait in a human being whether or not they are in politics. I am lucky to have had the opportunity to serve with you and I am going to miss you a great deal for that trait above all else. I yield the floor.

RETIREMENT OF SENATOR HOWARD METZENBAUM

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to my friend and colleague HOWARD METZENBAUM.

Senator METZENBAUM and I did not always agree on all the issues. But there are few people with whom I have served in the U.S. Senate that I have admired as much as my distinguished colleague from Ohio.

I have had the pleasure of serving with HOWARD METZENBAUM on the Labor and Human Resources Committee for a considerable period of time now. And I can tell you from personal experience that there has been no stronger voice for the American worker in this body than HOWARD METZENBAUM.

HOWARD METZENBAUM knows what he believes in. And he always stands up for what he believes. He fights for the downtrodden, for minorities, for women, for the disabled, for the elderly.

Throughout his Senate career, HOWARD METZENBAUM stood tall for all Americans—for rich and poor, white and black, male and female, young and old. He was a powerful, persistent voice for justice in the U.S. Senate.

Senator METZENBAUM, I will miss serving with you. You are a great Senator, and a great American. And while we have had our differences over the years, I have only the highest respect for you.

I have learned many lessons from your outstanding record of service in the Senate—commitment to excellence, dedication to service, and belief in a cause no matter how popular or unpopular it may be.

I look forward to continuing to serve with you for the next 18 months. And I wish you the very best in your retirement.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

TV MOVIE ON ROBERT GARWOOD IS MISLEADING

Mr. MCCAIN. Mr. President, last night ABC television broadcast an entirely fictional account of the life of Robert Garwood. Robert Garwood was a Marine Corps private who, while serving in Vietnam, was either captured by or defected to the enemy in 1965. The producers of the movie, "Private Robert Garwood: The Last POW?," may have thought that they were creating a drama which had some basis in fact. But other than the fact that there is a Robert Garwood who spent nearly 14 years in Vietnam, the movie adaptation of the curious life of Robert Garwood bears little resemblance to reality.

In the film, Garwood is depicted as a young Marine who, after capture by the enemy in 1965, exhibits an indomitable will to survive and return home. This fierce determination to go home leads him initially to attempt two unsuccessful escapes. Garwood is then joined in captivity by first one, and then a second American POW. They make a solemn pact with one another to do everything necessary to ensure that at least one of them returns home some day. Garwood learns to speak fluent Vietnamese in 2 months, makes himself generally useful around the camp, and attempts to avoid upsetting his captors but never to the extent that he violates the military code of conduct.

In 1967, according to this film, his Vietnamese captors cynically promise Garwood an early release. They renege on this promise. Soon after, one of Garwood's fellow prisoners succumbs to mistreatment. After the death of his close friend, Garwood is portrayed as even more determined to survive his captivity. More American POW's have joined Garwood by this time. Garwood is segregated from and treated differently than his fellow POW's. According to the script, this unusual arrangement exists because the enemy fears that Garwood's facility with their language would enable him to translate for his fellow POW's their guards' private discussions.

Garwood is then shown interviewing his fellow POW's, not to extract information from them or to propagandize, but to advise them not to trust their captors and on other matters related to their survival. Garwood is shown stealing food and taking other risks on behalf of his comrades. The fact that he has been observed carrying a rifle is casually dismissed in the film by the assertion that the weapon was unloaded.

The film places the blame for the death of another prisoner on all the other POW's except Garwood. Enraged by their carelessness, Garwood heaps abuse on the other POW's, strikes one of them, and promises to hold him responsible for the death of his friend.

In response, the POW's inform the Vietnamese that Garwood has been stealing food. For this crime, Garwood is marked for execution. He is spared only because a bombing raid on the camp killed the other prisoners, and Garwood is moved to a prison in North Vietnam.

In 1973, after the United States has withdrawn from Vietnam and the American POW's have been released, Garwood is shown being told that he will not be released until relations between the United States and Vietnam are normalized.

Following that disappointing news, Garwood is sent to a prison camp outside Hanoi where he is required to work as a truck mechanic. In 1979, he persuades his guards to drive him into Hanoi, allow him to enter a hotel occupied by Europeans to purchase liquor, cigarettes, and candy for his guards. While there, he manages to slip a note asking to go home to an American, whose presence in Hanoi is left unexplained.

The Vietnamese are then forced to release Garwood to the Red Cross, and he returns home only to be court martialed and convicted unfairly for collaborating with the enemy and assaulting a fellow POW.

The film ends with Garwood addressing a rally of POW-MIA activists, claiming that other Americans remain imprisoned in Vietnam, and he will not rest until they too come home.

Mr. President, to say that I was outraged by this film is a gross understatement. I hardly know where to begin in identifying the lies and distortions which comprise the entire substance of this movie. Garwood's story has already been so thoroughly discredited by his fellow POW's, that I normally wouldn't bother to respond to absurd Hollywood fantasizing about the life of—and there is no other word for him—a traitor.

Two things compel me, however, to address this outrage today. First, the film's portrayal of Garwood's fellow POW's as fools, liars, unwitting killers, and informants is one of the most despicable calumnies I have ever had the misfortune to observe. Those POW's kept faith with one another and with their country. Garwood did not. They did not betray Garwood. Garwood betrayed them. This disgusting outrage cannot stand unchallenged.

The producers, director, writers, and actors, indeed, everyone associated with this movie, including Garwood who served as a consultant, should be eternally ashamed of themselves for knowingly participating in this lowly attack on the character of the brave men who served their country faithfully under difficult circumstances, and who had the misfortune of suffering for their country in the presence of Robert Garwood. That they should have to endure this new indignity is unconscionable.

Second, it has come to my attention that Garwood intends to return to Vietnam next week where, no doubt, he will again allege that he had seen other Americans in captivity in Vietnam after the war's end. Reportedly, another ABC production, "20-20," intends to film his gallant return to Vietnam.

It is important to note, Mr. President, that Garwood never offered this information to the U.S. Government or to his own attorneys until 6 years after he returned home. Nevertheless, several investigations of Garwood's allegations were undertaken by U.S. intelligence services. None of them found any evidence to substantiate his claims. None of his live sightings have ever been corroborated by other witnesses.

Mr. President, what were the real circumstances of Robert Garwood's long residence in Vietnam? For that we must rely on the testimony provided by real heroes, the American POW's who witnessed and suffered from Garwood's betrayal.

This is what we know of Garwood's 14 years in Vietnam. On or near September 28, 1965, Pvt. Robert Garwood disappeared from Da Nang, South Vietnam. There are conflicting reports about how or when he disappeared. He was reported to have been captured in firefight with Viet Cong forces; kidnapped from a brothel; ambushed on a road outside of the Da Nang Air Force Base; got lost on a road off base and surrendered to the enemy; voluntarily joined enemy forces. We do not know, and may never know which, if any of these reports is accurate.

What we do know from the sworn testimony of returning POW's is the following: Garwood never appeared in a POW camp until several months after his disappearance; Garwood made written propaganda letters for the enemy just 3 weeks after arriving in the camp; Garwood enjoyed unexplained absences from the camp for days, weeks, and even months; he wore the uniform of the North Vietnamese Army; he accepted a lieutenant's commission in the North Vietnamese Army; he took up arms against American forces; he refused repatriation to the United States; he carried a large hunting knife; he used a bull horn to encourage American soldiers on the battlefield to surrender; and he made radio broadcasts for the enemy which were heard by my fellow POW's held in Hanoi.

We received all of this information from returning POW's who knew Garwood, including five who were returned early in 1968 and 1969, and from South Vietnamese POW's who were released from camps where Garwood was seen. The Vietnamese have corroborated their testimony, and have steadfastly maintained that Garwood was never a POW, but a willing volunteer in their cause.

Garwood and the Vietnamese admitted that he was involved in the black market and that he was able to purchase goods at the hotel frequently because he had freedom of movement. These are unlikely circumstances for a POW.

The United States received many live sighting reports about Garwood during his postwar years in Vietnam, over 300 of them. Not a one depicted him in anything approaching a captive environment.

Even giving Garwood the benefit of every doubt, showing him extraordinary charity, would leave us with a portrayal of Garwood that stands in sharp contrast to the fairy tale broadcast on ABC last night. At best, Garwood, through his own carelessness, was captured by enemy forces; he was quickly broken by the enemy; from fear or mental delusion, he joined forces with his captors; from fear or mental delusion, he utterly broke faith with his fellow POW's and his country; he served as an instrument of repression against his fellow POW's; he refused early release from captivity in 1967, and volunteered to remain in Vietnam after the United States withdrew from that country. He then served as a mechanic for Vietnamese forces in the North, until because of personal disappointments with his life in Vietnam, chose to make his presence known to the West, and return home in 1979.

This most charitable appreciation of Garwood is still less than flattering, and, one would think, describes actions for which Garwood should be deeply ashamed. Having said this, I know how awful imprisonment in Vietnam was. All of us reached our breaking point at one time or another. To my knowledge, no one ever broke so completely as Robert Garwood. But even though the court martial, conviction, and dishonorable discharge of Garwood were more than justified, had Garwood admitted his bad faith, had he ceased to peddle a shameless, fictitious alibi for his dishonorable conduct, in time we could learn to forgive the man if not his crimes. But such is not the case.

Some say Garwood is today mentally handicapped and easily manipulated by POW/MIA activists who wish to substantiate his claims about remaining POW's despite all evidence to the contrary. I would not know. What I do know is that he continues to dishonor the service of American POW's by lying about their and his behavior in prison. He continues to contribute to the anguish of POW/MIA families by continually lying about having seen other Americans. These efforts and others constitute an enduring betrayal of his country. And anyone who may be manipulating Garwood for their own ends is a coconspirator in this betrayal.

Now, Garwood is returning to Vietnam in an effort to prove his contention that other Americans remain prisoners there. It should be noted, Mr. President, that within 10 days of his return from Vietnam, Garwood was interviewed on two separate occasions by Congressman BEN GILMAN and former Congressman Wolff. He was asked in those interviews if he had ever seen other American POW's after the war. He responded that he had never seen an American nor spoken English for 2 years.

I could care less if Garwood wants to return to Vietnam or that the Vietnamese are willing to allow him to return. What I do care about is that any taxpayers' dollars may be used to support him in any way at all during this visit. He will, no doubt, use the occasion to reissue his lies and calumnies that have done so much harm to so many Americans. And "20-20" will be there to broadcast it.

Mr. President, I sincerely hope that anyone who witnesses that broadcast will take the time to learn the real story about Robert Garwood. Once they understand the true extent of his crimes, I hope they would take every occasion to speak out against those who would give Garwood a forum to continue his deceptions, or who would find his enduring betrayal to be appropriate material for entertainment.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator's time has expired.

Mr. MCCAIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCCAIN. I believe that I asked unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. The Senator is correct.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 1172 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

CHARLESTON, SC

Mr. THURMOND. Mr. President, as the entire Nation knows, last Friday, June 25, was a dark day for Charleston, SC. Within just a few hours, Charleston lost not only a navy shipyard which is a major employer in the area, but a navy base which has been in operation for over 200 years. Even in our worst imaginings, no one from South Carolina truly believed that this proud navy town would be dealt such a blow.

Sunday, however, brought some good news to a community still reeling with shock. The Commission, showing a strong independent streak, voted to realign the Naval Electronics Command to Charleston. I have been advocating such a move for some time, in the firm belief that this command and its high-technology jobs offer the best potential for continued growth. This move will help to mitigate the job losses and associated economic impact of the base and shipyard closure, and I know the Commission will not regret its decision.

The Navy's recommendation to close all the Charleston facilities would have decimated the city. However, the Base Closure Commission demonstrated common sense and compassion which the Navy apparently does not possess.

Mr. President, as we say after Hurricane Hugo, disaster often brings out the best in people. In this instance, that is especially true. Faced with the threat of losing a major component of the Charleston economy and cutting proud historical ties with the Navy, the people of Charleston put forth a heroic effort to defend their naval facilities and prove the Navy wrong.

Hundreds of volunteers worked day and night to compile the facts and figures which show that Charleston has one of the most efficient and cost-effective shipyards and navy bases in the Nation. Hundreds more donated money—even took out personal loans—to pay expenses for the rescue effort. They traveled to Washington; they met with officials in the Pentagon; they attended every hearing the Base Closure Commission held; and they took every opportunity to show the base closure commissioners how superb our facilities are and how much the community had to lose. Finally, our entire congressional delegation—even Members from the other side of the State—worked together as one unit to do everything possible to aid in the effort.

It is my firm belief that these heroic measures saved the Navy Hospital and resulted in the Navalex consolidation, and that the lion's share of the credit goes to the people of Charleston and the many volunteers who selflessly gave their time and money to defend this great city. Their commitment to the cause was nothing less than absolute, and their efforts were not lost on the members of the Base Closure Commission. All who took part in this crusade are deserving of the highest praise, and I salute them.

I would especially like to recognize my good friend, Charleston trident Chamber of Commerce president Sis Inabinet. Her energy, creativity, and commitment were a major factor in organizing the campaign and galvanizing the volunteers. The efforts of the Charleston community were an inspiration to the entire Nation, and they have set a new standard by which other campaigns of this nature will be judged.

Mr. President, South Carolinians are strong, proud people, and I have no doubt that all those who worked so hard to save our navy facilities will now turn their efforts to responding to this tremendous loss. Just as they rebuilt after Hugo, they will work to promote tourism, retrain those who are losing jobs, and bring new enterprises into Charleston to replace that which was lost. As a matter of fact, I met with a group of workers from the shipyard just this morning. They are already making plans and looking to the future.

I have every confidence that Charleston will recover from this shock, and I pledge to do everything in my power to help overcome this blow and pave the way toward a bright future for Charleston.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask unanimous consent to speak in morning business.

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

BOBBY GARWOOD

Mr. SMITH. Mr. President, I rise today at this time to respond to the comments of my colleague, the Senator from Arizona, Senator MCCAIN, regarding Bobby Garwood.

I have spent the last 9 years of my life in the U.S. Congress studying the Bobby Garwood issue. For those who may not have as much knowledge on it as they might like to have, Bobby Garwood was a POW who was captured during the war, did not return in 1973 in spite of the fact the Vietnamese said all had returned. Mr. Garwood returned in 1979.

During the period of time prior to 1973, there were some charges made by some of his colleagues in the prison camps that he had collaborated with the enemy. I do not know what he did or did not do in that regard because I was not there. I am not here to defend or attack that.

What I am here to defend is the fact that this man, Bobby Garwood, is the only man in the whole Vietnam war to be charged with collaborating with the enemy and to be convicted. There were charges prepared against 10 POW's who returned, at least that I am aware of, of collaborating with the enemy. Those charges were dropped in nine cases after one charge had been brought, and that individual, unfortunately, committed suicide. It was, therefore, the position of some in the Government that it may not be a wise course to pursue collaborating with the enemy. Let us move on and get the war behind us.

Robert Garwood is the one human being, American, who spent time in Vietnam from 1973 to 1979, that we know of. He knows the prison system very well. Obviously, because he was in it. He gave a deposition to the Senate Select Committee on POW's and MIA's. It is a long deposition. I have it in my office if anyone would like to read it. It is a matter of public record.

In that deposition he indicated a lot of things, most dramatically that he saw live Americans after the war had concluded, sometime during the period of time 1973–79—approximately 1977 to be exact. Whether he did or whether he did not, anyone can form their conclusions after reviewing the information, as I have. I happen to believe Garwood, but that is a personal opinion.

He told me he saw POW's, and, after having researched this as much as I could over the past 9 years, I have concluded that Garwood is telling the truth. It does not mean he is telling the truth because I say that he is. But what I am interested in is—and, Mr. President, I want to say the word; giving Garwood a forum was mentioned in some terms of outrage—that Garwood would have a forum. Let me say I intend to be with Robert Garwood next week in Vietnam, by his side as we go through Vietnam in search of answers about our missing POW's. Frankly, what Mr. Garwood did or did not do prior to 1973 is irrelevant to me as far as what he may or may not know about living American POW's.

That is the issue. Robert Garwood offered his services to go to Vietnam at no expense to the Government. The taxpayers are not funding his trip. They are not paying one dime of Mr. Garwood's trip. He is going to Vietnam without any expense to the taxpayers. He was invited by the Vietnamese to go. He has accepted the invitation. And he has agreed to do that and to show me, he said, where he saw living American POW's.

Some can draw their own conclusions as to whether a man would go to great lengths to do something like that if, in fact, three was not anything to it. But that is a conclusion that come will have to draw on their own.

I want to point out for the record, because the record is replete with error, Robert Garwood was never convicted of desertion. He was charged with desertion but never convicted of desertion because he was captured, shot, and wounded in the capture.

Did he collaborate with the enemy? That is the question. The court said he did and he paid the price for it. He spent 14 years in Vietnam, longer than anyone else that we know of who survived. He ate rats, snakes, caterpillars, and anything else he could to survive, and he lost 14 years of back pay was was thrown out of the service with a dishonorable discharge. So I think Mr. Garwood paid for whatever he was convicted of.

But Mr. Garwood was a very cooperative witness with our committee. He spent hours in detailed deposition under oath in which he stated that he saw live Americans on a number of occasions, once along the railroad tracks in Yen Bai; another an island on Thac Ba Lake in Vietnam, northwest of Hanoi; and also a couple of other locations.

I think that it is the responsibility of our Government to check that out. It is a detail that has not been completed, as far as I am concerned. If Mr. Garwood volunteers to go and it does not cost the taxpayers a nickel for him to go, if he is willing to go and show me or anyone else in the U.S. Government where these people were that he said he saw, if he is willing to face his accusers, the Vietnamese, and look them in the eye and say, "I saw American POW's here," and to see their response, I think that is a risk well worth taking.

I might also point out that it was the recommendation at the highest echelons of the DIA a few years ago that Robert Garwood be hired as a consultant to the U.S. Government because of his direct knowledge of not only the prison system, but his knowledge of Vietnam after 1973, that period 1973 to 1979.

So I think to some extent the comments made by the Senator from Arizona were an attack on the process of the Senate select committee. It is a detail that we could not complete. There are strong feelings and strong emotions on this issue, which I understand and respect. But not to fully investigate a live sighting report, and that is one of the best live sighting reports we have—he is an American, he served in the war and he was retained from 1973 to 1979, and he said he saw live Americans.

It is interesting when you look at some of the things that have been done by the investigating authorities, the joint task force. I remember first coming to the U.S. Congress in 1985 and talking to the Defense Intelligence Agency about Garwood. They never really were debriefed by Garwood. When Robert Garwood came home in 1979, he was immediately, essentially, put under house arrest and charged with desertion and collaboration. Nobody from the U.S. Government made a conscientious, detailed, strong effort to debrief him on what he might or might not know about American POW's or about prison systems of Vietnam.

That was very interesting about the priorities that were here with Mr. Garwood. The priority was to charge him with desertion and collaboration. The priority was not to go after the information regarding the live sightings that Mr. Garwood ultimately indicated that he had made.

I think it certainly does not serve the families very well to not want to pursue the information. We cannot let the emotion and the anger of the war be so strong and rue us so well that we cannot see fit to investigate every single detail. To form a conclusion that Mr. Garwood is a liar without investigating is simply irresponsible. I think we have had many witnesses come before our committee, some with preposterous stories—some checked out, some did not—but our job was to check them out.

The bottom line is, when the Vietnamese invited Mr. Garwood, Mr. Garwood said, "I will go, I will go at nontaxpayer expense. I am willing to meet you or anyone else over there, Senator, to show you where I saw these people." He is willing to take me there. And so I think that is a very admirable goal to do, and I think it is a trip that is well worth taking.

I am just very concerned that, although the film last night offered an opinion, the statement that "20/20" was somehow involved in an invitation to Garwood is simply not accurate. If "20/20" chooses to go, that is their prerogative as a media outlet, as far as I am concerned. But the invitation came from the Vietnamese.

Garwood willingly accepted the invitation and has offered, again, to try to help us. So I do not think we ought to be discrediting that trip. The statement was made that we are going to give him a forum. The only forum that Robert Garwood asked for was to go to Vietnam to show us what he saw and where he saw what he saw. He never asked for any media attention whatsoever. To the contrary, he asked that there be very little, if any, media attention. He has tried to stay out of the press as much as possible.

So speaking for myself, I am the Senator on that trip. I suppose I could be accused of, or congratulated for, depending on what your position is, the Senator who is responsible for participating in that trip. I am proud of it. I am proud to stand here on the floor of the U.S. Senate and say that I have a man who says he saw live Americans, who is willing to take me where he saw them, who gave several hours of depositions before this committee under oath in which he said he saw live Americans, in great detail. I am proud to accompany that individual on behalf of the families to Vietnam.

Whether Garwood was a war hero or whether he, in fact, collaborated with the enemy, is a very important issue in some definitions, in some areas of what we are talking about, but not when it comes to finding the truth about live Americans. He is a resource. He has information that he is willing to share. We should check it out.

I might say that I have several pages of the entire transcript of Garwood's court-martial. I will defend ABC's "20/20" for a minute. Many of the things in that story were portrayed accurately, according to the testimony of the trial. I think there may be some views—obviously, Mr. Garwood had a different view than some others. But I think, by and large, it was an accurate reflection of what Mr. Garwood went through in Vietnam. It did not even touch on the live POW issue, really, other than to say he was not the last man to leave Vietnam.

So, Mr. President, I am looking forward to the trip. Bobby Garwood, as I said before, was acquitted of desertion; he was found guilty of collaboration. He has indicated he has seen live POW's. He is willing to go to Vietnam to show us where they are. I think it is an honorable thing to do. If it turns out that he is wrong, that he is somehow not telling the truth, or he is using this to advance himself—for the life of me I cannot figure out how Mr. Garwood advances himself if he was a convicted collaborator who goes to Vietnam and then we find out everything he told us about live Americans was a lie. What does he gain by that other than more disgrace?

On the contrary, I think when a person who is willing to put himself on the line, as Mr. Garwood has done, that we ought to follow up on it, and that is all I am doing. I am very proud to follow up on it. I want to repeat that. I am honored to follow up on it, to be even more descriptive about it, and I think it should have been done a long, long time ago.

The DIA has not done a good job in investigating this. They have not done a good job of researching Garwood. Had it been done when it was fresh in his mind—almost 20 years ago Mr. Garwood came out. Basically, the war ended in 1973, he came out in 1979 and here we are in 1993 and now Mr. Garwood is going. And I might also add that the Government denied Garwood the opportunity to go at taxpayers' expense.

So it is about time we thoroughly investigate this information; that we stop with the emotion and the innuendoes and the untruths and the half truths and thoroughly investigate this thing. That is what we started with the select committee. We ran out of time. The Senate sunsetted the committee, which is understandable. We understood that when we started that we had a time limit, but we did not get through the rest of the investigation.

So I understand also, and have talked to many about it, there is a lot of anger out there because of a lot of information about Mr. Garwood, and I also know there is some risk for myself to be associated with that. But I do not care about the risk because the most important thing here is that we investigate, thoroughly investigate every single bit of information that Mr. Garwood told us.

I wish to recount just a couple of brief things about this because I was directly involved. I was personally involved in the DIA debriefing of Mr. Garwood several years ago and personally involved in setting those debriefings up. It was interesting because I carried his phone number around in my wallet for a couple years when the DIA did not know how to reach him, even though I offered them a phone number, which is very interesting. They could not seem to find him, and they did not want to find him because of the fact there was this stigma out there about what he did or did not do during the war.

That is not what the focus of this trip is, and it is not what the focus of Garwood should be. The focus of Garwood should be what did he see? Is what he saw accurate? And we have an obligation to investigate it.

Having said that, let me cited one specific, Thac Ba Lake. Thac Ba Lake is a manmade lake made by a Soviet dam in North Vietnam. I was told personally by the DIA that, first of all, there was no lake. We then established that there was a lake. Then I was told that there were no islands in the lake. We now find out there are dozens of islands in the lake. Then I was told there was no prison compound on the lake. Then we find out there was a prison compound on the lake. Then I was told Garwood was never there. Then I find

out Garwood was there, and he was there repairing generators. Senator KERRY and I were told this point blank by the Vietnamese in a meeting last December in Vietnam, in Hanoi.

The response from the Vietnamese was that Mr. Garwood was in fact where he said he was in Thac Ba Lake, that he saw—he was repairing generators at a facility on an island in Thac Ba Lake. Now, did he see American POW's? The Vietnamese said no, he did not. He says he did. Were there prisoners there? Yes, South Vietnamese prisoners.

Amazingly, the joint task force over there doing the investigating could not find the island and could not find the prison camp, and yet when we, Senator KERRY and I, talked to the Vietnamese, one of the Vietnamese officials there said point blank, yes, there was a prison; yes, Garwood was there; yes, he was repairing generators.

I would urge anyone who really wants to know the truth to read the documents that we have now gotten finally declassified, the documents, the internal documents, the secret documents of the DIA, CIA, and everybody else involved in these investigations. They will show you conclusively that they felt Garwood was lying because Garwood was not where he said he was, there was no such location, et cetera, et cetera, et cetera.

The fact is all those things are true. The only thing that is left in the puzzle and the most important thing is whether or not he saw live American POW's. It is the number one thing, and the most important, obviously.

The question is why should we stop and refuse to allow him to go when, in fact, he can shed light on that?

Our committee concluded, all Senators present, when we wrote our final report, that the Garwood information needed to be pursued. That was in the final report. It was the conclusion of all Senators. There were no dissents in terms of that being pursued.

I have a responsibility as one member of that committee—I happened to be the vice chairman—to pursue it, and I intend to do it. I will do it in spite of the attacks. I will do it with attacks, because that kind of criticism is not even relevant as far as I am concerned.

The issue here is what did Mr. Garwood see or not see, and I intend to investigate it. I look forward to the trip. I look forward to going with Mr. Garwood. I look forward to seeing him facing the Vietnamese, looking the Vietnamese in the eye and saying, "I saw American POW's. Now, are you telling me that you didn't keep any POW's?" I wish to see the faces, I wish to look into the eye of that Vietnamese when he looks back at Mr. Garwood and says "No, Mr. Garwood, you are a liar." And then I want to look at Mr. Garwood, and I want to see him when he says, "No, you are a liar."

And then I am going to draw my conclusions, because I am going to be there when that little meeting takes place, and I am proud to be there. As I said before and I will say it again, what Mr. Garwood did or did not do is not relevant to the families of those men. If I have a brother, a dad, or a son missing, and I know somebody out there in America, whoever he or she is, has information about that person, this country has a moral responsibility, a moral responsibility to check it out. I do not care where the source is, Mr. President.

It should have been done years ago. And to trash it now when we finally are ready to do it, to trash the opportunity now to do that after we finally have done it and get the opportunity to do it is an outrage. It is an outrage. I am very sorry that it happened on the floor of the Senate.

I look forward to speaking out when I get back after the July 4 recess, and I will have a full report to the Senate on what I found or did not find when I got to Vietnam, and the Senate will hear exactly what that confrontation between Mr. Garwood and the Vietnamese was like and who said what and what we found out.

I thank the Chair and yield the floor.

ENERGY TAX POLICY

Mr. BAUCUS. Mr. President, in anticipation of the upcoming House-Senate conference on the budget reconciliation bill, I rise to address a critical element of any compromise; that is, the energy tax. When President Clinton originally proposed an energy tax as part of his deficit reduction package, he outlined a broad-based energy tax known as the Btu tax.

This tax had a number of competitive flaws. It would be very difficult to implement. For those reasons, it was dropped in the Senate. But the Btu tax has some real virtues, especially when compared to the transportation tax contained in the legislation we passed Friday morning.

The transportation tax is nothing more than a glorified gas tax. According to the Energy Information Administration, with the exemption of aviation fuel, approximately 90 percent of the total tax will be shouldered by the users of automobiles and trucks.

First, with the proper refinements, the Btu tax would be fair and balanced compared with the gas tax. Some of my colleagues point out that the Btu tax effectively includes a gas tax, and they are right. But the difference is a Btu tax would be paid by all energy users, from the largest corporations to the ordinary working Americans. It would be paid by drivers in the rural West, homeowners in the urban Northeast. It would also be paid by transportation industries, such as airlines and trucking companies, and service industries, like restaurants and auto shops. Despite its flaws, the Btu tax and other broad-based energy taxes do have the virtue of fairness.

Unfortunately, an isolated boost in the gas tax is both unfair and regressive. As data provided by the Department of Transportation demonstrates, the gas tax falls most heavily upon rural States like Montana, Arkansas, North Dakota, and Wyoming.

I ask unanimous consent that a copy of the chart illustrating this point be printed in the RECORD.

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

Consumption ranked by State

State:	*Gallons per capita*
Wyoming	987
North Dakota	707
Arkansas	677
Montana	673
Georgia	670
South Dakota	669
New Mexico	668
Alabama	652
Missouri	635
Oklahoma	623
Nevada	620
Mississippi	615
Kentucky	613
Nebraska	609
South Carolina	608
Indiana	602
Vermont	595
Idaho	590
Tennessee	584
Kansas	578
Texas	578
Iowa	572
North Carolina	571
Maine	569
Delaware	559
Virginia	556
West Virginia	555
Arizona	539
Washington	534
Minnesota	530
Florida	521
U.S. average	519
Louisiana	518
Wisconsin	514
Michigan	509
New Hampshire	507
Utah	504
Ohio	494
Maryland	491
Colorado	491
New Jersey	488
Oregon	485
Alaska	482
California	479
Illinois	457
Connecticut	457
Pennsylvania	456
Massachusetts	427
Rhode Island	407
Hawaii	369
New York	348
DC	282

Cost per capita ranked by State

State:	*Percent*[1]
Wyoming	0.413
Arkansas	.320
Mississippi	.319
New Mexico	.318
North Dakota	.306
Montana	.306

	Percent[1]
South Dakota	.295
Alabama	.293
Oklahoma	.281
South Carolina	.278
Kentucky	.271
Georgia	.270
West Virginia	.269
Idaho	.268
Missouri	.246
Tennessee	.246
Indiana	.244
Louisiana	.241
Utah	.240
North Carolina	.236
Texas	.236
Nebraska	.233
Vermont	.231
Arizona	.230
Iowa	.228
Maine	.228
Nevada	.223
Kansas	.218
Wisconsin	.200
Virginia	.197
Florida	.196
Oregon	.195
Ohio	.194
Minnesota	.193
Washington	.191
U.S. average	.191
Michigan	.190
Delaware	.190
Colorado	.178
California	.164
Pennsylvania	.164
Alaska	.163
New Hampshire	.161
Maryland	.156
Illinois	.154
Rhode Island	.146
New Jersey	.135
Massachusetts	.130
Hawaii	.127
Connecticut	.124
New York	.108
DC	.078

[1] Percent of personal income.

Mr. BAUCUS. Mr. President, I believe that every American, regardless of their State, is willing to contribute to reduce the deficit. Americans will do their fair share, but we should be very careful when drafting tax proposals to ensure that no one is asked to do more than their fair share.

In coming to an agreement on the energy tax in the conference committee, it is my hope that a fairer and more balanced formula than the gas tax can be found. Second, the Btu tax and other broad-based energy taxes have the added benefit of positively impacting the environment. A broad-based energy tax will encourage conservation, and if properly structured, can encourage the use of cleaner burning fuels that result in the reduction of environmental degradation.

Such prominent environmental groups as Friends of the Earth, American Rivers, the National Wildlife Federation, Sierra Club, and National Resources Defense Council, were solid backers of the Btu tax, and expressed support for a broad-based energy tax. A leader of a major environmental organization went so far as to say that the Btu tax would have done more to promote environmental protection "than any other single piece of environmental protection legislation."

For example, the House passed version of the Btu tax would encourage an annual reduction in greenhouse gas emissions of 25 million metric tons by the year 2000. That is the equivalent of about 20 percent of the reductions required to implement the President's commitment to return greenhouse gas emissions to 1990 levels by the end of the decade.

The gasoline tax, however, sacrifices virtually all of those environmental benefits according to the Natural Resources Defense Council. The gas tax does little to encourage conservation or fuel shifting because it has no impact on many of the largest users of energy—commercial business establishments, public institutions, and energy used for electricity generation.

Further, alternate fuels are, by and large, not available to the average driver, and the average driver generally has no other means of transportation, he or she must simply pay the tax. Again, the conservation impact is minimal.

The President originally proposed a broad-based energy tax. The House bill contains that broad-based energy tax. In conference, it is my hope that the Senate bill's transportation tax can be either replaced, made part of a broader, fairer energy tax, or abandoned entirely.

The problems with the Btu tax are real and significant. But Treasury Secretary Bentsen has proposed an alternative that deals with the primary concerns by exempting key producing sectors, such as manufacturing and agriculture.

Other concerns could be addressed by structuring a tax that is border adjustable and adopting a more easily administrable approach. I also urge that an energy tax be drafted that encourages the use of environmentally friendly fuels. It is my hope that a compromise involving these concepts can be developed in conference.

Finally, my philosophy on the energy tax is simple: Either everybody pays or nobody pays. Reduction of the deficit is so important that I do not intend to let perfection be the enemy of the good.

It is my hope that under the leadership of Chairman MOYNIHAN, Chairman ROSTENKOWSKI, and the administration, legislation in line with this philosophy will emerge from the conference.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, is leaders' time reserved.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator is correct.

Mr. DOLE. Mr. President, I have four statements on different subjects and I will use my leader's time.

BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, it appears certain that the United States is going to miss a real opportunity to do what is right and smart with respect to the war in Bosnia and Herzegovina.

This afternoon the U.N. Security Council is debating a resolution which would lift the arms embargo against Bosnia and allow the Bosnians to exercise their right to self-defense. Despite President Clinton's claimed preference for lifting the embargo against Bosnia and Herzegovina, the United States is not lobbying other Security Council members to gain their support for this measure.

The administration has decided not to play a leading role in the Security Council, rather it has decided to play follow the leader; and the leaders in this case are the British, French, and Russians—whose policies, diplomatic initiatives and involvement in Bosnia and Herzegovina to date have not brought Bosnia any closer to peace than it was 15 months ago when the war started.

There is little doubt that without active United States support the measure will fail because of British, French, and Russian objections.

Last Friday, I wrote a letter to the President urging him to put the full-weight of American influence behind the resolution to lift the arms embargo. Not only would this allow the Bosnians to defend their civilians, but it would strengthen the Bosnian Government's ever weakening negotiating position, thereby increasing the likelihood of a genuine negotiated settlement to the conflict. Ironically, denying the Bosnians arms makes it more likely that the conflict will continue and eventually spread to Kosova and elsewhere.

Mr. President, I ask unanimous consent that my letter to the President be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 25, 1993.

The PRESIDENT,
The White House, Washington.

DEAR MR. PRESIDENT: It is my understanding that the U.N. Security Council has begun debating a resolution to lift the arms embargo against the Republic of Bosnia-Hercegovina, and that a vote is expected later today or tomorrow. As you know, I have advocated taking such action for some time now, and have strongly and publicly supported your preferred 'lift and strike' option. In my view, this Security Council resolution can only pass if the United States puts on a full-court press to persuade the

British, French and Russians not to object. Without active U.S. support I fear the measure will fail. Therefore, I would urge that you and your foreign policy team take the actions necessary to ensure passage of this resolution.

The debate and vote on this resolution is an opportunity to do not only what is right, but what is smart. The facts are clear: (1) The current arms embargo violates Bosnia-Hercegovina's right to self-defense and has guaranteed the overwhelming advantage of Serb forces, thereby creating an environment of cost-free aggression; (2) Europe has failed in its efforts to end the war and instead of reversing course, its leaders are trying to disguise their acquiescence to aggression by giving diplomatic cover to the cannibalization of Bosnia; (3) In the absence of effective international diplomatic support and without military power, the Bosnian government is left without negotiating leverage. However, if the Bosnian government were armed it would not only be able to extend its authority and restore some measure of order to its lands, it would also be in a position to create a military stalemate that would provide the basis for a genuine negotiation.

Mr. President, this is a defining moment in U.S. history—the Bosnian crisis is a critical test of American global leadership in the post-Cold War era. Will the United States stand by the principles that form the basis of the international order, such as the territorial integrity of internationally recognized borders? Or will the United States retreat from its traditional global role and relinquish its responsibilities to multilateral organizations which have proven time and time again to be incapable of decisive and effective action without U.S. leadership?

Failure to act decisively now will all but guarantee the spread of disorder not only in the Balkans, but elsewhere around the globe.

Sincerely,

BOB DOLE,
U.S. Senate.

Mr. DOLE. Nevertheless, the administration seems content with quietly voting yes and letting the resolution fail regardless of the consequences.

Let us face it, the Bosnians are losing at the negotiating table because they are militarily weak, and now it looks like we're going to make sure they stay that way. And, we are going to use the NATO Alliance as an excuse for this timid diplomacy.

Sure, NATO is important, but NATO's success in the past was based on U.S. leadership, not on American acquiescence to ill-conceived policies. NATO has no future if it becomes a vehicle for policies that reflect the lowest common denominator among our allies, as opposed to sound judgment.

By missing this opportunity, the United States is writing off Bosnia. But, the Bosnians will not be the only ones who will pay the price. Failure to confront aggression in Bosnia sets a terrible precedent. It is an invitation to would-be predator States and a warning to weak States to arm themselves.

Moreover, the failure of the United States to stand firmly behind international principles, will serve to erode U.S. credibility around the globe.

Mr. President, the stakes in Bosnia are high and the consequences will be felt over the long term. I fear, however, that the United States has taken a very short-term view.

TRIBUTE TO WALTER ANNENBERG

Mr. DOLE. Mr. President, the Reverend Billy Graham once said that "We are not cisterns made for hoarding, we are channels made for sharing."

Throughout our history, the American people have taken these words to heart.

From the pioneer days when barnraisings became community projects until the present, when new heights in money and hours donated to charities are reached every year, the spirit of neighbor helping neighbor has remained alive and well here in America.

The innate generosity of the American people can be seen in many people and in many places across America, but I believe that it can most clearly be seen in the life of Walter Annenberg.

Last week, Ambassador Annenberg added new meaning to the word philanthropist when he made the largest one-time gift to private education in history.

Under the terms of this gift, the University of Southern California and the University of Pennsylvania will each receive $120 million, Harvard University will receive $25 million, and the Peddie Preparatory School will receive $100 million.

This display of generosity is not new to Walter Annenberg. Previously, he and his wife, Leonore, have provided key support to literally thousands of educational institutions, museums, and charities.

In recent years, he has given his entire collection of French Impressionist and Post-Impression art—valued at $1 billion—to the Metropolitan Museum of Art, and he made a $50 million contribution to the United Negro College Fund.

Ambassador Annenberg said that the reason for last week's historic gift was simply that—and I quote—"I'm interested in the young people, because the character of our country will be shaped by young people in the days ahead."

From his days as one of America's most successful businessmen, to his service as Ambassador to the Court of St. James, to his role as adviser and confidante to world leaders, to his status as America's leading philanthropist, Walter Annenberg, himself, has done his share of shaping the character of our country.

I have no doubt that America is a better place to live because of the leadership and generosity of Walter and Leonore Annenberg. I am proud to call them my friends.

I note since the statement was put together that last week ABC named Mr. Annenberg the Person of the Week, which I think is another fitting tribute and recognition of his great generosity.

TENTH MOUNTAIN DIVISION SCHOLARSHIP AT SIENA COLLEGE

Mr. DOLE. Mr. President, I rise today to recognize an act of generosity by the men of the 10th Mountain Division. I recently received a letter from Siena College in Loudonville, NY, regarding the establishment of the company I, 85th regiment, 10th Mountain Division endowed scholarship.

The 10th Mountain Division was the first ski troop of its kind in the U.S. military. Modeled after units in the Finnish army, the 10th was an unusual collection of forest rangers, cowboys, Ivy Leaguers, and Olympic skiers. The division's first operation was to lead an assault against German fortifications in the Apennine Mountains and break into the Po Valley near Bologna in 1945. This resulted in the 190 men of company I, 85th regiment, being involved in some of the heaviest fighting of the war. The German fortifications and terrain were such that it took the 10th 6 months to go 56 miles. During those 6 months, the men of the 10th Mountain Division fought with determination and valor. By the end of the war, the 10th Mountain Division was one of the most decorated in U.S. history, and deservedly so.

These men have again distinguished themselves by endowing a scholarship at Siena College. Money was raised by raffling military memorabilia and through individual donations by company members. Families of company members also gave gifts in memory of their loved ones. Siena College was chosen to receive the scholarship as a result of its being the alma mater of two men in the company, James Branche and the late James Looby. The endowment will provide an annual scholarship to be awarded by the college, with preference given to the grandchildren of 10th Mountain Division members.

I am proud to recognize this act of generosity on the part of company I, 85th regiment, 10th Mountain Division. In 1945, as a young lieutenant from Russell KS, I had the privilege of serving with company I, 85th regiment in Italy. The friendships I made there have, and will always hold, a special place in my heart.

Mr. President, these distinguished men, who fought for a brighter future for all Americans, are once again showing the selflessness of their character. Their act of generosity will not only give today's young men and women a chance to realize their dreams, but will also honor those men who fought so bravely five decades ago in the hills and mountains of Italy.

LAWRENCE CENTRAL JUNIOR HIGH RUSSIAN EXCHANGE

Mr. DOLE. Mr. President, today, I rise to recognize the accomplishments of a special group of students and teachers from Central Junior High School in Lawrence, KS.

On May 12, Dr. Pat Boyd and 15 honor students from Central Junior High, left the plains of Kansas for Izheusk, Russia. These students are only the second group of American citizens to visit this region of Russia, which, for the past 60 years, has been used for the production of military weapons.

Dr. Boyd and her students have established Peace House Exchange, an exchange program that will educate both American and Russian students to the importance of international awareness and education.

While in Russia, these young ambassadors have been living with Russian families, attending school with their Russian counterparts, and forming lifelong friendships. In October, Central Junior High students and their families will return the favor to their Russian friends by hosting them in Kansas for a 3-week stay.

Mr. President, these young people have taken it upon themselves to promote international goodwill, and strengthen the ties between our two countries.

I wish to commend these students and Dr. Boyd for their part in educating the Russian people and spreading America's message of goodwill.

Mr. President, I yield the floor.

EXECUTIVE SESSION

NOMINATION OF ASHTON B. CARTER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is considering the nomination of Ashton B. Carter.

Mr. SMITH. Mr. President, I would like to move back onto the pending business of the Senate, which is the nomination of Ashton Carter.

I want to recap a little bit for some who may have missed the debate earlier today as to where we are in regard to this nomination. Mr. Carter, as we know, has had some problems. For those of my colleagues who may have missed the discussion before lunch, allow me to recap.

I first want to say for the record that I had to interrupt my schedule today quite substantially, and miss a hearing which I was supposed to participate in, because of the so-called urgency to have this nomination brought up around 11 o'clock. We were going to debate it thoroughly and then we were going to vote.

Although I did not ask for specific assurances, I was led to believe we would go back to that nomination right after lunch. That did not occur. We are still here, now coming back to it at this late hour. Meantime, I had to miss a very important hearing.

So be it. That is one of the reasons we get criticized around here, justifiably so, for the way we do business. I do not mind being on record saying it. I think it is just simply wrong to inconvenience Members in this regard. People who stayed around do not know whether there is going to be a vote tonight. As you know I requested a recorded vote on this nomination. I did that early, as soon as I took the floor this morning, to let all my colleagues know that was my intention. I anticipated at the time I requested a vote we would have the vote probably somewhere in the vicinity of 3 o'clock. It is now after 5 o'clock. I do not know how much longer the debate will go on or how many other people want to speak.

At this point it is certainly out of my hands as to what time there may be a vote. However I intend to take the time that I need to make the rest of the points I want to make regarding this nomination because I feel it is important to get them on the Senate RECORD. Just so my colleagues will know where I stand. The only thing I am going to be firm on is that at the conclusion of my remarks we will vote. The vote will not be put off until tomorrow.

If the leader determines that the vote be vitiated until tomorrow, then I want to be able to have the opportunity to speak for 15 minutes prior to that vote taking place. I intend to be firm on that since I have been inconvenienced all day. I intend to be firm on that.

Allow me to recap some of the very important aspects of the Carter nomination.

On March 9, 1993, Defense Secretary Aspin issued regulations governing the conduct of nominees prior to formal confirmation. These regulations directed that nominees should act in a manner consistent with the role of an adviser preparing for additional duties, and avoid acting or appearing as if confirmed.

I have already submitted for the RECORD those regulations and documents.

Again, nominees must act in a manner consistent with the role of an adviser preparing for additional duties, and avoiding acting or appearing as if confirmed.

As I have indicated, this is not the case of a passive participant here who had innocently signed a document, or maybe signed a document stepping over the bounds. This is an active participant, a person who is thoroughly engaged in the business of directing policy in the Pentagon, before he was confirmed. That is the issue here.

It would be the issue if it was President Bush. It is the issue with President Clinton. Because I think the issue here is not who is President or who the nominee is. The issue is constitutional advice and consent; a very strong constitutional provision that was drafted by the Founding Fathers and has been commented on extensively by Senator BYRD in his tremendous book. Chapter 2 goes into great detail about the significance and importance of the advise-and-consent role of the Senate. That is really what the issue here is today. Not Ashton Carter, but constitutional advice and consent.

I say to my colleagues, if you care about the constitutional process of advise and consent you ought to oppose this nomination to send that signal. If you are not confirmed by the U.S. Senate you ought not to be doing business in the executive branch. I do not care who is President or what the job is. You have to be confirmed by the Senate.

Mr. Carter was not, is not, has not been confirmed by the Senate. Let me go back to the Aspin regulations.

Secretary Aspin issued the regulations and stated very clearly what the conduct of nominees should be. By doing so, Secretary Aspin agreed with and was very strong in his defense of the advice and consent role of the Senate. He demonstrated this in a memorandum on March 9, to all prospective nominees. Specifically, the regulations state that nominees should not serve as the official Department representative in meetings, should not serve as an official on travel, foreign travel, and are not to sign any documents that give the appearance of having assumed official duties.

This, signing documents would certainly be a violation. But it goes even further, saying even giving the appearance of having assumed official duties. I think the testimony that was given this morning by myself and others substantiates that in fact this did happen.

In response to reports of widespread noncompliance with these regulations, Senators NUNN and THURMOND sent a letter to Secretary Aspin on April 22 requesting that he issue guidance and take steps to ensure that the activities of nominees comply with the concerns of the Armed Services Committee.

Therefore, we have a memorandum from the Defense Secretary that says you should not act as if confirmed, or undertake any activity that would give that indication. In spite of that, there are rumors flying around and information being brought to the committee that this is going on. So Senators NUNN and THURMOND wrote a letter to the Secretary reminding him about these guidelines and asking to ensure the activities of nominees comply.

Secretary Aspin responded to that letter in a letter 7 days later, dated the 29th of April. In that letter he reaffirmed the existing guidelines and he emphasized that each nominee received an extensive briefing from the Department's office of standards and conduct, to ensure that their behavior was legal and that all the administrative requirements were met. Secretary Aspin stated:

I give this clear directive to all prospective nominees to ensure that no one here in DOD would presume any authority that can come only from the Senate's confirmation.

So, Secretary Aspin to his credit, having been a Member of Congress, understands the advise-and-consent role. And he put it in writing to those who would be nominees in the future, and those who were pending nominees. In other words: Do not do anything that would even give a hint of acting officially because you are not yet confirmed.

On May 25, Dr. Carter appeared before the Armed Services Committee and he testified that he had not made any authoritative decisions nor had he provided authoritative guidance. In addition, Dr. Carter stated he had not assumed any duties or undertaken any actions that would appear to presume the outcome of the confirmation process.

That question was asked of him by Senator NUNN, the chairman of the Armed Services Committee. His response was that he had not done those things.

Since then, it has been determined that Dr. Carter did in fact make authoritative decisions, provide authoritative guidance, and act in a manner which gives the appearance of presuming confirmation. In private meetings with some members of the committee, including myself and the chairman, he admitted one case, and apologized for it.

The question is, Was that the only case? And the answer is, As far as I am concerned based on the facts, no; it was not.

I have a memo dated May 17, 1993, signed by Dr. Carter, which directs the transfer of Nunn-Lugar funding for defense and military contracts with the former Soviet Union. I might add that this document was approved and initialed by a Dr. Graham Allison, another nonconfirmed consultant evidently involved in policymaking.

So we now have one individual who is up for a nomination who says he did not sign any documents that would give the appearance of presuming confirmation. We then find out that he has signed a document. Then we find there is another name on that document, a Dr. Allison, who is not confirmed, who also approved the document. And that document is in the record. I will call my colleagues' attention to the record.

The document says "approved by" Dr. Allison.

I have a memo dated April 5, 1993, which is authored by Dr. Carter regarding the Cooperative Threat Reduction Program. In the memo, Carter states that he has not yet approved—not yet approved—the legislative affairs and public affairs plans for this important program, indicating that he is the deciding authority.

When you are supposed to be acting in an advisory role learning the process, and you have guidelines and letters circulating from the chairman and ranking member of the Armed Services Committee and the Secretary of Defense, and you put that kind of language in a memorandum that I have not yet approved something, that does not sound like a person who is a passive participant. It sounds like someone engaged in policymaking and decisionmaking. To be very blunt about it. I do not believe that Dr. Carter was a passive participant.

I have a memo dated April 20, initialed by Dr. Carter, which recommends approval of the Defense Department to procure four Russian TOPAZ nuclear reactors. Four Russian TOPAZ nuclear reactors were recommended for procurement by Dr. Carter.

I would say to my colleagues, these documents indicate a clear participant—not an inactive participant, not a passive participant—in Defense Department activities. He is someone who is involved in all phases of policy formulation and implementation. I might add, based on some of the other names that seem to appear that have not yet been approved, this problem is widespread.

To the chairman's credit, Chairman NUNN, I think this practice has subsided somewhat—but up until that point, this was going on throughout the Defense Department.

So after a series of meetings in which members of the committee met with Dr. Carter and other DOD officials, I prepared a series of questions that I felt needed to be answered by Dr. Carter before I could remove my hold on the nomination.

My intention was not to unnecessarily delay the nomination. I think the votes are there to send Dr. Carter to his position. But I think the Senate, frankly, is making an error not to defend the advice-and-consent responsibility that it has and bring the administration up short on this one. I think there are others that probably have done the same thing. But Dr. Carter is the pending nomination.

I forwarded to him a series of questions, and I want to read them because they further the case that I am making. I think it is important that you hear the answers to those questions. They were very forthright, very specific questions. There was nothing catchy in them. I simply wanted answers, and DOD responded very quickly, I might add, to their credit.

In a letter, I indicated that I felt that these issues were very serious and ought to be answered prior to Senate floor consideration of the nomination. I have been prepared ever since those response on June 11 to debate this matter on the floor. I never intended to delay it but rather to debate it fully. And I made that affirmation to the chairman.

Unfortunately, the responses that I received from Dr. Carter, in my opinion, were not accurate, and I am going to be specific. In certain cases, I think the responses were vague, somewhat ambiguous, and downright misleading. Let me give examples.

Here is one question that I asked:

Dr. Carter, have you ever officially represented DOD at White House interagency meetings?

Answer:

Interagency working group meetings on issues in the general area of nuclear security and counterproliferation took place at a rate, I would estimate, of about five to seven per week. I attended about one-fourth or one-third of such meetings. Invitations for me to attend such meetings were extended by the Acting Assistant Secretary of Defense for International Security Policy, by the Under Secretary for acquisition or the Under Secretary-designate for policy, and/or by the White House staff. I understood my role in such meetings to be to familiarize myself with the issue and with the personalities and the views of other Government agencies, and not to represent the Department of Defense.

In other words, he said: I was there to consult, not to represent. That is his answer.

Continuing:

I did, on occasion, voice my opinion, but I did not do so as the Department's official representative. On several occasions, I noted that I was not a confirmed official of DOD and could not speak for it. I understood the above-described activities to be consistent with my role as a consultant to the Department and within guidelines of potential nominees.

That was the answer, a pretty straightforward answer, I would say, in that case. He said he was there to consult, and did not make any decisions and did not act like a confirmed official. That is essentially what he said.

Let me go into that a bit. Dr. Carter states that invitations to these interagency meetings were provided by the Acting Assistant Secretary of Defense for International Security Policy, the Under Secretary for acquisition or the Under Secretary-designate for policy who, like Dr. Carter, is not a confirmed nominee.

So Dr. Carter insists he did not formally represent the Defense Department in these meetings. Well, who did? I have copies of Dr. Carter's schedule and the schedules of other principals which indicate that Dr. Carter alone was representing DOD at certain interagency meetings. There was no one who had been confirmed who represented DOD at those meetings.

I have the documents, Mr. President, and I ask unanimous consent that at

the end of my remarks, the copies of the schedules of Dr. Carter and other officials be printed in the RECORD.

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

(See Exhibit 1.)

Mr. SMITH. Mr. President, for instance, on March 30, at 9:30 in the morning, Dr. Carter attended an interagency working group meeting at the White House concerning the ABM Treaty and the Standing Consultative Commission. This meeting is not on the schedule of Bill Inglee, who is the Acting Assistant Secretary for International Security Policy, who would be the principal player on this issue. So it is not on his schedule. So if it is on Carter's schedule and not on Inglee's schedule, who is the official representative?

Moreover, that same day at 12 o'clock, Dr. Carter had a meeting scheduled on the highly enriched uranium agreement with the National Security Council but, again, Mr. Inglee was not a scheduled participant. If there is some proof out there that Inglee attended and it was not on his schedule, then I need to see that; but I have not seen it.

On March 31, at 12 o'clock, there was another meeting with the NSC concerning the highly enriched uranium agreement. Again, Mr. Inglee was not a scheduled participant.

Later that day, at 2 o'clock, Dr. Carter met with the NSC regarding Iran and, again, the Acting Assistant Secretary for International Security Policy was not a scheduled participant, even though this issue clearly fell in his area of responsibility.

On April 13, at 1 o'clock, Dr. Carter attended an interagency working group meeting on Presidential decision directive No. 3. Again, this sounds an awful lot like policymaking, yet no Mr. Inglee. He was not a scheduled participant. Who was the policymaker present at those meetings, Mr. President?

On April 15, at 3:45, Dr. Carter was driven to the White House for a 4 o'clock meeting on Ukrainian nuclear issues, and yet, again, Mr. Inglee was not a scheduled participant even though this issue falls squarely, directly under his area of responsibility.

We have an individual who is an adviser, who is not confirmed, who says he is not engaged, and he is being driven to meetings and participating in meetings, making decisions in meetings where the people who are confirmed, who are supposed to be the policymakers are not even on the schedule. That does stretch the bounds of truth, Mr. President.

On April 23, at 2 o'clock, Dr. Carter attended another meeting with Strobe Talbott on the implementation of the Vancouver aid package for Russia. Yet, again, the key decisionmaker, Mr. Inglee, was not a scheduled participant.

Let me say to my colleagues if Dr. Carter was not representing the Defense Department at these meetings, who was? Who was? If anyone has that information, I wish they would provide it.

It is my understanding that the majority leader would like recognition. I would be more than happy to yield to the majority leader at this time.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my remarks appear in the RECORD so as not to interrupt the remarks of the Senator from New Hampshire.

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

Mr. MITCHELL. I thank my colleague for his courtesy.

Mr. President, my understanding is that on this matter, it having been thoroughly explored, there is no objection to a vote occurring shortly. Therefore, I now ask unanimous consent that the vote on the pending nomination of Ashton Carter to be Assistant Secretary of Defense occur at 6 p.m. today, and that the time between now and then be distributed—in what manner would my colleagues like that time distributed?

Mr. SMITH. Under the circumstances, at this point I would have to object to 6 o'clock because there is at least one other Member who wishes to speak, I am told. I do not want to be unreasonable. I am willing to grant a reasonable time for the convenience of Members. I am almost finished here, but there is at least one other Senator on our side, so I would not want to share that time at this point.

Mr. MITCHELL. Mr. President, would my colleague be agreeable that that gives us 25 minutes, if the time were divided 5 minutes to Senator NUNN and 20 minutes under the control of the Senator from New Hampshire?

Mr. SMITH. Would the leader agree to 6:15? I think Senator NUNN should have time. In 20 minutes, I can complete my remarks and Senator NUNN can have 15 minutes or yield back if he wishes. I need about 20 minutes.

Mr. NUNN. If the Senator will yield, could I suggest to the majority leader we say the vote occur no later than 6:15? And perhaps we could make it earlier.

Mr. MITCHELL. That is fine so long as Senators understand that.

Then, Mr. President, I modify my request to ask unanimous consent that a vote on the pending nomination occur no later than 6:15 p.m. today, and that the time between now and then be divided 15 minutes under the control of Senator NUNN and 25 minutes under the control of Senator SMITH.

Mr. SMITH. No objection.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. No objection.

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

Mr. MITCHELL. Mr. President, all Senators should understand that there is no guarantee that the vote will occur at 6:15. It may occur before that. Senator NUNN has already indicated he does not intend to use all the time he has. So we expect that time will be yielded back.

Then it is my hope, following this vote, to proceed to the next nomination on the list, to which I earlier referred. So Senators should be aware of that. It has taken, for a variety of reasons, somewhat longer to get to this vote than we had anticipated initially, so we will proceed in that fashion, and this vote will occur no later than 6:15 and we hope sometime before that.

Mr. WARNER. Mr. President, will the majority leader kindly indicate, is there likely to be a second vote on the second nomination?

Mr. MITCHELL. I do not know about the vote because I have not had a chance to find out what our colleagues' time requirements are on that, but I certainly intend to proceed to the second nomination right after this. If we can get a vote, I would like to do that. If not, I would like to discuss how best to proceed on that.

Mr. WARNER. Mr. President, I thank the distinguished leader.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I would like to say to my colleagues, if Dr. Carter was not representing the Defense Department at these meetings, who was? I have asked that question on a number of occasions to a number of people both on the floor and to other individuals, and I have not received an answer to that question. Clearly not the civilian charged with responsibility for these important issues.

The Acting Assistant Secretary for International Security Policy was not scheduled to attend a single one of these policy and interagency meetings. I think that is very signficant, Mr. President. He was not scheduled to attend any of them. It is one thing to not attend. That happens frequently. We get many events on our schedule cards that we cannot keep from time to time and send subordinates occasionally, but in this case he was not even scheduled, and he is the chief policymaker. I think, to be very candid, he was not scheduled because he felt he had a representative there, and it was Dr. Carter.

On May 12, at 11:30, Dr. Carter attended a meeting with a Mr. Vos, of the Standards and Conduct Office, and this must be the formal briefing the Defense Secretary alluded to in his letter to Senators NUNN and THURMOND where nominees were briefed on how to behave prior to confirmation. But apparently this meeting occurred a little bit

late because Dr. Carter had been actively representing the Defense Department in policy meetings for some 2 months by this time, in direct violation of the Secretary's regulation.

So, Mr. President, again the Defense Secretary alludes in his letter to Senators NUNN and THURMOND where nominees were briefed on how to behave prior to confirmation. This meeting occurred late because Dr. Carter had been actively representing the Defense Department in policy meetings for 2 months by this time. Mr. Carter simply did not make an accurate representation of the facts.

Another question I asked Dr. Carter:

Have you participated in any discussions or decisions regarding an arrangement between the Russian Federation or any other former Soviet state and the U.S. involving the sale of highly enriched uranium to the United States?

That question was posed in writing. Dr. Carter responded in writing:

The HEU agreement with the Russian Federation was the topic of numerous meetings and discussions that I attended. Though DOD did not have lead responsibility for this issue within the U.S. Government, the Secretary viewed it as an important aspect of facilitating nuclear weapons dismantlement in the former Soviet Union. The Secretary and other DOD officials asked me for my advice on this issue in view of my familiarity with issues relating to nuclear power technology and with nuclear dismantlement in the former Soviet Union. My role was advisory and not decisionmaking.

That was the response from Dr. Carter to my question. He said, "My role was advisory and not decisionmaking." But then, in question 7, which was the following question, when asked to elaborate on his involvement in the HEU deal, Dr. Carter stated, "I have limited personal knowledge of this matter because my involvement was limited."

That is not what he said in the previous question. He said in the previous question,

The Secretary and other DOD officials asked me for my advice on this issue in view of my familiarity with issues relating to nuclear power technology and with nuclear dismantlement in the former Soviet Union.

These are less than candid responses to very serious questions, Mr. President. And I do not, frankly, think that they are the types of answers we should accept in our advise and consent role.

Which is it? In question 6, Dr. Carter indicated the HEU agreement was the topic of numerous meetings and discussions that he attended and that the Defense Secretary asked him for advice on the issue. Yet, in question 7, he says his knowledge on this issue is limited because his involvement is limited. These statements are a direct contradiction and, frankly, are blatantly evasive. If Dr. Carter knew enough on this issue to advise the Defense Secretary, I daresay he knew enough to answer my question, yet he pleaded ignorance, and I do not appreciate it and I do not think the answer was forthright and truthful.

I wish to repeat a statement that I made earlier. As Senator BYRD so aptly pointed out in his book in chapter 2, the advise-and-consent role of the Senate is very critical and ought to be taken very seriously by Senators.

That is why this issue is so important to the Senate today. I am debating this issue today in an effort to preserve the integrity of the advise and consent role of the U.S. Senate.

I asked Dr. Carter another question.

Have you taken steps or issued policy guidance or directives regarding any of the following: nuclear weapons targeting or the SIOP; START I and/or START II compliance; force structure levels or weapons deactivation under those treaties; removal of any launch-essential components or capabilities of either Trident, SLBM's or ICBM's?

He said:

I did not issue authoritative policy guidance or policy directives. Consistent with my role as a consultant, I provided advice and analysis as requested. On occasion that advice was in writing. On occasion, I also reported to others positions advocated by the Secretary. I understood this to be proper and consistent with my stated role.

I cannot recall doing analysis or giving advice regarding nuclear weapons targeting or the SIOP, though these topics fall within the general areas upon which Secretary Aspin asked me to advise. I did advise Secretary Aspin on the related issue of how the U.S. could respond to Russian President Boris Yeltsin's detargeting proposal at the Vancouver summit.

He also said:

I cannot recall doing analysis or giving advice on START I or START II compliance, though these topics fall within the general areas upon which Secretary Aspin asked me to advise.

He said again:

I do not recall. I did advise Secretary Aspin on the issue of what steps the United States could take to ensure that Russia, Ukraine, Kazakhstan, and Belarus carried out their obligations under the START agreements.

I cannot recall doing analysis or giving advice on force structure levels on weapons deactivation regarding U.S. forces, though these topics fall within the general areas upon which Secretary Aspin asked me to advise.

The Secretary asked him to advise on these, but he cannot recall giving advice. I really find that hard to believe, to be blunt about it. He said:

I gave advice on means that the U.S. could take to ensure and hasten deactivation of Russian/CIS forces.

I attended briefings and provided Secretary Aspin with advice regarding whether and how the U.S. should respond to Russian "detargeting" and "strategic disengagement" proposals. A number of options were analyzed and those details are classified.

He cannot recall doing analysis or giving advice? He cannot recall that on issues as important as nuclear weapons targeting; or START I and START II; or force structure levels; or removal of launch-essential components of Trident, SLBM's, or ICBM's? He cannot recall sitting in a meeting and giving advice to the Secretary of Defense on those matters?

Mr. President, with all due respect, that is an insult to the U.S. Senate to get an answer like that. If he said I did not do it, whether we believe it or not is up to us. He says that he cannot recall doing that. That is an insult.

He admits that is why he was there in the first place. He said he was there to give advice on those matters and says he cannot recall giving the advice. At the very least this misrepresents Dr. Carter's involvement and his knowledge level.

Mr. President, I do not often quote Senator BYRD. But I have done it quite a bit today.

In Senator BYRD's book, he quotes a man that many of us know, Tom Korologos. And Korologos said of his advice to nominees for confirmation hearings:

If I could put the prospective nominees through a mock hearing, to prepare them for the Senate, I would fire the most rottenest, most insulting questions in the world at them.

Well, I did not fire rotten, insulting questions at Dr. Carter. I asked honest, straightforward questions. And I got "I do not recall" giving advice even though I was asked to go there to give advice on such things as strategic arms reductions and the other things I mentioned.

Korologos goes on to say, according to Senator BYRD—I will repeat them, because I think they apply to what we are talking about. No. 1, he says with respect to a nominee:

Model yourself after a bridegroom at a wedding. Be on time, stay out of the way, and keep your mouth shut.

No. 2:

Between the day of nomination and the day of confirmation, give no speeches, write no letters, make no public appearances. Senators don't like to read about the grand plans of an unconfirmed nominee.

No. 3:

You may have been a brilliant victor in the corporate world or some other field of endeavor, but the Senate expects you to be suitably humble and deferential, not cocky.

No. 4:

There is no subject on Earth that the Senate is not free to probe. But ready with polite, and persuasive answers.

They might have been polite, Mr. President, to my questions. But they sure as heck were not persuasive. I think they were evasive.

I am going to conclude, Mr. President, by making one thing very clear. My opposition to Dr. Carter's nomination is not partisan and it is not ideological, even though I disagree with him on much of the background information that I have read in terms of policy. My disagreement concerns the integrity of the advise and consent process of the U.S. Senate.

This is a man who clearly is evasive in the responses that he has given to

our committee, and to the U.S. Senate. My objection to his nomination stems from the fact that I believe he knowingly and repeatedly violated Defense Department regulations governing the actions of nominees. He admitted doing that, in at least one case. He did not admit doing it in other cases, although the evidence indicates that he did.

Have other people done similar things? Yes, other people have done similar things. Is it a major crime? No. But it is a violation that denigrates the integrity of the process that the Constitution asks us to uphold; the advise and consent role.

It is not a matter which the Senate should take lightly. Some may rationalize Dr. Carter's action by saying his case is not unique, everybody does it. I say to my colleagues that is precisely the problem. Everybody is doing it. That is the problem.

That is why this nomination should not be confirmed. If nominees are allowed to dictate policy in our Government, there is no accountability to the American taxpayer. Where is the accountability for an unconfirmed nominee to be dictating policy and then not responding accurately to questions asked by U.S. Senators. It obviates the constitutional separation of powers, which is fundamental to our democracy.

Without checks and balances, such as the Senate's advise and consent, American Government becomes illegitimate and vulnerable to corruption and conflict of interest.

Dr. Carter had three jobs at the time he was directing policy. He was being paid by Mitre Corp., Harvard University, and the Defense Department, all at once while awaiting confirmation. At the same time he was engaging in policy level decisionmaking on extremely sensitive strategic nuclear issues in direct violation of Defense Department regulations as outlined by the Secretary of Defense, and reiterated by Senators NUNN and THURMOND. And he still violated them. And when he came to the Senate for his confirmation hearing, he said he did not do it, but then later said he did and apologized.

That is what bothers me the most, Mr. President; the fact that he misrepresented his actions in testimony before the Armed Services Committee, when the chairman asked the question. He said he had not made any authoritative decisions or provided authoritative guidance and as I have illustrated, this was simply not the case. Mr. Carter did. He knows he did. He admitted he did. The question is the degree that he did it.

Dr. Carter has actively and repeatedly engaged in policy formulation and implementation and the facts support that conclusion.

He has represented the Defense Department in interagency meetings, signed documents repeatedly, and provided authoritative guidance on a broad range of issues. Most disturbingly, he misrepresented his activity to the U.S. Senate and does not deserve to be confirmed. I do not care how knowledgeable he is. If he was President Bush's appointee, I would be standing here saying the same thing.

As a result, I have strong reservations over his credibility and ability to deal in a forthright nature with the Armed Services Committee and the Senate. I think it was an act of disrespect, frankly, to the chairman of the Armed Services Committee, who, again, in an effort to give him the opportunity to correct the record, asked him the question, and he still said no. Although he did confirm that later and apologized, the point is that he misrepresented the facts publicly on the record.

I urge my colleagues to carefully consider this nomination. The integrity of the advise and consent process of the U.S. Senate is at stake. A lot of words are thrown around here, and many times they are empty. We ought not to be throwing empty words around about the integrity of the Constitution of the United States. I came here to uphold the Constitution. It is a heck of a lot more important than one individual. It is more important than me, Ashton Carter, or even the President of the United States. The Constitution must prevail. In every crisis we have had, from Watergate to Irangate, the Constitution has prevailed. The system worked.

But our failure to appropriately execute the advise and consent obligation on this nomination threatens to stain the integrity of this institution. I ask my colleagues to, before the vote, look at the facts, study them, and make a decision based on what is appropriate to preserve the integrity of the process of advise and consent in the Constitution, not on the basis of polities or an individual who is far less important.

I yield the floor.

DR. CARTER'S SCHEDULE, WEDNESDAY, 17 FEBRUARY (REV NO. 1)

0800—Wisner Staff Meeting.
0945—LTGEN Teddy Allen, Dir, Defense Security Assistance Agency (courtesy call).
1000—LTGEN Ed Leland, Dir, J-5, Strategic Plans and Policy (courtesy call).
1100—Scooter Libby.
1300—POAC.
1300—Working Lunch [trays] w/Mr. Miller [et al], Prep for Interagency Group Meeting (Thurs, 18 Feb, 0900).
1500—Dr. Deutch, 3E 1006.
1530—VADM Dick Macke, Dir, Command & Control, Joint Staff (courtesy call).
1700—Meeting at National Academy of Science, Main Bldg.
1900—German Marshall Fund Dinner, Nora's Restaurant.

MR. INGLEE'S SCHEDULE, WEDNESDAY, 17 FEB 93

0830—Morning Brief.
1100—SecDef Mtg w/GE MOD Ruehe.
1300—Closure of NATO Site 43.

DR. CARTER'S SCHEDULE, TUESDAY, 30 MARCH

8:00—Policy Video Conf.
9:00—(CCC).
9:30—IWG Mtg @ NSC.
11:00—(Re: ABM/SCC).
11:15—Lunch w/D. Poneman.
12:00—Mtg w/D. Poneman & T. Graham.
12:45—(Re: HEU, Rm. 208).
1:00—Brussels Debrief w/F. Wisner.
1:45—(DepSecDef's Ofc).
3:00—Mtg w/F. Miller & M. Schneider.
4:00—(Re: Ballistic Missile Defense).
4:30—Mtg w/B. Auster & S. Strednansky.
5:00—(Re: Proliferation Interview).

MR. INGLEE'S SCHEDULE, TUESDAY, 30 MAR 93

0830—Morning Brief.
1000—Mtg w/German Parliamentarians (W. Wimmer, W. Kolbow & Col. Mueller).
Re: CSCE.
1400—USD(P) Staff Mtg.

SCHEDULE FOR MR. LOCHER, SENIOR CIVILIAN OFFICIAL—USD(P) WEDNESDAY, MAR. 31, 1993

0800—Mr. Wisner Staff Mtg.
0900—Mtg w/Gen Joulwan and Mr. Wisner.
1400—Briefing by DSAA to Mr. Wisner.
1500—SO/LIC Staff Mtg.

DR. CARTER'S SCHEDULE, WEDNESDAY, 31 MARCH (REV#1)

8:00—Policy Staff Meeting.
8:45—Coordinating Staff Meeting.
9:30—Dr. Perry and Dr. Deutch rm 3E944.
10:30—SDI Brfg on International.
10:45—rm 3E 1006.
12:00—Poneman Mtg on HEU, rm 208.
1:00—Prof Paul Doty.
2:00—Poneman Mtg on Iran, rm 208.
3:00—SDI Brfg On Weapons Lethality.
4:00—Mr. Wisner/Mr. Miller.
4:15—Mitchell Wallerstein.

MR. INGLEE'S SCHEDULE: WEDNESDAY, 31 MAR 93

0845—Coordinating Staff Mtg.
1000—Mtg w/D. Cooke.
1400—Mtg w/T. Parker.

SCHEDULE FOR MR. LOCHER, SENIOR CIVILIAN OFFICIAL—USD(P) WEDNESDAY, APR.7, 1993

0800-0830—Wisner staff meeting.
0900-1000—Interview with Col. Pearce.
1100-1330—Appointment with Dr. Litman.
1400-1500—SF briefing W/LTC Davis, BG Dubia, BG Taylor & Mr. Dominguez.
1500-1600—SO/LIC staff meeting.
1600-1630—Bottom-up review of strategy, forces and programs W/PD, DASDS & Dr. Lamb.

DR. CARTER'S SCHEDULE, WEDNESDAY, 7 APRIL

8:00—Policy Staff Meeting.
9:30—Coordinating Staff Meeting.
10:00—Gen Klugh.
11:00—Pantex Brfg.
12:00—"Try" POAC.
1:45—Courier to OEOB.
2:00—Toby Gati, Amb Goodby, Eric Edelman OEOB 368.
3:30—Jim Hinds, SecDef Rep for Forum Security Cooperation.
4:15—Courier to State Department.
4:30—Amb Winston Lord, State 5205.
5:30—Courier to Pentagon.
6:00—RAND Working Reception, 2100 M Street, NW.

MR. INGLEE'S SCHEDULE: WEDNESDAY, 7 APR 93

00845—Morning Brief (4E838).
0930—Coordinating Mtg
1000—Mtg w/Cal Vos, SOCO
1100—Pantex Briefing by Steve Guidice & George West Re: Dismantlement Ops

DR. CARTER'S SCHEDULE, TUESDAY, 13 APRIL

8:00—Policy Video Conf, CCC
8:30—Mtg w/ Messrs. Wisner & Freeman
8:45—Re: Korea
9:30—Coordinating Staff Meeting
10:30—Charles Kelley, RAND

11:00—Tom Parker, Interview
11:30—Amb Ted McNamara, Ass't to Gallucci
11:45—Courier to OEOB
12:00—lunch w/Dan Poneman, OEOB 380
1:00—IWG on PDD±3, OEOB 208
2:30—Poneman Brainstorming session on COCOM and ExportControls OEOB 380.
4:00—Courier to Pentagon.
[4:00—W/T Topics due].

MR. INGLEE'S SCHEDULE: TUESDAY, 13 APR 93

1000—Mtg w/Mr. Scher.

DR. CARTER'S SCHEDULE, THURSDAY, 15 APRIL

7:30—Breakfast w/Dr. Perry, 3E944.
[8:00—Policy Staff Meeting.]
9:00—Slocombe Mtg on Contingency Plan/Bastion Paper, 4E829.
11:00—FARR Brfg.
12:30—POAC.
2:30—Ken Flamm.
3:00—Dorothy Zinberg.
3:45—Courier to OEOB.
4:00—IWG on Ukraine Nuc Issues OEOB 208.
4:45—Courier to Pentagon.
5:00—Swearing-In Ceremony/Reception iho Dr. Deutch, 3E869/912.

MR. INGLEE'S SCHEDULE, (THURSDAY, 15 APR. 93)

0930—Coordinating Staff Mtg.
1700—Swearing-in Ceremony for John Deutch (3E869).

DR. CARTER'S SCHEDULE, FRIDAY, 16 APRIL

8:30—Policy Staff Meeting.
9:30—Coordinating Staff Meeting.
(T) 11:45—Larry Smith, 3E 856.
(2:00—Steering group meeting, Russia, Ukraine, New Independent States, State 7516).
2:00—Courier to Residence/AP.
Reminders: Lisa Burdick, Inglee/Joseph (prebrf).

MR. INGLEE'S SCHEDULE, (FRIDAY, APR. 93)

1215—Lunch w/Mr. Hadley (Blue Room).
1400—HASC Briefing (Rayburn Bldg.).

DR. CARTER'S SCHEDULE, FRIDAY, 23, APRIL 93

8:30—Policy Staff Meeting.
9:00—Michael May.
9:30—Dr. Perry w/Michael May, 3E944.
10:00—Coordinating staff meeting.
11:30—"TRY" POAC.
2:00—Talbott Mtg on Implementation of Vancouver Package for Russia, State 7516.
4:00—Jim Miller.
7:00—JASON Reception., JW Marriott Hotel, Capitol Ballroom., Pennsylvania Ave.

MR. INGLEE'S SCHEDULE, FRIDAY, 23 APR 93

No schedule.

MR. WISNER'S SCHEDULE—WEDNESDAY, MAY 12

0730—Breakfast with Roland Evans, Metropolitan Club.
0900—Appt. with Dr. Kossack, 1634 Eye Street., N.W., Suite 406.
1000—50th Anniversary Ceremony of the Pentagon, River Entrance, followed by SecDef's private reception in Room 3E912.
1100—Courtesy call by Lt. Gen. Mike Ryan (replacing McCaffrey).
1200—Luncheon w/Liz Drew, Metropolitan Club.
1330—Amb. Charles Thomas (Hungary).
1400—Meeting with Gordon Adams, Assoc. Dir for Natl. Security & Intrntl. Affairs OMB, w/Halperin and Locher.
1500—Gen. David Ivry, DirGen Israeli Defense Ministry.
1600—Briefing by Commander Ingram on Special Access Programs
1800—Mr. Francisco Villa, Secy Gen. Political Affairs, Spanish MFA.
1930—Reception/Dinner Speech, Defense Science Board, Army Navy Club, Farragut Square, N.W.

MR. SLOCOMBE, WED. 12 MAY 93

0900-0930—Policy Bfg to SecDef.
0945-1000—D. Johnson/Prbrf Teleconf.
100-1100—Teleconf, COC.
1130-1200—Lt Gen Mike Ryan, USAF, Asst to CJCS/CC (Here).
1600-1630—Wisner's Ofc/Special Program Briefing.
1815-1900—Defense Gp Mtg Chrd by Dr. Deutch, 3E928.
1930—Personal Engagement/Rosslyn.

SCHEDULE FOR GRAHAM ALLISON, WEDNESDAY, MAY 12, 1993, AS OF 5/11, 1830

10:00—River Entrance-Ceremony re 50th Anniversary of Pentagon (Reception follows in Rm 3E912)
12:40—Depart River Entrance
13:30—Mtg w/Nick Burns re: Kokoshin Visit, Rm 368 OEOB
1400—Return car.
1500—General Leland (15 mins) Farewell call.

DR. CARTER'S SCHEDULE, WEDNESDAY, 12 MAY

8:30—DSB Spring Meeting 3E869
9:30—Coordinating Staff Meeting
10:00—Ceremony/Reception iho Pentagon 50th Anniversary Hb SecDef, River Entrance/3E912.
11:30—Mr. Vos, Standards of Conduct Ofc
12:00—Lunch w/DSB
1:30—Blue Rm
1:30—Bruce Burton
2:00—North Korea Working Group
4:00—Messrs. Rostow and Knapp.
4:20—re Update on Conf on Disarmament.
7:00-8:00—DSB Spring Dinner (Cocktails).
8:00-9:00—Dinner.
9:00-10:00—Speaker.
Army/Navy Club, 901 17th St., NW.

MR. INGLEE'S SCHEDULE, WEDNESDAY, 12 MAY 93

0845—ISP Morning Brief.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I would like to inquire of my friend from New Hampshire whether there are other speakers coming that he knows of. The majority leader, I am sure, would like to go ahead on the vote whenever we can. I am prepared to yield back my time after a few concluding remarks.

Mr. SMITH. Mr. President, there are no other speakers that I am aware of. I have completed my remarks, and I am prepared to yield back any time—in fact, I will yield any time that I have.

Mr. NUNN. Mr. President, I want to make sure the majority leader understands that we are prepared to go to a rollcall vote at this point. Let me conclude by saying that we have gone into this matter very thoroughly in the Armed Services Committee.

A mistake was made; there is no doubt about that. I think it was an innocent mistake by Dr. Carter. Knowing him as I do, I am confident it was an innocent mistake. He exceeded the guidelines of the Secretary of Defense and the committee. I believe the underlying reason is because we are getting into more and more problems in the executive branch with more and more delay. People are being put in a position of spending months and months and months in limbo, so to speak, having in most cases given up their own positions and gone on to what they hoped would be an executive branch position. Yet, the process goes on and on and takes longer and longer.

So this was a mistake. I think it was inadvertent. I believe Dr. Carter is superbly qualified for this job.

I understand the points being made by the Senator from New Hampshire, and I understand the dedication he and the Senator from Idaho have to the confirmation process. I share that, but I believe the Senate should confirm this nomination.

I urge my colleagues to vote for this nomination. I also would like to say that Senator THURMOND, the ranking Republican member, supports this nomination and has so indicated earlier in the day. So I hope we will have very strong bipartisan support for this nominee.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I agree with my colleague from New Hampshire. The issue here is not will Ashton Carter do a good job. The issue is: Has Mr. Carter exceeded his authority as a consultant to the Department of Defense while he awaits confirmation.

The rules are clear on this issue. The Office of Personnel Management, the Office of Management and Budget, the Secretary of Defense, and the Department of Defense general counsel have all clearly stated that consultants are prohibited from performing as officers of the U.S. Government.

During Mr. Carter's confirmation hearing on May 25, 1993, Mr. Carter clearly, stated—in response to a question from the chairman—that he had not made any "authoritative decisions or provided authoritative guidance while serving as a consultant.

According to a May 17, 1993, Internal DOD memo, Mr. Carter directed the transfer of funds from the Nunn-Lugar account to the Defense Nuclear Agency [DNA]. This decision memorandum, signed by Mr. Carter, clearly violates the guidance of OPM, OMB, the Secretary of Defense, and the DOD general counsel—not to mention the legitimate authority of consultants to the U.S. Government.

At the same time Mr. Carter was on three different payrolls. He was being paid by the Mitre Corp., a defense contractor. He was being paid by Harvard University—another recipient of large amounts of Defense Department funds Mr. Carter was also being paid directly

by DOD as a consultant. All while awaiting confirmation.

In a June 1, 1993, letter to Secretary Aspin, Mr. Carter acknowledged his violation of these rules for consultants and apologized for his indiscretion. I applaud his forthright attitude, but I do not believe his apology is sufficient to waive the principle at stake.

I want to emphasize two specific points:

First, Mr. Carter is fully qualified for this position. His background is extensive and accomplished in this area. He is capable of doing the job.

Second, there is a clear precedent for objections to any nomination for improper activities of nominees prior to confirmation.

In fact, the Democrats helped establish this precedent in 1981. One Member from the other party challenged a nominee of President Reagan to the Department of Energy.

He raised many issues of concern, but he particularly stressed the legal restrictions which face consultants.

I also remember a former staff person from the Senate Appropriations Committee, Mr. Sean O'Keefe, was challenged by the Senate Armed Services Committee. Why was he challenged? Because Secretary Cheney asked him—prior to his confirmation to the position of comptroller—to brief him on unauthorized appropriations.

Mr. President, Sean O'Keefe was not an employee of any defense contractor. He was a staff person from the Senate Armed Services Committee.

Mr. O'Keefe was properly confirmed as comptroller of DOD—he did not do anything wrong. But the Senate Armed Services Committee still voiced concern about his activities prior to confirmation. So, it is important to understand that the Members from the other party has helped establish the precedent of questioning nominees about their activities prior to confirmation.

If the Senate confirms Mr. Carter, we are changing the rules and making an exception where one should not be made.

I want to ask my colleagues, if we confirm any nominee who violates the rules, why do we bother confirming nominees at all? Is it the intention of the Senate to allow any nominee to serve in any capacity prior to confirmation? I hope not.

Are we witnessing the application of unequal rules in the pursuit of this nomination? Mr. President, we must apply the rules to all nominees at all times. It is inappropriate to apply one set of rules to Democrat nominees and another set to Republican nominees.

For these reasons, I oppose the nomination.

Mr. WARNER. Mr. President, I would like to add my voice in support for the nominee, Mr. Carter. I have known him and worked with him for many years. I am confident he will do a very credible job in this new position if confirmed by the Senate.

Mr. NUNN. Mr. President, I believe the yeas and nays have been ordered. I urge my colleagues to support the nomination.

The PRESIDING OFFICER. The question is on the confirmation of Ashton B. Carter.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

I also announce that the Senator from Washington [Mrs. MURRAY] is absent because of illness.

I further announce that, if present and voting, the Senator from Washington [Mrs. MURRAY], the Senator from Connecticut [Mr. LIEBERMAN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. GREGG], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 18, as follows:

[Rollcall Vote No. 191 Ex.]

YEAS—76

Akaka	Faircloth	McCain
Baucus	Feingold	Metzenbaum
Bennett	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boren	Graham	Nunn
Boxer	Harkin	Packwood
Bradley	Hatch	Pell
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Byrd	Hollings	Riegle
Campbell	Hutchison	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
D'Amato	Kennedy	Shelby
Danforth	Kerrey	Simon
Daschle	Kerry	Simpson
DeConcini	Kohl	Thurmond
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wofford
Durenberger	Lugar	
Exon	Mathews	

NAYS—18

Brown	Gramm	McConnell
Burns	Grassley	Nickles
Cochran	Helms	Pressler
Coverdell	Kempthorne	Smith
Craig	Lott	Stevens
Dole	Mack	Wallop

NOT VOTING—6

Breaux	Lieberman	Murray
Gregg	Murkowski	Specter

So the nomination was confirmed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, has action been taken on the motion to table?

The PRESIDING OFFICER. It has been agreed to.

Mr. NUNN. I thank the Chair.

Mr. President, I ask the President be notified of the Senate's consent to the nomination of Ashton Carter.

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

NOMINATION OF GEORGE T. FRAMPTON, JR., TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to Executive Calendar No. 229, the nomination of George T. Frampton, Jr., to be Assistant Secretary for Fish and Wildlife of the Department of the Interior.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary for Fish and Wildlife.

There being no objection, the Senate proceeded to consider the nomination.

Mr. CRAIG. Mr. President, for the next few moments I will speak in opposition to the nomination of George Frampton. It is my understanding this debate will be carried over into the session tomorrow.

But let me be very clear this evening.

Mr. President, George Frampton has been nominated by President Clinton to serve as Assistant Secretary for Fish, Wildlife and Parks. And the Committee on Energy and Natural Resources reviewed this gentleman's qualifications and circumstances around his nomination. It is in those reviews that my concern has grown.

Let me be very clear that my opposition to Mr. Frampton is not because we believe, or many of us who serve on that committee believe, that he has violated the commitment he has as a consultant to serve this administration without taking strong directive and managerial activity during that period.

Many of us who examined Mr. Frampton's background and some of the documents that he signed off on believe that, in fact, he did take action serving, if you will, as that Assistant Secretary directing certain mandates that our President had proposed through the Secretary of Interior as it relates to the U.S. Fish and Wildlife Service. And in that, we do believe that he violated his relationship as a consultant.

But beyond that, I have had the opportunity to work with Mr. Frampton over the years on a variety of issues, during which time he served as president of the Wilderness Society. I can tell you that anything I might say this

evening or tomorrow about Mr. Frampton is in no way a reflection of the man as a person or his individual qualifications. I have all due respect for Mr. Frampton as an individual.

What I am strongly concerned about, as a Senator representing a western public lands State, is the authority and the responsibility that George Frampton will have serving as Assistant Secretary of Fish, Wildlife and Parks, especially as it relates to the implementation of the Endangered Species Act.

Clearly, as president of the Wilderness Society over the years, Mr. Frampton has taken controversial positions, did so appropriately representing the constituency of his organization in a very outspoken way, has filed lawsuits, has strongly been the advocate of the environment as seen through the eyes of the policies of the Wilderness Society.

Although I disagree with many of those positions, I cannot argue that solely as it relates to Mr. Frampton, but what I am concerned about is that the improper implementation, the imbalance that could occur in the implementation of the Endangered Species Act could create great havoc in my State and in other western public lands States. For example, I and many others in the Senate feel that the handling of the spotted owl issue in the States of Oregon, Washington, and northern California was done in a way that could have been avoided, and the loss of some 27,000 jobs in the forest products industry could well have been avoided if he had not viewed the Endangered Species Act in an absolute, closed environment kind of an approach. It is that concern that I have, looking at the background of Mr. Frampton and his experience with the Wilderness Society that concerns me a great deal.

We are now experiencing in the watersheds of the Snake and Columbia River systems, which take in the entire States of Idaho, large portions of Oregon and Washington, and part of Montana, an endangered species, of course, known as the famous salmon that migrates through those watersheds and up into the high reaches of Idaho and other States for the purposes of spawning and reproduction.

It has been determined that one of those species is endangered, the others are threatened and that a plan of mitigation must come about. Obviously, Mr. Frampton will be deeply involved in effecting the plan and how it will be ultimately implemented on the ground. Although National Marine Fisheries is the lead agency, certainly U.S. Fish and Wildlife Parks Assistant Secretary will have a great deal to say, and it is with that concern that I speak in opposition to the nomination of this gentleman.

I will have a good deal more to say tomorrow as the discussion continues on Mr. Frampton, but in opening this debate this evening, I wanted it to be understood that there were a good many of us who would speak in opposition to that.

With those brief comments in mind, I yield the floor.

Mr. WALLOP. Mr. President, I will vote in opposition to the nomination of George Frampton, Jr., to be Assistant Secretary for Fish, Wildlife and Parks. The Committee on Energy and Natural Resources reviewed certain documents related to Mr. Frampton's activities as a consultant while awaiting Senate confirmation.

Notwithstanding the formal opinions we received stating that these activities violated no law, regulation, guideline, or ethical standard, my view is that those conclusions are in part wrong, and the scope of their interpretation quite narrow. For example, I find it incredible that the OPM guidelines on consultants can be rendered meaningless, merely if a consultant is directed to take a prohibited action by a departmental official such as the Secretary's Chief of Staff did in the case of Mr. Frampton. In addition, I believe the opinions rendered totally ignored the fact that Mr. Frampton signed a contract which specifically provided that his services were to be advisory only.

More importantly, I believe Mr. Frampton's activities, coupled with other actions by this administration, demonstrate a cavalier attitude with respect to the rule of law, the spirit of the law, and for ethical guidance. In part, it is this pattern which I am also protesting here today.

For example, this administration has proposed a nominee for director of the Fish and Wildlife Service who may not meet the statutory qualifications set by Congress. This administration has made the Secretary of Energy the acting nuclear waste negotiator, in clear violation of the intent of the law. And, this administration has condoned activities, that we know about, by nominees such as Ashton Carter at Defense, and George Frampton at Interior, which cross the line for advice to action.

This pattern of conduct by this administration strikes at, and interferes with, our constitutional duty to consent to nominees of the President prior to those individuals assuming official duties. Consultants, such as Mr. Frampton, are only hired into that status because they are awaiting confirmation. That special status has a twofold purpose. First, it allows the nominees to distance themselves from their previous employment and second, it allows them to learn about the position for which they seek Senate approval. I emphasize, learn not act. I submit that this administration appears to not understand or appreciate that important distinction.

To be fair, I will state that the last response by the Department of the Interior demonstrates the first scintilla of contrition on the part of the Department on this matter. Moreover, Mr. Frampton, in a private meeting with me recently, in a very forthright manner, gave me his explanation of the matter. I appreciate and credit them both for those efforts.

Nevertheless, I believe this administration must be sent a strong message that the type of conduct by unconfirmed individuals, evidenced by Mr. Frampton's activities, is unacceptable to this Senator and to the Senate. I know of no more effective way to send that message than by voting "no" on this nomination.

I ask unanimous consent that certain nonconfidential documents provided to me and the committee be printed at this point in the RECORD.

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

DOCUMENTS TO BE SUBMITTED FOR THE RECORD

1. June 14, 1993 letter from Tom Collier to Senator Wallop.
2. June 9, 1993 letter from Senator Wallop to Secretary Babbitt.
3. June 7, 1993 letter from OPM Director King to Senator Wallop.
4. June 4, 1993 letter from Secretary Babbitt to Senator Wallop.
5. June 4, 1993 memorandum from DOI Solicitor Leshy to Secretary Babbitt.
6. June 4, 1993 memorandum from DOI Personnel Officer Eller to DOI Assistant Secretary, Policy, Management and Budget, Cohen.
7. June 1, 1993 memorandum from DOI Deputy Agency Ethics and Audit Coordination Official Paone to Secretary Babbitt.
8. May 28, 1993 letter from Senator Wallop to Secretary Babbitt.
9. May 26, 1993 memorandum from DOI Chief of Staff Collier to Gary Ellsworth.
10. March 1, 1993 contract between DOI and George Frampton.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
June 14, 1993.

Hon. MALCOLM WALLOP,
U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WALLOP: Secretary Babbitt asked that I respond to your recent letter regarding George Frampton, the nominee for Assistant Secretary for Fish, Wildlife and Parks.

Before I do so, however, I would like to apologize to you for the way we have handled this entire matter since the time you originally raised it. Instead of firing off a memo to you and seeking opinions from our Personnel Office, the Solicitor's Office, and the Office of Personnel Management, we should have simply sought an opportunity to meet with you to discuss your concerns, and followed up the meeting with the written documentation you requested.

I would also like to explain to you the steps we have taken to try to ensure we avoid having one of our consultants cross over the line from "advice" to "action." I have met with each consultant as they have come on board, and discussed with them in some detail the importance of not "acting"

in any official capacity until they have been confirmed by the Senate. We took pains to make sure we located each consultant in an office outside of the area housing employees which they would supervise once confirmed; we discussed at length the need to avoid issuing directions to employees in their area, and the need to avoid being a decisionmaker. Instead, we looked to consultants to provide advice to the Secretary or to me according to specific requests from us.

I have had the privilege of serving in government before; in addition, much of my law practice over the past dozen years has dealt with government ethics issues. For these reasons, I am quite sensitive to the concerns you have expressed in your letter. I want to assure you that we have attempted to take appropriate steps to conduct ourselves within the existing constraints.

With respect to the particular memo which you raised in your June 9 letter, I made an oral request to George that he arrange the meeting. I looked to George as one of several consultants who provided advice to me and to the Secretary on how best to move the Secretary's new National Biological Survey initiative forward. On occasion, I asked George to arrange meetings to flesh out some of our strategy options. It was not my intention to have George in a position of making decisions or determining what instructions should be issued to the Fish and Wildlife staff. Obviously, it appears to you that we have come too close to the line with respect to this matter. Although, respectfully, I may not agree with that assessment, it is my intention that we stay far enough within the lines that we will not cause you to raise these questions with us. I am committed to making certain that we conduct our business that way in the future. I look forward to working with you and your staff.

Please let me know if you have any additional questions.

Sincerely,

TOM COLLIER.

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, June 9, 1993.

Hon. BRUCE BABBITT,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: Thank you for providing the information which Senator Johnston and I requested on behalf of the Committee regarding Mr. Frampton's activities.

In the confidential material which you submitted for our review, there is an April 29, 1993 memorandum which Mr. Frampton wrote regarding the National Biological Survey. In my view, this document also demonstrates a crossing of the line from advice to action. Did Mr. Collier or any other official of the Department direct Mr. Frampton to send this memo as well? Was that direction in writing or once again orally given? If in writing, please provide me and the Committee with a copy of the document. If orally, please provide me with the name of the official giving the direction and the approximate time and circumstances under which it occurred.

Thank you again for your cooperation in this matter.

Sincerely,

MALCOLM WALLOP,
Ranking Republican Member.

U.S. OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR
Washington, DC, June 7, 1993.

Senator MALCOLM WALLOP,
Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: This is in response to your request to Secretary Babbitt that he obtain comments from the Office of Personnel Management on his explanation of certain activities of George Frampton, Jr., which occurred during Mr. Frampton's service as a consultant to the Department of Interior. Our comments, which follow, are based solely on documents provided by the Department.

(1) Mr. Frampton's appointment as a consultant to the Department under 5 U.S.C. 3109 appears to be in order.

(2) There are no Governmentwide regulations defining the appropriate uses of consultants. The Office of Personnel Management has issued guidance to agencies on this matter, which reflects case determinations made by the Comptroller General, through the Federal Personnel Manual (Chapter 304).

(3) Mr. Frampton's memorandum of May 18, 1993, could give the appearance that he was acting in a supervisory or managerial, rather than an advisory capacity, and thus, in contravention of OPM's guidance. In light of the Chief of Staff's letter to Minority Counsel Ellsworth, however, we cannot conclude that this was the case. While he neglected to so inform the addresses, Mr. Frampton's memo apparently only communicated a plan of action that he had recommended and the Chief of Staff had approved.

(4) We find nothing in the documents provided to demonstrate any violation of ethical standards.

A similar letter is being sent to Chairman Johnston.

Sincerely,

JAMES B. KING,
Director.

THE SECRETARY OF THE INTERIOR,
Washington, DC, June 4, 1993.

Senator MALCOLM WALLOP,
Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR: In response to your letter of May 27, 1993, I have asked the Solicitor and representatives from the Division of Personnel Services and the Ethics and Audit Liaison Staff to review the legality and appropriateness of actions taken by Mr. George Frampton to determine if they violate the law, regulations, or ethical standards governing his work as a Consultant to the Department of the Interior (DOI).

As a result of this review, I am advised that there was no violation of applicable laws, regulations or ethical standards. Attached are the opinion papers which explain the applicable statues, regulations, and policies governing the employment of, and performance of official functions by consultants hired by the DOI, as well as copies of all such applicable provisions. As requested, copies of all other Departmental correspondence and memoranda executed by Mr. Frampton during his service as a consultant are enclosed. Also enclosed are documents you requested in your May 28, 1993 letter.

A similar letter is being sent to Senator Johnston.

Sincerely,

BRUCE BABBITT.

U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SOLICITOR,
Washington, DC, June 4, 1993.

To: Secretary.
From: Solicitor.
Subject: May 27, 1993 Letter from Senators Johnston and Wallop Concerning George Frampton.

In a May 27, 1993 letter Senators Johnston and Wallop of the Senate Committee on Energy and Natural Resources state that allegations have been made that Mr. George Frampton's actions in his capacity as a consultant have violated "the law, regulations, or ethical standards" governing his work as a consultant. The allegedly improper activity to which they refer is a May 18, 1993 memorandum in which Mr. Frampton makes various assignments to Departmental employees concerning planning for the structure of the National Biological Survey (NBS). The Senators asked you for a written explanation of the legality and appropriateness of his issuance of the memorandum. You have asked me to examine whether Mr. Frampton has acted within legal requirements. I conclude he has acted legally.

Mr. Frampton was appointed as a consultant on March 1, 1993, under the authority of 5 U.S.C. §3109, which provides for the employment of experts and consultants where authorized by an appropriation or other statute. Section 104 of the Department's FY 1993 Appropriation Act, Pub. L. 102-381, October 5, 1992, makes the Department's appropriations available, in total amount not to exceed $500,000, for services as authorized by 5 U.S.C. 3109. I have no reason to doubt the propriety of Mr. Frampton's appointment under §3109.

Section 3109 does not define the term "consultant". However, guidance from the Office of Personnel Management (OPM) in 304 FPM 1-2(1) (the subchapter governing the employment of consultants), provides a definition. It states:

Consultant means a person who serves primarily as an adviser to an officer or instrumentality of the Government, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. A consultant provides views or opinions on problems or questions presented by the agency, but neither performs nor supervises performance of operating functions (23 Comp. Gen. 497).

Mr. Frampton's "Approval of Expert or Consultant Employment Request" (Form DI-370), states that he will consult "on matters dealing with technical policy evaluation regarding issues and procedures under current review by the incoming administration on the multiple-use management of public lands under the jurisdiction of the Department." The May 26, 1993 memorandum from the Chief of Staff to Gary Ellsworth, Minority Counsel, Senate Energy and Natural Resources Committee, describes the nature of Mr. Frampton's activities regarding the NBS. It explains that Mr. Frampton has participated in meetings and discussions of the NBS Implementation Team, and that he has offered advice and reviewed written documents. It also states that Mr. Frampton drafted and sent the May 18, 1993 memorandum, which made the various assignments to the NBS Implementation Team members, as the Chief of Staff's request.

I believe Mr. Frampton's actions are consistent with his status as a consultant. The fact that the May 18 memorandum he signed made assignments regarding NBS planning does not constitute "performance" or "supervision" of "operating functions." First, there are no "operating functions" of the

NBS, as it has not yet been established. Second, it is wholly consistent with the OPM's definition of consultant for Mr. Frampton to make the kinds of assignments set forth in the May 18 memorandum. All of the assignments related to how the NBS should be organized or how the process of establishing the NBS should be carried out. These assignments would generate the kinds of information Mr. Frampton would need to advise the Secretary on NBS matters. Finally, even if there were some question about whether the content of the May 18 memorandum was consistent with consultant status, the Chief of Staff's May 26 memorandum shows that Mr. Frampton was specifically acting at his direction, to relay Mr. Collier's wishes in planning the work of the NBS Implementation Team.

Accordingly, I believe Mr. Frampton's actions have been fully consistent with legal requirements.

JOHN D. LESHY.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 4, 1993.

To: Bonnie R. Cohen, Assistant Secretary—Policy Management and Budget.
From: Sharon D. Eller, Personnel Officer.
Subject: Opinion regarding Consultant Appointment—George Frampton.

I am providing the following information in response to questions raised to the Secretary by Senators Johnston and Wallop.

Effective March 3, 1993 (Attachment 1), in accordance with 5 United States Code 3109 (Attachment 2), and the Interior Appropriations Act (Attachment 3), Mr. Frampton was hired as a Consultant in the Secretary's Immediate Office to work with technical policy evaluation regarding issues and procedures under current review by the Clinton Administration on the multiple-use management of public lands under the jurisdiction of the Department.

In accordance with the Federal Personnel Manual, Chapter 304-3, Subchapter 1, (Attachment 4), and 23 Comp. Gen. 497 (Attachment 5), a Consultant is a person who serves primarily as an adviser to an officer or instrumentality of the Government, and is distinguished from an officer or employee, who carries out the agency's duties and responsibilities. A Consultant provides views or opinions on problems or questions presented by the agency, but does not perform or supervise the performance of operating functions. Therefore, it is appropriately within an advisor's duties to establish a working outline for assisting in developing of new agency organizations.

As a Consultant, Mr. Frampton has been providing advisory services to the Secretary of the Interior on a variety of issues and procedures under current review by the Clinton Administration. With the creation of the National Biological Survey (NBS), and since Mr. Frampton is a renown environmentalist with significant experience in the management of the Wilderness Society, a national non-profit environmental membership organization whose primary emphasis is the preservation and protection of the Nation's wilderness and wildlife, and fostering of land use ethics, the Secretary of the Interior designated Mr. Frampton as his senior adviser to provide the Secretariat with feedback on current issues and procedures under review by the NBS Steering Committee and the Implementation Team. There is no chairman for the Steering Committee. The Implementation Team is co-chaired by career employees who conduct all meetings.

The May 18, 1993, NBS memorandum (Attachment 6), signed by Mr. Frampton made assignments, at the direction of the Chief of Staff. These assignments were made to assist in developing recommendations regarding the creation of the NBS. He was neither performing nor supervising the performance of operating functions. See the May 26, 1993, memorandum from the Chief of Staff to Gary Ellsworth, Minority Counsel, Senate Energy and Natural Resources Committee (Attachment 7).

"Consultant" as defined in the 23 Comp. Gen. 499, is "one who serves in an advisory capacity to an administrative officer of the Government, as distinguished from one who serves as an administrative officer or employee in the performance of the duties and responsibilities imposed by law upon the agency in which employed." That is to say, a consultant is one who expresses his views or gives his opinion regarding a problem or question presented to him by the administrative officers, but he does not perform, or supervise to the performance of, the duties and responsibilities imposed by law upon the agency. The operating functions for the NBS have not been developed; it has no budget, resources, or duties. Mr. Frampton merely has acted to assemble information to make recommendations to the Secretary on these matters.

In fact, in addition to requesting Mr. Frampton to use his expertise and that of career employees to make recommendations, the Department solicited the National Academy of Sciences' National Research Council to offer advice and assistance on the long-term mission and activities of the NBS. The Council, selected by the Academy, is headed by Dr. Peter Raven, Director of the Missouri Botanical Garden, and a longtime advocate of a national survey and inventory effort.

Further, scientific experts, representatives from environmental organizations, industry, and individuals familiar with the workings of both state and federal government also are included on the Council. Additionally, Dr. Thomas E. Lovejoy, Assistant Secretary for External Affairs for the Smithsonian Institution is serving as Science Advisor to the Secretary of the Interior to coordinate the program with other science activities.

Enclosed is a May 1993 NBS update (Attachment 8) which outlines the NBS's proposed mission, scientific community support, and questions and answers, etc. Most importantly, in the update, there is a section asking Interior employees for opinions in order to help develop plans for the NBS and its implementation team. All comments received will be reviewed by Mr. Frampton and the Council in order that recommendations can be made to the Secretary for implementation.

I conclude, based on the above information, that Mr. Frampton did not violate any personnel law, rule, or policy.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 1, 1993.

To: Secretary.
From: Gabriele J. Paone, Deputy Agency Ethics and Audit Coordination Official.
Subject: Ethics Portion of Response To Senate Committee May 27, 1993 Letter Regarding Mr. Frampton.

The Department Ethics Office has reviewed the May 18, 1993 memorandum initialed by Mr. Frampton and has determined that his action of issuing the memorandum is in compliance with the ethics provisions that apply to him in his consultant position.

The pertinent ethics provisions are the regulatory standards of 43 CFR 20.735-6(b) which require Department employees to avoid any action or actions which may result in, or create the appearance of:

(i) Using public office for private gain;

(ii) Giving preferential treatment to any person, except as authorized by law;

(iii) Impeding Government efficiency or economy;

(iv) Losing independence or impartiality;

(v) Making a Government decision outside official channels; or

(vi) Affecting adversely the confidence of the public in the integrity of the Government.

It is the opinion of the Department's Ethics Office that: 1. Mr. Frampton's actions have been taken within proper official channels; 2. the directives he issued in the May 18 memorandum were made based on proper consultation with his supervisors, and 3. Mr. Frampton's performance actions are in compliance with his assigned duties and made in the interest of the Department. Consequently, the Department Ethics Office found no real or apparent conflicts of interest in Mr. Frampton's actions.

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, May 28, 1993.

DEAR SECRETARY BABBITT: I have recently reviewed the memo sent by your Chief of Staff, Tom Collier, to Gary Ellsworth, regarding George Frampton's role as a consultant. Frankly, I was shocked by Mr. Collier's explanation.

For example, Mr. Collier states ". . . we have told those who have been nominated for Interior post, but who have not yet been confirmed by the Senate, that they can advise, but not act." Yet in the very next paragraph, Mr. Collier admits that he "asked George to send that memo to the relevant parties, which he did." The memo, under Mr. Frampton's name, clearly directs people to take actions. It is therefore admitted that Mr. Collier is directing at least one consultant to undertake activities which he has been counseled not to do.

I was also struck by the inconsistency, in the statement in Mr. Collier's memo which says that the organization for the National Biological Survey "is being developed under the guidance of the National Biological Survey Implementation Team, which is chaired by two career employees" and the fact that Mr. Frampton in his memo, assigns tasks and deadlines to the co-chairpersons just as if they were any other member of the team. That is indeed a strange view of chairmanship.

I am sufficiently troubled by the unethical and potentially illegal conduct evidenced by both Mr. Frampton and Mr. Collier's memos, that in addition to the request made by Senator Johnston and myself on May 27, 1993, regarding this matter, I am further requesting that you provide me and the Committee with copies of any written correspondence Mr. Collier has sent to any consultants of the Department of the Interior while he has been Chief of Staff.

Thank you for your cooperation in this request.

Sincerely,

MALCOLM WALLOP.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

To: Gary Ellsworth, Minority Counsel, Senate Energy and Natural Resources Committee.

From: Tom Collier, Chief of Staff.

Date: May 26, 1993.

Re: Role of Consultants, George T. Frampton, Jr.

I understand that some questions have been raised regarding George Frampton's role as a consultant to the Secretary and in the development of the National Biological Survey.

George is working with the Department on a consulting basis. The agreement, drafted in consultation with the Department's Office of Government Ethics, is similar to the agreement signed by other nominees for assistant secretary. A copy of his consulting agreement with the Department is attached.

Generally, we have told those who have been nominated for Interior posts, but who have not yet been confirmed by the Senate, that they can advise, but not act. That is precisely what George has done. He has provided substantial advice on a number of issues, but has not assumed line authority in the Department. He does not occupy the office assigned to the Assistant Secretary for Fish, Wildlife and Parks; he instead works on a different floor in a different wing. Staff in the relevant bureaus do not report to him; they instead report to the Acting Assistant Secretary, who is ultimately responsible in these areas.

As part of his assignment, George has helped in our planning for the National Biological Survey. This organization is being developed under the guidance of the National Biological Survey Implementation Team, which is chaired by two career employees and which reported to me before we had a number of Assistant Secretaries confirmed and sworn in last week. In his role as a consultant, I asked George to help with planning; this includes participating in meetings and discussions, offering advice and reviewing written documents. He also drafted a memo at my request, which made assignments to people working on the Implementation Team. I asked George to send that memo to the relevant parties, which he did.

George has done a superb job as a consultant here at the Department. We look forward to his Senate confirmation, so that he can play a much larger role in the development of reasonable policies here at the Department.

NOTIFICATION OF PERSONNEL ACTION

Name: Frampton, George T., Jr.

Nature of Action: Exc Appt Nte 07-30-93.

Position Title: Consultant.

Remarks: Ineligible for health benefits. Ineligible for leave. You are subject to regulations governing conduct and responsibilities of special Government employees. Appointment affidavit executed 03/11/93. Reason needed: To work on issues and procedures under current review by the incoming administration. Consultant appointment entitles incumbent to holiday pay.

U.S. DEPARTMENT OF THE INTERIOR—APPROVAL OF EXPERT OR CONSULTANT EMPLOYMENT REQUEST

1. Name of expert or consultant: Frampton, George T., Jr.

2. Bureau: Office of the Secretary.

3. Nature of appointment and C.S. or other authority: Consultant–5 USC 3109 and Interior Appropriations Act.

4. Rate of pay: $331.92 per day.

5. Duty Station: Washington, D.C.

6. Regular employment (position, company, and location): The Wilderness Society, 900 17th Street, N.W., Washington, D.C. 20006

7. Home address (City, State, and zip code): 3411 36th Street, N.W., Washington, D.C. 10016.

8. Describe clearly services to be performed (see 370 DM 304, 1.11, attachment A for instructions): Consultation on matters dealing with technical policy evaluation regarding issues and procedures under current review by the incoming Administration on the multiple-use management of public lands under the jurisdiction of the Department.

9. Special qualifications of expert or consultant (list only qualification which relate specifically to services to be performed): Mr. Frampton is a renown environmentalist with significant experience in the management of The Wilderness Society, a national nonprofit environmental membership organization whose primary emphasis is the preservation and protection of the Nation's wilderness and wildlife, and fostering of land use ethics. Mr. Frampton also practiced law for approximately 8 years specializing in litigation. He has an outstanding education having attended Yale, the London School of Economics and Harvard Law School.

10. Indicate total period for which availability is desired. Estimate number of days individual is expected to perform services for the Government: It is estimated that the incumbent will perform service for the Secretary from 03/01/93 to 07/30/93 (approximately 120 work days).

11. Estimated cost of services, status of allocated funds, etc. (for Budget and Finance purpose): Total estimated cost is $39,830. The Office of the Secretary will request sufficient consultant funds to conver this request. Subject to the availability of funds in Fiscal Year 93 budget.

STATEMENT ON THE NOMINATION OF GEORGE FRAMPTON

Mr. BRADLEY. Mr. President, I would like to take this opportunity to speak out briefly on the nomination of George Frampton to serve at the Department of the Interior. Mr. Frampton is, foremost, a professional. For many years, he has labored assiduously to protect and preserve our national heritage. His record—indeed, his values—are well known and well respected. You might disagree with him, but you won't dismiss him.

The President won the election and the right to appoint men and women to the administration that reflect his views and goals. By nominating George Frampton whose life's purpose has been so public, President Clinton is simply asserting his right. It is safe to say that the President knew who he was nominating and why his contributions where needed.

We, in the Senate, need to review those nominations seriously. Without a doubt, George Frampton can successfully handle the responsibilities which he will have if confirmed. Without a doubt, George Frampton will uphold the laws we make it Congress to the best of his ability. Obviously, he will continue to be an advocate for the environment—that is who he is. That is why President Clinton nominated him in the first place. Without a doubt, the Senate should vote now to confirm George Frampton. I urge my colleagues to support and wish him well.

STATEMENT ON THE NOMINATION OF GEORGE FRAMPTON

Mr. JOHNSTON. Mr. President, I rise in support of President Clinton's nomination of George Frampton to be Assistant Secretary for Fish, Wildlife and Parks at the Department of the Interior. Mr. Frampton is, in my view, well qualified to serve in this capacity. He brings a diverse and distinguished record of public and private service to the Department. He has an extensive background in and knowledge of natural resource issues in general and those related to the National Park Service, and Fish and Wildlife Service in particular.

As he has demonstrated during the last 7 years as president of the Wilderness Society, I believe that Mr. Frampton will be a strong and effective advocate for the protection of national parks, recreation areas, wildlife refuges, fisheries, wild and scenic rivers and other natural and historic resources at the Department of the Interior. At the same time, he has pledged that in formulating and making recommendations to the Secretary of the Interior, he will balance competing interests and concerns and take into account the views of many different constituencies. I think he will honor that pledge and deserves to be confirmed.

I am aware that some members of the committee have expressed concerns regarding actions taken by Mr. Frampton in his capacity as a consultant at the Department during the last few months. I have reviewed the materials submitted by the Department in connection with this matter and am satisfied that neither Mr. Frampton nor anyone else at the Department violated any applicable guideline or rule in this regard. I should note that both the Solicitor of the Department of the Interior and the Office of Personnel Management have also concluded that Mr. Frampton's activities as a consultant violated no law, regulation, guideline, or ethical standard.

Mr. President, the nomination of George Frampton enjoys bipartisan support. His nomination was reported favorably from the Energy and Natural Resources Committee by a vote of 13–5. The Environment and Public Works Committee, to which his nomination was also referred, reported him favorably by voice vote on May 27.

Mr. President, I urge my colleagues to join with me in voting to confirm George Frampton as the Assistant Secretary for Fish, Wildlife and Parks for the Department of the Interior.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

A BUMBLED CASE

Mr. GRASSLEY. Mr. President, I wonder how many of my colleagues have seen the movie, probably a relatively old movie now, the "Ghostbusters"?

In that movie, the stereotype of a moronic EPA official is obsessed about closing down the facility that stores all the ghosts captured by the Ghostbusters.

When they reject his obnoxious entreaties, the EPA official then goes out and gets a court order. The Ghostbusters warn this EPA official that that is not very smart; that if he does that, all heck will break lose if the facility is shut down. This EPA official was gripped by his own self-importance, and he went ahead and shut down the facility anyway. The result then, as you remember from the movie, is that New York is besieged by demons rampaging on the loose, terrorizing the entire city.

One might be tempted to believe that such arrogance, such bumbling on the part of an EPA official might exist only in the movies. Well, Mr. President, let me tell you, not so, as a story that I am about to relate to you will confirm and it is a real-life story as well.

In this real-life story, innocent victims are easy prey for an overzealous EPA official and for agents who bumbled a case and ended up with egg on their faces. To this day, as the ordeal has just come to an end, personal scars and unjustified hardships have resulted for the victims involved. These victims are constituents of mine.

In relating this real-life story, it is my hope that America might learn about this occurrence and that the EPA will learn from it.

It happened one summer day, almost 2 years ago now, on August 23, 1991. It was outside a little town in the northwest corner of Iowa, a little town called Akron. It was kind of business as usual that day at the Higman Gravel Co. Harold Higman, the owner, was outside topping off his pickup truck at the gas pump on his property. Mavis Hansen, who was a trusted employee of 20 years, was inside the office tending to the books, as she regularly does. Every other employee—and there were others—went about their normal business that early morning, 9 o'clock, August 1991. You might say the morning routine had just begun.

Suddenly, in a violent breech of the morning's routine, 10 unmarked cars roared onto the premises, into that yard at that business. They screeched to a halt in cadence. Forty agents poured from the cars and surrounded Mr. Higman, cocking their guns in unison.

One agent, clad in a bullet-proof vest, leveled his shotgun at Higman. He pumped the gun once to load it. As Mr. Higman gulped and his knees quivered, the agent fumbled for his badge, and as Higman groped for words and he voiced a demand for an explanation, the agent responded with a "shut up," a "shut up" right in the face of Higman.

Meanwhile, another agent stormed the office. There he found this trusted employee of 20 years, Mavis Hansen, at her desk tending the books. The agent stormed in there with his gun and said, "Freeze," with his gun cocked and left it aimed right at the head of this bookkeeper.

Poor Mavis Hansen sat frozen with shock, with fear, with bewilderment. To this day, she still has nightmares and she still has bouts of nervousness about what happened that August morning in 1991.

Obviously, there must be something up: 40 agents come to the scene, shoving their shotguns down the throats of the owner and the bookkeeper.

Well, what the agents were looking for, Mr. President, were toxic chemicals, toxic chemicals that were allegedly stored on the Higman Gravel Co. grounds buried in barrels.

Now, this is what they had been told by a paid informant. But it turns out, Mr. President, that this paid informant was also a disgruntled former employee of the Higman Gravel Co. He had given the EPA a bum steer, and after 15 months of misery and ordeal, a jury in a criminal case finally decided in Higman's favor. Higman and others were acquitted of charges that he had knowingly stored illegal toxic chemicals on his property.

That decision and the 15 months of that ordeal cost Mr. Higman $200,000 in legal fees, not to mention lost business or to mention what is even more important in my State, a damaged reputation for a very responsible business person.

It also cost the bookkeeper, Ms. Hansen, 2 months of leave due to a nervous disorder that persists to this day.

Mr. President, the moral of the story must be prefaced with a poignant question, how in the world does EPA justify such outrageous behavior?

They acted, as I have said, on rumor and innuendo, and when the rumors did not pan out, they pressed ahead anyway, costing innocent citizens financial and psychological fortunes.

I am not going to go into all the details and the facts in the case, Mr. President. But I think it behooves us as a society to take a broad view of this case and see what lessons we can learn.

To begin with, the EPA used a force of 40 men comprised of Feds and local agents. They used a force equipped to attack a mountain when it was only a molehill.

Second, their advanced scouting of the situation was poor, very poor, indeed. They charged ahead with full force, though uninformed about the facts. They looked before they leapt.

All too often, Mr. President, I hear of such overzealous and heavy-handed enforcement of our Nation's environmental laws. Yet, there is rarely accountability. This situation cannot stand. A presumption of guilt is formed. It is a foreign concept in our land. It should be a foreign practice as well.

The objectives of EPA officials are certainly commendable. They ostensibly protect the Nation from environmental pollutants and toxins. They work to make our water clean and our air pure, and there is nobody who can argue with that or is trying to argue with that. But these heavy-handed tactics are inconsistent with EPA's worthy objectives. In fact, such objectives erode whatever moral authority the EPA may hope to have to detect and deter pollution and polluters. Their image in the public's mind will only suffer and the public's confidence in the EPA's fairness will be shaken.

We certainly hope, Mr. President, that the EPA does not harbor a "we" versus "they" mentality with respect to American business. American business certainly shares the goal of a clean environment at reasonable costs and with a fair and rational oversight by our Government. Most, if not all, businesses want to comply with environmental laws and regulations.

I have been encouraged by the testimony of the new EPA Administrator, Carol Browner. During her confirmation hearings, Ms. Browner held out a hand of reconciliation to the business community. She says she will work to end the Agency's adversarial relationship with business. This is a very good sign, Mr. President. As we can see from this real life story that happened in Iowa, this reconciliation is long overdue. It does not only happen in remote places like Akron, IA; it happens everywhere.

Ms. Browner also says that she favors policies that encourage business compliance with the law, not by using threats but by offering incentives.

Mr. President, that, too, is a welcome change of policy at EPA. It is my hope, and indeed a worthy social objective, that business and Government will begin to foster an era of reconciliation and cooperation. That, of course, would obviate the need for heavy-handed tactics and threats against innocent citizens like Mr. Higman and the Higman Gravel Co. and Ms. Hansen, his bookkeeper, in Akron, IA. And it would,

hopefully, make extinct in the real world those stereotypical Government officials whose only place in life should be in the movies. The movie "Ghostbusters" is a perfect example of that EPA activity.

I thank the Chair. I yield the floor.

IN MEMORY OF REUBEN A. SNAKE, JR.

Mr. INOUYE. Mr. President, I rise today to mourn the passing of a great Indian leader, Mr. Reuben Snake, Jr.

Throughout his 40 years of service as a leader of the Winnebago Tribe of Nebraska, Reuben was driven by one fundamental goal. That goal was to improve the lives of all human beings through cultural awareness and respect for the divine gifts provided by the creator.

As a lifelong member of the native American Church, Reuben Snake utilized his faith to guide him in promoting tribal sovereignty, advocating for indigenous rights, and educating others about the valuable contributions made by our country's first Americans.

In 1954, Reuben joined the U.S. Army as a Green Beret under the Berlin Command. Upon receiving his honorable discharge in 1959, Reuben Snake pursued an education at a time when many universities were turning away young native Americans.

Reuben Snake attended college at Northwestern College in Orange City, IA, at the University of Nebraska, Omaha, NE, and at the Peru State College, in Peru, NE. Eventually, Reuben was awarded an honorary degree, doctorate of humanities by the Nebraska Indian Community College in 1989. The coursework that Reuben completed enabled him to fill a variety of positions which advanced the social conditions affecting American Indian people.

Early in Reuben Snake's career, he gave more than 100 percent of himself to fight the war on poverty afflicting American Indian people. With very little funding, Reuben Snake worked in community action programs in the Northern Plains region to assist Indian youth and their families achieve self-sufficiency. As a director of the national Indian education training project, Reuben was instrumental in training Indian parent groups, tribal governments, and Indian communities to acquire Federal funding to advance the education of native people in 27 States. These positions, as well as other service-related responsibilities, gave Reuben the knowledge and skills to assist nearly every American Indian and Alaska native in grassroots development.

Reuben may be best remembered for his decade of service as chairman of the Winnebago Nation of Nebraska. His major accomplishment was to bring the tribal government out of debt and financial ruin to a thriving and resourceful multimillion-dollar enterprise. This accomplishment was driven by his desire to make tribal government responsive to community needs. Reuben worked diligently to build continuity in economic, educational, and social programs so important to his people. As a spokesman for the Winnebago people, Reuben was responsible for fostering intergovernmental liaison with other governmental entities at the Federal, State, and local levels.

Due in large part to his success within his own tribal community, Reuben was elected as president of the National Congress of American Indians. Over 130 tribal governments were active during Reuben's tenure in the Nation's oldest and largest Indian organization. The development and enactment of native cultural rights legislation such as the American Indian Religious Freedom Act, the National Museum of the American Indian, the Native American Graves Protection and Repatriation Act, and the Native American Language Act can be attributed to Reuben's advocacy. This advocacy was recognized by the Congress in 1976, when Reuben Snake was appointed chairman of Task Force XI of the American Indian Policy Review Commission, the Task Force on Drug and Alcohol Abuse. Later in 1989, my colleague and friend from Nebraska, Senator ROBERT KERREY, hired Reuben to serve as a legislative assistant with responsibilities involving all native American affairs—a position which Reuben enjoyed because he loved his fellow Nebraskans with great compassion.

In 1972, Reuben was nationally recognized for his book, "Being Indian Is * * *", which captured in small part, his humor and in large part, his understanding of Indian life. For example: "Being Indian Is * * * tough; Being Indian Is * * * owning land and not being able to rent, lease, sell, or even farm it yourself without BIA approval; and Being Indian Is * * * never giving up the struggle for survival." It is highly likely, that every Indian baby-boomer working in high-level positions within the Federal Government was influenced by Reuben's wit and essays on what life is like for Indian people. In response to the Columbus Quincentennary in 1992, Reuben reconstructed his works as "Being Indian Is * * * and Isn't." While the foundation for this work was developed by Reuben, unfortunately, his illness precluded its final release. Reuben Snake stated in his essay that, "For 500 years, we have had 99 percent of what is written about Indians slanted with a Eurocentric bias. Now we are in the process of writing about ourselves, and our truth may be disconcerting to those who have had only their truth to read about until now."

Many in Indian country are probably reflecting on his views today, since Reuben had the gift to lend humor to the everyday challenges affecting Indian people. He used his God-given capacity to make people laugh.

Most recently, Reuben served as the dean for the Center for Research and Cultural Exchange at the Institute of American Indian Arts in Santa Fe, NM. Much of this work focused on American Indian history, comparative cultures, native cultures, native religions and practices, cultural rights and tribal government. It was Reuben's ambition to foster a leadership role in shaping national and international perceptions regarding American Indian and Alaska Native cultures. Reuben perfected his skills as a great orator regarding cultural resources and indigenous rights while traveling extensively throughout the United States and internationally on behalf of the Institute of American Indian Arts. More importantly, this humble dean was widely respected by students, faculty, and native people for his spiritual inspiration. Every week he would conduct Sunrise Services to foster greater understanding of the God-given blessings that everyone on Earth should enjoy. In this regard, Reuben inspired others to the extent that the Sikhs religion, an international religious group with more than 60 million members, awarded Reuben Snake the World Peace Award for his humanitarian efforts.

His multifaceted understanding and concern was appreciated by those board members with whom he served in the following organizations: The National Congress of American Indians, the First Nations Development Institute, the Native Research and Policy Institute, the Seventh Generation Fund, the American Indian Law Resource Center, the American Indians for Opportunity, the International Circle of Indian Elders and Youth, the 1992 Alliance, the American Indian Ritual Object Repatriation Foundation, and the Native American religious freedom project. Reuben Snake also served on the U.N. Committee on Human Rights.

Probably, no one will miss Reuben Snake more than his wife, Cathy Snake and his six children. It seemed to many in Indian country that when Reuben gave of himself, there was so much to give because of the love that was shared by his family. This love was obvious when Reuben, Cathy, and many of his children and grandchildren drove all the way from Nebraska to conduct a prayer service on behalf of the Native American Church of North America here in Washington, DC. Over 20 members of Reuben's family worked closely with the native American religious freedom project to inform the decisionmakers here in Washington of the violation of religious freedom rights resulting from the 1990 Supreme Court ruling in the Oregon versus Smith case. Reuben's family hosted an all night prayer service to promote

peace in the midst of religious prosecution affecting American Indians.

In Reuben Snake's final days, worked tirelessly to advocate the introduction of legislation to protect the religious freedom rights to native Americans. Reuben testified at the committee's first oversight hearing in Portland, OR, on March 7, 1992, which laid the groundwork for introduction of legislation. In large part, due to Reuben's efforts, the committee recently introduced S. 1021, the Native American Free Exercise of Religion Act of 1993. I am dedicated to securing passage of this vital legislation to complete the work which Reuben Snake helped to foster.

Mr. President, as a tribute to Reuben Snake, Jr., his family and the Winnebago Nation of Nebraska, I ask unanimous consent that a speech which Reuben Snake delivered at the future site of the National Museum of the American Indian on the Mall here in Washington, DC, be made a part of the CONGRESSIONAL RECORD following this statement. As a statesman for the Indian people, Reuben Snake will be remembered for his humor, his kindness, and his love of his fellow people. Personally, I like the thought he had that "Being Indian Is * * * having compassion, respect, and honor for your fellowman, regardless of color."

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

STATEMENT OF REUBEN A. SNAKE, JR., COORDINATOR, NATIVE AMERICAN RELIGIOUS FREEDOM PROJECT

Senator Inouye, church president Emerson Jackson, honored guest, as an American it is inspiring to stand here at the foot of the U.S. Capitol to exercise two of our basic American rights, the freedom of speech, and the right to petition the Government for a redress of grievances.

Native Americans have been associated with the liberty of the American people since the founding of the Nation. In 1773, at the Boston Tea Party, the early protestors against British royal tyranny dressed as Mohawks because Indians, in England and in Europe, were a symbol of American liberty. Indians, and our way of life, were the very symbol of American liberty adopted by the earliest American revolutionaries.

But four or five centuries before that dramatic event, even before Christopher Columbus sailed from Spain, the five Nations of the Iroquois Confederacy formed a government under a constitution called the Great Law of Peace. Consider some of the enlightened features of that government—parliamentary-type government, separation of politics and religion, separation of civil and military government, the concept of checks and balances, veto, referendum, and so forth. Those governmental concepts were so remarkable, books were written about them in the European languages. These concepts became known to John Locke and Jean-Jacques Rousseau, European political philosophers whose writings are cited in identifying the resources of the U.S. Constitution.

The free exercise of religion was among the many features of that great Native American government, and the freedom of religion is one which many of us take for granted today.

On September 15, 1620, English subjects sailed from Plymouth, England, to seek refuge from religions persecution. The story of the Puritan Pilgrims landing at Plymouth Rock in Massachusetts to achieve religious freedom is one of the best known stories in American history.

It is tragic to say however, that we are now in a situation in the United States of America where we can no longer take such a fundamental right, the free exercise of religion, for granted.

As venerable as the heritage of religious liberty has been in America, religious liberty is now in jeopardy for all minority religions.

Last April, in the case of Oregon v. Smith, a case involving native American religious liberty, the U.S. Supreme Court threw out its longstanding precedents and declared that no longer does the Government have to show that laws which burden and restrict religious liberty must be justified by a compelling Government interest. Even very large religious organizations issued protests and sought a rehearing in the Court. The Baptists, the Methodists, Jewish groups, dozens of religious groups, and over 50 of America's most distinguished constitutional law professors sought a rehearing of the Court's decision.

But consider the implications of this case from our perspective. The U.S. Supreme Court reversed a long line of settled cases in order to rule that the use of the sacrament of native American worship, the holy medicine, peyote, is not protected under the first amendment of the constitution. They said, in our case, our religious exercises, our form of worship, the use of our holy sacrament, is not protected by the Constitution. The Court said that native Americans, who have enjoyed religious liberty on this land since before the Pilgrims fled here, are no longer entitled to religious liberty.

This trampling of native American religious liberty is intolerable.

Our people have been using the holy medicine, peyote, for thousands of years, thousands of years.

For the last twenty years, the American people have been suffering an epidemic of abuse of refined chemical drugs like cocaine, heroin, amphetamines, PCP, and so forth. American cities are crawling with violence and crime. This is a terrible tragedy, and this kind of drug abuse is also a problem for some Indian youth.

But there is no peyote drug problem. I defy the justices of the Supreme Court to find newspaper reports of drive-by shootings in connection with the holy medicine. I challenge anyone concerned about the problem of drug abuse to find examples of dope peddlers selling the holy medicine in America's school yards and play grounds. The idea is preposterous. We don't have a peyote abuse problem in this Nation.

Yet the widespread fear, bordering on panic, about the tragedy of drug abuse has clouded the minds of the Justices. In the name of the war on drugs, our use of our holy medicine is restricted. In the name of the war on drugs, our guarantee of free exercise of religion has been violated. In the name of the war on drugs, the religious freedom of every American has been placed in jeopardy.

The consequences are outrageous. For decades native Americans have endured the harassment and persecution of law enforcement authorities ignorant of, or indifferent to, our ancient ways of worship. The law reports are filled with tragic cases of our men and women dragged from worship, or from their homes, to jail cells and to courtrooms, forced to defend themselves, to justify themselves to the ignorant and the callous. But in those degrading circumstances, we could always point, confidently, to the first amendment's guarantees of free exercise of religion, and know that ultimately we would prevail. Now, unbelievably, we are no longer assured that we will prevail.

This has been intolerable to us, this is intolerable to us, and it is intolerable to every American who treasures their right to worship God without Government interference.

In the Native American Church every day is a holy day, but today is special. In the Hebrew calendar, today is Yom Kippur, the day of atonement, the most solemn day of Jewish worship. Many Jewish friends of native Americans invited to join us this morning explained that they could not worship with us here, for they would be in their own temples in prayer.

For many of the 5741 years of the Hebrew calendar, the Jewish people have suffered oppression on account of their religion. Today, 199 years after the American Bill of Rights was adopted, we are thankful that the Jewish people feel free to worship without fearing Government harassment.

But ladies and gentlemen, today the 250,000 members of the Native American Church are not free to worship God without fear of Government harassment. Church president Emerson Jackson has declared tomorrow a day of prayer for peace. Today, hundreds of our people are preparing for a night-long Native American Church service and prayer for peace. But many of our elders, who have traveled thousands of miles to be here to worship in our Nation's capital, who have experienced the indignities of religious persecution, expressed to the organizers of this worship service a great fear—will we be arrested? Will we be arrested?

We have had to call law enforcement authorities—attorneys general, prosecutors, assistant State's attorneys, narcotics units—around the region to assure ourselves that our worship will proceed undisturbed by the hideous specter of a police raid.

I ask my brothers and sisters who are Christians, my brothers and sisters who are Moslem, my brothers and sisters who are Hindus, my brothers and sisters who are Buddhists, my brothers and sisters who are Jewish, do any of you worry that your worship services will be raided by the police? Do any of you feel it necessary to call the police in order to set up a worship service? Do any of you have to explain to law enforcement officers that you have a right to worship your God in your own manner?

I ask my brothers and sisters who are Christians, do you need permission from your State alcoholic beverage control commission to give sacramental wine to communicants under the age of 21? Do your priests need licenses from the Government to perform a mass? Of course not, but under the Smith decision, that shocking possibility may yet come to pass.

I ask my brothers and sisters, when they tell their children about their religious rites, do they have to warn their little ones about the police? Do they have to explain that they should not be ashamed because of the special police "interest" in their worship?

I ask the American people, does this sound like the religious life we expect to live in the United States of America?

Well, my brothers and sisters, this unbelievable condition burdens our worship. This relic of prejudice burdens our worship. This

Government involvement in our religion burdens our worship, and it is intolerable.

Today, at the highest point in Washington, overlooking our little press conference, the National Cathedral is being dedicated. Today the last stone is being placed in that beautiful monument to the central importance of God and prayer in American life.

It is profoundly ironic that just as that glorious cathedral is being completed and dedicated in our Nation's Capital, the U.S. Supreme Court has jeopardized the status of every minority religion, and it has done so in a case involving Native American Church members using the holy sacrament of our church.

We are here today with one simple message—we demand that our use of our sacrament, the holy medicine peyote, be fully protected by law without qualification. We ask no more, we expect no more, and we are entitled to nothing less!

Why must we stand here and defend our religion? Why must we tell you that our church is a good church? Why must we tell you that we do not tolerate drug abusers or alcoholics in our church?

We are reduced to this posture because of laws passed and enforced in an atmosphere of almost total ignorance about native Americans. Perhaps we should not be surprised. Like most Americans we like to go about our business quietly and without drawing attention to ourselves. One of the central teachings of our church is humility.

We have never held a press conference before. We have never drawn attention to ourselves before. We are uncomfortable this morning, but to protect ourselves, we have a duty. We are here today to tell the American people that our worship is sacred, it is legitimate, it is profound, it is good, it is wonderful in the eyes of God, it is wonderful for our people, and we must, we must pray the way God has taught us.

Americans, you have taken much from us. You have benefited from us in many ways. You have left us little land, you have taken away our traditional livelihoods. Do not allow the Government to take our religious freedom away.

We urge you to join us in supporting the "Religious Freedom Restoration Act of 1990," H.R. 5377. But this is only a first step. The bill does not go far enough. It does not specifically protect our worship, the one that the Supreme Court chose to disregard and deny protection. We urge that the bill be amended to specifically protect native American religion freedom.

That is not too much to ask. Soon we will be returning to our homes across America and to our children and grandchildren. We will say we engaged in the political process, we spoke to the American people and to the national news media. We went to Washington, and we told our story.

Can we tell our children, "We succeeded, you are now safe" can we tell our children, "we have brought back for you the security, the safety, the certainty that you, our children, and your children can worship God as we have been taught"?

It is our prayer that we can!

THE FUTURE OF PUBLIC POWER IN AMERICA

Mr. HATFIELD. Mr. President, perhaps no one organization has played a more major role in bringing energy to our Nation than public power. In fact, public power, once known as the "electrifier of America," can be credited with bringing electricity to virtually every rural area of the United States. I recently had the privilege of speaking at the American Public Power Association's annual conference in Anaheim, CA, on June 14, 1993. The executive director of APPA, Mr. Larry Hobart, made some very inspiring remarks regarding the current state of public power in America and the course it should be following as it enters the twenty-first century. I would like to share those remarks with my colleagues at this time.

I ask unanimous consent that Mr. Hobart's "Executive Director's Report" be printed in the RECORD following my remarks.

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

EXECUTIVE DIRECTOR'S REPORT

(Remarks of Larry Hobart, Executive Director)

The new math for measuring public power progress in the 1990s is summarized in an equation:

Economic well-being + environmental enhancement = energy efficiency.

How do you solve this problem?

The solution has three parts:

1. Emphasis on end-use improvements through demand-side management, slotted into an integrated resource plan, with the aim of satisfying the dual interests of consumers in their price of power and their quality of life.

2. Promotion of existing and new electrotechnologies that cut costs and reduce adverse environmental effects of burning fossil fuels to perform the same task.

3. Advancement of techniques allowing electric utilities to acquire power in ways that are cost-effective and that minimize potential pollution compared to present practices.

I want to talk to you for a few minutes about factors that affect these three objectives.

We hear a lot these days about electric utilities and the environment. There is absolutely no doubt that the public expects utilities to be socially responsible in carrying out the task of supplying needed electricity, including protecting public health and safety, preserving esthetic benefits, and ensuring a sustainable society. Specific responsibilities of utilities are outlined in statutes, regulations, and codes of conduct. It is not a duty you can duck, and it calls for a positive commitment.

But when we talk electricity, we need to think also about how this energy source affects peoples' pocketbooks.

Remember the 1992 presidential campaign? Remember the sign posted in candidate Clinton's campaign headquarters? "It's the economy, stupid." It was a humorous reminder of an important fact: many American families have economic problems.

Think about these numbers:

The average American worker is putting in more time on the job for less pay than at any time since the start of the 1980s, and the income deterioration is spreading to the white-collar work force. The share of the population living on a middle income has declined, and the portion living below the poverty line has increased. Last year, nearly 1 in 10 Americans depended on food stamps to make ends meet.

While there has been an expansion of jobs in the economy during the 1980s, a significant portion of the growth has been in lower-paying service industries, while the number of traditionally higher-paying manufacturing jobs has been shrinking.

"Downsizing" has eliminated a number of jobs, and there has been an expansion of the number of part-time workers, and "contingent" employees who work full-time for specified contract periods but have no health benefits, vacation rights, overtime protections, or pension payments.

Today many shoppers think of price first when they buy. Spurred by the recession, structural changes in the economy, and altered demographics, consumers have been shifting their focus in the past two years to discounters, generic brands, and low-price retailers. Polls show that price beats out selection, location, quality, and service. Store owners say they are looking for ways to operate more inexpensively and offer more competitive prices.

Consumers are looking at the price of electricity, also.

Public power protects pocketbooks of consumers. Listen to these numbers:

Residential customers of investor-owned utilities paid average rates that were 28 percent above those paid by customers of publicly owned systems during 1990, the last year for which we have comparative statistics, and average rates for commercial and industrial customers were also lower by 15% and 4%, respectively.

At the same time, public systems made contributions to state and local governments in the form of taxes, payments-in-lieu-of-taxes, and services which were the equivalent of taxes paid by IOUs.

Managerial costs of public power systems remain below comparable costs of private power companies, indicating greater efficiency of management among public power systems. Administrative and general expenses of investor-owned systems were 27% above those of public systems. Average customer accounts expenses for private systems are 18% above those of public systems.

Private power companies today are the beneficiaries of a new regulatory concept called "decoupling." It means dropping cost-of-service analysis for setting rates and substituting agreed-upon performance goals. Such agreements are sometimes arrived at through so-called "collaboratives"—negotiations including the IOU, a regulatory agency, and environmental activists—which are considered a substitute for a litigated proceeding with a fact-finding public hearing.

One of the by-products is an electric rate which is designed to ensure that the IOU loses no revenues as the result of demand-side management activities it seeks to implement—regardless of the fact that company costs may actually be reduced. California offers an example of the "incentive rates" technique.

Through the use of "balancing accounts" and "rate adjustment mechanisms," the California Public Utility Commission has carried out an "interventionist" policy with IOUs. One of the results is reported in a PUC study published in February: ". . . despite forecasts projecting stable electricity prices, average rates for California's IOUs ranged from approximately 9 to 10.5 cents per kWh in 1991, *thirty to fifty percent above the national average*" (emphasis supplied).

Public power systems are dedicated to improved end-use energy efficiency, but they are not beneficiaries of "decoupling." They look for cost-effective solutions that have bottom-line justifications.

Listen to this: The U.S. Department of Energy reports that from 1989 to 1991, consumer-owned utilities spent only 60% of investor-owned utilities' expenditures on demand-side management, yet saved 13% more energy and cut 37% more system peak. In other words, DSM programs of consumer-owned utilities did more for less; they were more cost-effective and efficient than private power companies.

APPA surveys show that there are nearly 800 public power systems with DSM programs representing 62% of total retail sales by publicly owned electric utilities. If you're not involved, you should think about it. It can be a way to cut costs for your customers.

DSM is an important tool for consumer cost-cutting, but it is also true that one of the best ways in which we can help hold down customer bills *and* enhance the environment is to use more—not less—electricity.

For instance, freeze concentration of milk instead of using heat-driven evaporation needs only half as much energy—even including the power plant's energy conversion losses.

Recent laboratory studies show that applying ultrasound to textile dyebaths can triple uptake while cutting dyeing time in half and significantly cutting costs.

New electrotechnologies can destroy infectious wastes from hospitals or disinfect it and reduce its volume, thus permitting disposal in municipal landfills.

Electric cars, buses, and trains can cut considerably emissions which cause air pollution, even taking into account power plant releases, and may be the only practical substitute for a transportation system based on internal combustion engines.

As an APPA member, you are now receiving monthly the newsletter Electrotechnology Report published as a collaboration with the Edison Electric Institute. It will give you clues as to these approaches to using electricity for economic and environmental advantage.

New technologies for producing and transmitting electricity are also potentially important for consumer cost control and environmental protection.

More efficient gas turbines, refined fluidized bed combustion, creation of commercially viable fuel cells, solar panels, and wind machines are desirable objectives pursued by public power.

Development of a flexible AC transmission system with electronic controls substituting for mechanical closure, could help us deal with the problems of parallel flow, and double the carrying capacity of existing lines at an incremental investment less than embedded cost.

How do we advance the troika of ideas that I listed at the beginning of my remarks—end-use efficiency, effective employment of electricity, and improved bulk power technologies?

We do it by pooling our power—our brain power, our organizational power, and our political power.

Public power systems need to make periodic "reality checks."

They need to examine their operations as compared to other public power systems. That's why APPA collects data from you and publishes performance ratios and encourages "bench marks" for measurement.

Why not use our collective intelligence and organize to make the best individual ideas and information available to everyone?

That's what APPA does with its information services. Pick up a brochure at the APPA information desk and find out how it works.

Do people in your town talk about possible health effects of electric and magnetic fields? Most of them will turn to you for answers. That's why APPA produced a slide show to explain what we do and do not know, commissioned a monthly information service to keep you advised of new developments, and supported congressional enactment of a $65 million, five-year federal and nonfederal financed research program.

That national EMF research effort is the result of the political process. That's the way a lot of things get decided in America—politically.

Think about these other examples:

Last year, APPA joined with NRECA and other organizations to provide the Federal Energy Regulatory Commission with workable authority to order transmission services.

Our goal was to secure equitable and effective access to the grid for public power systems seeking to benefit from a competitive bulk power supply market. We were successful.

Now we need to make the law work. What we are looking for are nondiscriminatory tariffs which treat all utilities alike—IOU and public power, generators and non-generators, large and small. If a "most favored nation" approach is available to China, what can be wrong with applying the principle at home?

A simple, systematic, standardized approach recommends itself. Otherwise, we run the risk of jamming the regulatory machinery by cramming IOU corporate lawyers into every cog. That could be the result if public power doesn't intervene.

Some in the Senate are thinking about deleting the thermal discharge waiver provision in the Clean Water Act which allows use of once-through cooling where there is no environmental damage. Removal of the provision would require a more than $40 billion investment in cooling towers and generating equipment—with no demonstrated environmental gain. APPA has joined with NRECA and EEI to block this unreasonable expense.

Global climate change brought about by greenhouse gas emissions is the subject of continuing public policy debate. The science is uncertain as to environmental effects, and the economics are speculative as to the cost of feasible fixes. But things are happening. President Clinton has said he seeks to return CO_2 emissions to 1990 levels by the year 2000. Last year, representatives of two APPA member systems—Waverly, Iowa, and the Department of Water and Power in Los Angeles—participated in a White House-called conference in Washington to make a public power contribution to how this can be accomplished in a cost-effective manner.

We can reduce CO_2 emissions by microwaving a meal, faxing a document, mowing with an electric machine, using a heat pump, drying clothes and paint with microwaves, and melting glass electrically. We can help reach our "greenhouse gases" goal by advancing Tree Power, APPA's program to plant one tree for every public power customer in the United States.

But none of these ideas will influence global warming debates unless we tell politicians about them.

Last month, the APPA Executive Committee met for an hour with Hazel O'Leary, the Secretary of the Department of Energy, to talk about public power ideas. We told her of the tests APPA believed a Btu tax must pass, urged her support for retention of reasonable rates for the federal power marketing agencies, and expressed support for development of renewable resources—including the greatest one of them all, hydropower.

The broad-based Btu tax advanced by President Clinton and passed by the House of Representatives may be dead, but now there's talk about an electricity tax. This is a discriminatory levy which hits the most popular form of energy in this country, and gives a discriminatory boost to competing natural gas. It hurts the environment because it discourages clean electricity in favor of combustion of a fossil fuel. APPA wrote the Senate Finance Committee Friday about an electricity tax. The message: kill it.

Rural electric cooperatives are attempting to enact a federal law preempting the laws of the 50 states, preventing municipal electric utilities from serving co-op customers in annexed areas, barring the issuance of a franchise to another competing utility, and denying a city the opportunity to require a co-op to secure any license or permit. The proposal would block consumers from receiving lower rates offered by other utilities, lock co-ops into urban areas which receive other city services, and even prevent a community from imposing any conditions on co-op operations. It is actively opposed by APPA, EEI, the National League of Cities, and the National Association of Regulatory Utility Commissioners.

Ideas are a vital ingredient in the political process. "Ideas shape civilization," John Maynard Keynes said—and it's true.

All American politicians seek ideas that will advance their concerns. Endorsement or rejection of ideas is how politicians define themselves. It is the means by which policy positions are sorted and selected—the filter through which legislation passes.

Public power personnel are a source of ideas about power issues—fairness in setting rates, consumer protection in approving mergers, equity in applying environmental regulations.

Consumer-owned electric utilities are the product of an idea that took root more than 100 years ago at the birth of the electric utility industry—the idea that a community can farm out this function to a private party or that it can perform it as a public enterprise.

Public power's ability to understand and use the political process for the benefit of consumers can be as important as technical skills, administrative success, or money management.

There are some things about politics that are different than other aspects of running a consumer-owned electric utility. It's a group activity. Numbers count. The more phone calls, letters, or visits, the greater the effort. Politics is a "contact sport." Multiple brains are required. Two heads *are* better than one. Coordination of implementation and reporting of findings is a prerequisite if you are going to be effective. Coalitions of individuals and organizations with like interests help get the job done.

It's nonlinear. The way things happen is not necessarily A to B, but A to B through C.

It's necessary to plan and package a program. You cannot realize a major political objective without analyzing the issue, organizing the arguments, preparing the rebuttals, and selecting the themes.

It's nonstop. Politics is not a one-time operation. Passage of a bill does not mean the subject will not be up again. And you must cultivate your contacts over time so when you ask for help, politicians know who you are and why they should respond. You cannot make a friend when you need one.

It's public. There are no secrets in politics. Ultimately, the press, public, and politicians will know everything you do, so you might as well be up-front at the beginning.

It's labor-intensive. This is one job you can't consign to the computer.

Public power officials can be good at politics because they are "real people for real politics" with special attributes. They have:

No special-interest axe to grind, only the public interest.

No personal financial gain in success.

A structure that includes elected officials—representatives of the electorate with demonstrated voting support and persons to whom other elected officials are likely to listen.

Credibility with consumers because of a record of low rates, service, and energy efficiency.

Ability to make changes and practice innovation without the handicap of the private bureaucracy maintained by big IOUs.

There's lots of philosophy to talk about in weighing political involvement. But the message these days is really simple: just do it.

And remember this:

Electricity drives our economy.

Electricity can enhance our environment.

Electricity is becoming the preferred form of energy in America.

Electricity is delivered by public power at less cost than IOUs to the benefit of customers of all categories.

You in this room make public power work. I salute you for the contribution you make to your customers, your community, and your country.

TRIBUTE TO LOUISE McNEILL PEASE

Mr. ROCKEFELLER. Mr. President, I rise today with great pride to celebrate the life and work of my friend Louise McNeill Pease, who passed away this month at the age of 82. For more than 60 years Louise graciously chronicled the true-life experiences of the people of Appalachia as well as served West Virginia as poet laureate for more than 10 years.

My friendship, respect, and admiration for Louise began when we met in 1977. I was Governor of West Virginia at that time and she and I were chosen West Virginia's "Daughter and Son of the Year" by the West Virginia Society here in Washington. On our journey to accept the honors bestowed upon us, Louise and I became fast friends. So, in 1979, when the position of poet laureate became available it was with great pride that I nominated Louise.

Louise began writing poetry as a teenager in the hills of Pocahantas County, WV. She sold short poems to the Saturday Evening Post for a mere $5 per line. Poetry was Louise's first love, her second was education. For more than 30 years, Louise educated West Virginia students. Her beginnings as a teacher began in the humble surroundings of a one-room schoolhouse, but her desire and vision for each of her students reached far beyond.

Poetry was more than a gifted talent for Louise—it was an outlet. Her entire life Louise felt the beauty and the hardships of her fellow West Virginian's lives and expressed those feelings in verse. She raised the voice of Appalachia high over the hills for all to hear and understand but kept the realism of our country dialect. She created images so vivid and so colorful that any person could imagine the sight of our grand mountains and struggle with the hardships and dreams of our coal miners and mountain people. Louise challenged what others dared not. She took on those who had blatant disregard for the destruction of the pure Appalachian hills and waters and its obvious degradation of West Virginia's people.

Louise's eloquent diction soothed our bruised spirits and reminded us of our incredible history. Her book, "Elderberry Flood," written and published in 1979, chronicles the history, lore, and land of West Virginia in verse. This book, although it appears to be a collection of poems, is such a simple and accurate account of West Virginia history that it is used to educate and stimulate the desire to learn history by younger West Virginia students. The title of this book is an extension of an old logger tale that an actual flood comes every year when the elderbloom is white and the white pine logs can be driven down the river to the mill. Her reasons for choosing this title were that Louise felt that history and life as well, could too be called "The Elderberry Flood" sweeping onward year by year down the changeless and everchanging "River of Time."

Louise McNeill Pease's poetry reminded the people of Appalachia and enlightened foreigners about the beauty and individuality of West Virginia. She mocked our State's unique shape and satirized those who stopped in, on their way to other more exotic places.

In her life, Louise published six books: "Gauley Mountain" (1932); "Time Is Our House" (1942); "Paradox Hill" (1972); and "Elderberry Flood" (1979); her memoirs "The Milkweed Ladies" (1988); and her last collection of verse "Hill Daughter: New & Selected Poems" (1991) covers most of the 60 years of her writing.

A modest and honest woman, Louise credited most of her success to her husband Roger. She noted that Roger was her critic and his hand was not always merciful when he took a red pencil to the pages of her verse. When she bore her son Douglas, her poetry focused on the risk of health-care in childbirth as well as her dreams for him and his discovery of Appalachian life. Louise welcomed a world where children are the priority above and beyond all else and she was appalled by needless destruction of anything. When big business companies began littering and destroying our streams, Louise screamed out opposition. She witnessed and felt everything that the Appalachian earth did and protested against its being harmed uselessly.

Louise McNeill Pease was a true daughter of the Mountain State from her birth in the Appalachian hills to her rise as the voice of Appalachian people. She scrimped and saved to keep her family in a home, regardless of its leaky roof. She felt the fears and frustration as a true mountain daughter and expressed it in terms to which each of us could relate. With her words, Louise McNeill Pease nourished our spirits, confronted our doubts, rhymed out our concerns and assured us of our heritage of all with her simple Appalachian verse. She truly embodied all that is beautiful about West Virginia and I will miss her.

In conclusion Mr. President, I feel that this tribute to my friend Louise McNeill Pease would be incomplete without the inclusion of her verse, so that I may share with everyone, West Virginia as only Louise could describe it. I ask that you print this verse in the RECORD following my remarks.

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

WEST VIRGINIA

Where the mountain river flows
And the rhododendron grows
Is the land of all the lands
That I touch with tender hands;

Loved and treasured, earth and star,
By my father's fathers far—
Deep-earth, black-earth, of-the-lime
From the ancient oceans' time.

Plow-land, fern-land, woodland shade,
Grave-land where my kin are laid,
West Virginia's hill to bless—
Leafy songs of wilderness;

Dear land, near land, here at home—
Where the rocks are honeycomb,
And the rhododendrons . . .
Where the mountain river runs.

Louise McNeill Pease, January 11, 1911-June 17, 1993, West Virginia's True Daughter.

MESSAGES FROM THE PRESIDENT

Messages from the President were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees, and a treaty.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:05 p.m. a message from the House of Representatives was delivered by Mr. Hays, one of its reading clerks, announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other

purposes, it agrees to the conference asked by the Senate disagreeing votes of the two Houses thereon, and appoints Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. STOKES, Mr. BEVILL, Mr. MURTHA, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. HOYER, Mr. CARR, Mr. DURBIN, Mr. MCDADE, Mr. MYERS of Indiana, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. WOLF, and Mr. LIGHTFOOT as the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Court Courthouse".

H.R. 877. An act to authorize the establishment of the National African-American Museum within the Smithsonian Institution.

H.R. 2333. An act to authorize the appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

H.R. 2445. An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2446. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2517. An act to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organizations, and provide affordable rental housing for low-income families, and for other purposes.

H.R. 2531. An act to extend certain programs relating to housing and community development, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times, by unanimous consent and referred as indicated:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Court Courthouse"; to the Committee on Environment and Public Works;

H.R. 877. An act to authorize the establishment of the National African-American Museum within the Smithsonian Institution; to the Committee on Rules and Administration;

H.R. 2333. An act to authorize the appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes; to the Committee on Foreign Relations;

H.R. 2445. An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations;

H.R. 2446. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations;

H.R. 2517. An act to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organizations, and provide affordable rental housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs; and

H.R. 2531. An act to extend certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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-964. A communication from the President of the United States, transmitting, a report, consistent with the War Powers Act, on U.S. naval forces launching a Tomahawk cruise missile strike on the Iraqi Intelligence Service's (IIS) principal command and control complex in Baghdad (received and referred in the Senate on June 28, 1993); to the Committee on Foreign Relations.

EC-965. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of a certification relative to the Board of International Broadcasting; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-168. A joint resolution adopted by the Legislature of the State of Nevada, to the Committee on Armed Services.

"SENATE JOINT RESOLUTION NO. 19

"Whereas, the Nevada Test Site is a national asset with a unique infrastructure of facilities, equipment and personnel unequaled anywhere in the nation; and

"Whereas, a significant number of southern Nevada residents are employed at the Nevada Test Site; and

"Whereas, the employment of those persons contributes millions of dollars to the economy of southern Nevada; and

"Whereas, recent federal legislation provides for a program that limits underground nuclear testing for 3 years, culminating in a comprehensive ban on testing nuclear weapons in 1996; and

"Whereas, that legislation prescribes certain conditions of readiness that must occur at the Nevada Test Site to resume the testing of nuclear weapons; and

"Whereas, because of its unique infrastructure, the Nevada Test Site is suitable for a wide range of other purposes which would put to use its unique capabilities and resources and which are compatible with its basic function of testing nuclear weapons; and

"Whereas, a comprehensive ban on testing nuclear weapons will result in a substantial reduction in the workforce at the Nevada Test Site and have a severe adverse economic impact on the economy of Nevada; and

"Whereas, a new program of cooperative research has been developed which will provide for the transfer of technology between laboratories of the United States Department of Energy and universities and private industries; and

"Whereas, as part of President Clinton's plans to carry out the program, $94,000,000 will be spent on the program during the federal fiscal year 1993; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That, even though the primary purpose of the Nevada Test Site is to ensure that the nation's needs for testing nuclear weapons continue to be met, Congress is hereby urged to develop an alternative use for the site that most effectively utilizes the facilities, equipment and personnel that are available at the site by making it the nation's center for testing and demonstrating geographically demanding technologies; and be it further

"*Resolved*, That Congress is hereby urged to develop contingency plans for alternative employment of the workers at the Nevada Test Site; and be it further

"*Resolved*, That if contingency plans for alternative employment are developed, Congress is urged to include in those plans the use of any money which may be available from President Clinton's program for the transfer of governmental technology to universities and private industries; and be it further

"*Resolved*, That a copy of this resolution be transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-169. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION 8

"Whereas, rape, domestic violence, spouse abuse, assault, robbery, and other violent crimes against women are well-documented as serious social problems of society; and

"Whereas, these pervasive and serious social problems have gained increased national and local attention as these violent occurrences are reported daily by the media; and

"Whereas, while the victims of these violent crimes are often women, these violent crimes place extreme stress and undue burden on all members of society, and particularly on those individuals who are related to the victim; and

"Whereas, from the home, to the workplace, to the neighborhood, rape, abuse, and assault are great community concerns; and

"Whereas, to reduce these incidences of violence from occurring and recurring and to help the victims of these violent crimes, comprehensive community-based support and services need to be made available to both the victims and perpetrators of these crimes; and

"Whereas, these services would include counseling, education, resource materials, and rehabilitation, referral, and outreach programs; and

"Whereas, additionally, social service, health, and criminal justice systems must work together to provide community-based support and expertise, and provide education that:

"(1) Encourages healthy relationships that are non-violent and respectful;

"(2) Promotes more open communication between men and women;

"(3) Informs individuals of the non-violent options that are available to deal with problems; and

"(4) Raises the consciousness of all members of society of the influences that may lead to or provoke sexual assault, rape, and other violent crimes; now, therefore, be it

Resolved by the House of Representatives of the Seventeenth legislature of the State of Hawaii, Regular Session of 1993, the Senate concurring, That the U.S. Congress and the Hawaii State Legislature enact effective legislation that addresses the escalating problem of violence against women in the nation so that women are assured of equal protection under law and are assured of their human rights; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States; the President of the U.S. Senate; the Speaker of the U.S. House of Representatives; the members of Hawaii's Congressional delegation; the Hawaii State Commission on the Status of Women; the University of Hawaii Women's Center; the Chief Justice of the State of Hawaii; the Director of the Department of Human Services; and the Director of the Department of Health."

POM-170. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on the Judiciary.

"HOUSE JOINT MEMORIAL NO. 5

"Whereas, the business of insurance is currently regulated almost entirely by the states; and

"Whereas, under existing state and federal law the Director of the Idaho Department of Insurance has the responsibility regulating the activities of insurance companies conducting business in Idaho, as well as the activities of agents and brokers; and

"Whereas, those regulatory responsibilities include fraud prevention, fiscal examinations, licensing, investigation of complaints and enforcement against violators; and

"Whereas, this system of state regulation of the insurance industry has proven to be an effective protection for the public, especially when compared to federal efforts at the regulation of financial institutions, such as the savings and loan industry; and

"Whereas, the Federal McCarran-Ferguson Act delegates responsibility for insurance regulation to the states, so long as they provide consumer protection from price fixing and other unfair business practices which Idaho law currently provides; and

"Whereas, H.R. 9, which is being considered by the Congress of the United States, would be unnecessary, duplicative and possibly conflicting as it relates to insurers doing business in Idaho; and

"Whereas, H.R. 9 would prohibit certain practices which insurers now use to control insurance costs; and

"Whereas, H.R. 9 would result in federal bureaucracies usurping much of the authority of the Director of the Idaho Department of Insurance and the Legislature of the State of Idaho: "Now, therefore, be it

Resolved by the members of the First Regular Sessions of the Fifty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the President and the Congress of the United States to reject H.R. 9 and any similar legislation which would infringe on the authority of Idaho and each other state to be the principal regulator of insurers: Be it further "*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-171. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION NO. 5006

"Whereas, the Flag of the United States is the most recognized and cherished symbol of a grateful nation and no other American symbol has been as universally honored as the American Flag; and

"Whereas, the United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality and expression; and

"Whereas, while the right of expression is a principal freedom provided by the United States Constitution, very carefully drawn limits of expression in specific instances have long been recognized as legitimate means in maintaining public safety and decency, as well as providing order and value to public debate; and

"Whereas, certain actions, while related to an individual's right to free expression, nevertheless raises issues concerning public decency, peace, rights of expression and the values of others; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the Flag the reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Flag of a proper station under law and decency; and

"Whereas, More than 500 Kansas veteran, fraternal and civic organizations have joined many city and county bodies of Government in signing resolutions calling upon the Kansas legislature to approve a resolution petitioning the Congress of the Unites States to propose a Constitutional Amendment to allow states the authority to pass laws prohibiting the physical desecration of the Flag of the United States; and

"Whereas, Kansans believe the right to express displeasure with government is a cherished right protected by the First Amendment, however, Kansans also believe that the desecration of the American Flag is an atrocious act which should be prohibited: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein*, That the Legislature petition the Congress of the United States to submit an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"*Resolved*, That the Secretary of State be directed to send enrolled copies of this resolution to the Speaker of the United States House of Representative, the President of the United States Senate and all members of the congressional delegation from the State of Kansas."

POM-172. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION NO. 172

"Whereas, on Sunday, February 28, 1993, nearly one hundred agents of the Bureau of Alcohol, Tobacco and Firearms moved against the Branch Davidian compound located outside Waco, Texas, where more than one hundred members of a religious organization lived, such move being in response to suspected firearms violations in which the members of the Branch Davidian organization were accused of altering firearms illegally; and

"Whereas, during the initial actions taken by the Bureau of Alcohol, Tobacco and Firearms, four ATF agents were killed, fifteen agents were wounded, and a number of Branch Davidian members were reported to have been killed or wounded; and

"Whereas, after the initial action taken by the Bureau of Alcohol, Tobacco and Firearms, there ensued a standoff between the federal government, represented by ATF and the Federal Bureau of Investigation, and the leader of the Branch Davidians, David Koresh, such standoff involving the cutting off of utilities to Ranch Apocalypse where the Branch Davidians lived, hours of loud music and Tibetan chants directed by the FBI toward Ranch Apocalypse, sermons, promises, and tauntings by David Koresh, and not much action toward a resolution of the standoff; and

"Whereas, on the morning of April 19, 1993, the FBI and ATF, based on decisions that had been made over the few days previous to that morning, again moved on Ranch Apocalypse, tearing holes in the walls of the compound with armored vehicles which then pumped tear gas into the compound in an attempt to drive the Branch Davidians out of the compound, the FBI believing that such actions would end the standoff; and

"Whereas, the actions taken by the FBI on April 19, 1993, did indeed end the standoff but in a manner not anticipated by the FBI and in a manner viewed in horror by the FBI and the rest of the country; and

"Whereas, the attorney general of the United States and the FBI feel that based on reports of severe child abuse and the originally suspected firearms violations, and the opinions that rumors of mass suicide attempts were likely exaggerated, their actions were justified and the proper course of action to force a peaceful end to the standoff; and

"Whereas, when scores of citizens of this country lose their lives in a situation such as that which took place at Ranch Apocalypse, it is incumbent upon congress, as representatives of the people, to closely examine the actions and decisionmaking processes involved by representatives of the federal government in order to reassure the citizens of this country that our government is functioning properly: Therefore, be it

"*Resolved*, That the Legislature of Louisiana does hereby memoralize congress and particularly the Louisiana Congressional Delegation to ensure that a thorough and complete investigation is conducted into the events which transpired at Ranch Apocalypse: Be it further

"*Resolved*, That a copy of this Resolution be forwarded to each member of the Louisiana Congressional Delegation and to the presiding officials of both houses of congress."

POM-173. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION NO. 119

"Whereas, beginning a school day with a moment of silence or other meditation time gives both students and faculty the opportunity to begin the day with reflection and with a thoughtful note of goodwill; and

"Whereas, a moment of silence or other meditation time fosters a sense of universal brotherhood and sisterhood, a mind set that

would greatly improve the quality of the environment in many schools; and

"Whereas, providing for more peaceful and harmonious feelings toward one another could only enhance the opportunities for learning; and

"Whereas, the concepts focused during moments of silence or other meditation times offer a positive alternative to the negative lifestyles that many school children live with daily; and

"Whereas, moments of silence or other meditation times raises aspirations, imbues students and teachers with determination to reach higher, and a sense of duty; and

"Whereas, this nation was created as "one nation under God with liberty and justice for all"; and

"Whereas, the liberty to seek the truth and learn from the ultimate teacher should not be abridged; and

"Whereas, determinations about the appropriateness of moments of silence or other meditation times in schools when measured against the constitutional separation of church and state have left many confused frustrated, and unsure of the nature of public education: Therefore, be it

"*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States of America to propose and submit to the several states an amendment to the Constitution of the United States of America to authorize daily or other regularly scheduled times for students to enjoy a moment of silence or other meditation time in public schools: Be it further

"*Resolved*, That a copy of this resolution be transmitted to each member of the Louisiana delegation to the United States Congress, and to the secretary of the United States Senate and the clerk of the United States House of Representatives."

POM–174. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 60

"Whereas, beginning a school day with prayer gives both students and faculty the opportunity to begin the day with reflection and with a thoughtful note of goodwill; and

"Whereas, prayer fosters a sense of universal brotherhood and sisterhood, a mind set that would greatly improve the quality of the environment in many schools; and

"Whereas, providing for more peaceful and harmonious feelings toward one another could only enhance the opportunities for learning; and

"Whereas, the concepts included in prayer offer a positive alternative to the negative lifestyles that many school children live with daily; and

"Whereas, prayer raises aspirations, imbues students and teachers with determination to reach higher, and a sense of duty; and

"Whereas, this nation was created as "one nation under God with liberty and justice for all"; and

"Whereas, the liberty to seek the truth and learn from the ultimate teacher should not be abridged; and

"Whereas, determinations about the appropriateness of prayer in schools when measured against the constitutional separation of church and state have left many confused, frustrated, and unsure of the nature of public education: Therefore, Be it

"*Resolved*, that the Legislature of Louisiana memorializes the Congress of the United States of America to propose and submit to the several states an amendment to the Constitution of the United States of America to authorize prayer in public schools: Be it further

Resolved, That a copy of this Resolution be transmitted to each member of the Louisiana delegation to the United States Congress, and to the secretary of the United States Senate and the clerk of the United States House of Representatives."

POM–175. A concurrent resolution adopted by the Legislature of the State of Missouri; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION NO. 9

"Whereas, an amendment to the United States Constitution previously introduced in Congress, the text of which reads: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes," seeks properly to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Now, therefore, be it

"*Resolved by the Senate of the Eighty-seventh General Assembly, First Regular Session, "the House of Representatives concurring therein*, That the Missouri General Assembly strongly urges the Congress of the United States to pass this constitutional amendment, and that the Congress prepare and submit to the several states before January 1, 1994, this amendment to the Constitution of the United States; and be it further

"*Resolved*, That if, by January 1, 1994, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to prevent the federal judiciary from imposing taxes against the will of the people; and be it further

"*Resolved*, That effective January 1, 1994, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V; but if the Congress proposes an amendment to the Constitution identical in subject matter and intent to that contained in this resolution, to wit no taxation without legislative concurrence, then this application and petition for a constitutional convention shall no longer be of any force or effect; and be it further

"*Resolved*, That this body also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar applications apply to the Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the Congress to call a constitutional convention for the purpose of proposing such an amendment to the United States Constitution; and be it further

"*Resolved*, That copies of this resolution be sent by the Secretary of the Senate and the Chief Clerk of the House of Representatives to each member of the Congress representing Missouri; and be it further

"*Resolved*, That the Secretary of the Senate and the Chief Clerk of the House of Representatives of this state be directed to send copies of this resolution to the Secretary of State and the presiding officer in each house of the legislature in each of the other states in the Union, the Clerk of the United States House of Representatives and the Secretary of the United States Senate."

POM–176. A concurrent resolution adopted by the General Assembly of the State of Missouri; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 7

"Whereas, Presidential authority for a line-item veto is a badly needed fiscal tool that will provide a valuable means to reduce and restrain excessive appropriations; and

"Whereas, the line-item veto would establish a new element of Presidential accountability for correcting abuses of the budget process; and

"Whereas, the line-item veto would reestablish the constitutionally provided system of checks and balances; and

"Whereas, in this century, the Congress of the United States has granted line-item authority in organic laws to the territorial Governors of Hawaii, Alaska, the Philippine Islands, Puerto Rico, Guam, and the Virgin Islands; and

"Whereas, at least forty-three state Governors have used line-item veto authority to eliminate unnecessary expenditure, delete legislative riders, and to prevent pork-barrel appropriations; and

"Whereas, the fiscal policy of our nation is in critical need of strong disciplinary action; and

"Whereas, line-item veto proposals send a clear message to the American people that Congress is making a serious effort to get our nation's fiscal house in order; Now, therefore, be it

Resolved, That the Senate of the Eighty-Seventh General Assembly of the State of Missouri, the House of Representatives concurring therein, hereby urge the Missouri Congressional delegation and their fellow Congressmen to propose and support an amendment to the United States Constitution authorizing the President to disapprove an item of appropriations; and be it further

Resolved, That the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, for the President of the United States Senate, for the Speaker of the United States House of Representatives, and for each member of the Missouri Congressional delegation."

POM–177. A resolution adopted by the Bradley County Bar Association, Cleveland, Tennessee relative to the Federal Judiciary for the Eastern District of Tennessee Southern Division; to the Committee on the Judiciary.

POM–178. A resolution adopted by the Legislature of the State of Florida; to the Committee on Labor and Human Resources.

"SENATE MEMORIAL NO. 4–B

"Whereas, under the Fair Labor Standards Act of 1938, the definition of the term 'employee' does not specifically include any inmate of a penal or correctional institution, and

"Whereas, a number of federal lawsuits are underway which argue that prisoners working in correctional work programs are employees under the Fair Labor Standards Act of 1938: Now, therefore, be it

"*Resolved by the Legislature of the State of Florida*, That the Congress of the United States is urged to amend the Fair Labor Standards Act of 1938 to provide that an inmate who is participating in a correctional work program sanctioned by a state or federal corrections agency or administered by a nonprofit corporation authorized by state law to conduct a correctional work program on behalf of the state is not considered an employee for the purposes of that act: be it further

"*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-179. A resolution adopted by the Legislature of the State of Hawaii relative to the Healthy Families America Initiative; to the Committee on Labor and Human Resources.

"SENATE RESOLUTION NO. 108

"Whereas, the childhood social and health problems our country faces—increasing rates of teen pregnancies, child abuse and neglect, high infant mortality and low immunization rates, and troublesome school readiness issues—continue to plague us although they are preventable; and

"Whereas, intensive home visitor services for at-risk new parents are of significant value; and

"Whereas, Hawaii's statewide intensive home visitation program, Healthy Start, reached over 1,200 families in a two-year period at an estimated cost of $2,200 to $2,500 per family and consistently documented no physical abuse or neglect for over ninety-nine per cent of the high risk families served; and

"Whereas, strategically, it makes sense to focus upon strengthening families from the beginning, when a child is born, building parenting capacity, assuring healthy development and preventing child abuse and neglect and because of its success in doing all these things, Hawaii's Healthy Start program has provided the foundation for a new nationwide initiative which was launched in 1992—Healthy Families America (HFA); and

"Whereas, HFA is an exciting, innovative new initiative designed to establish intensive home visitor services for all new parents and aimed at significantly reducing rates of the interrelated problems of childhood including abuse and neglect, poor child health, and lack of school readiness; and

"Whereas, the key features of the HFA include:

"(1) Universal assessment of all families of newborns around the time of birth;

"(2) In-home support for high risk parents to meet basic family needs for five years or until the child enters a school program;

"(3) Help with parenting to enhance the child's development and readiness for school;

"(4) Linkage with a "medical home" to assure continuity of child health care (timely immunizations, well-baby visits, and the like);

"(5) Linkages to community resources such as the Women, Infants, and Children (WIC) program, Head Start, and substance abuse treatment services to enhance family functioning; and

"(6) Screening to identify development delays and to assure linkage to developmental services;

and

"Whereas, for example, in a study of 400 women at risk for poor pregnancy and child health outcomes, there was an eighty per cent reduction in the incidence of verified cases of child abuse among poor unmarried teenagers who received nurse visitation during the first two years after delivery of the first child and low-income women who were visited by nurses used $3,300 less in other government services during the first four years after delivery than those who were not visited; and

"Whereas, in a future example, low-income parents who received health care services, home visits, and day care services following the birth of their first child ten years later reported higher education levels, greater financial independence, and better school performance than parents of children who had not received early intervention services and who reportedly incurred an additional $40,000 in welfare costs and school services in those ten years; and

"Whereas, longitudinal studies cited by the United States General Accounting Office (GAO) showed that visited families exhibited lasting positive effects, including less welfare dependency, and the GAO further reported that home-visited clients had fewer low-birthweight babies and cases of child abuse and neglect, higher rates of child immunizations, and more age appropriate development; and

"Whereas, the National Center for Children in Poverty, Children's Defense Fund, Child Welfare League of America, American Academy of Pediatrics, American Hospital Association, American Nurses Association, American Public Welfare Association, National Commission on Children, and the Cooperative Extension Service of the United States Department of Agriculture have all voiced strong support for intensive home visitation programs; and

"Whereas, although forty-six states are committed to this effort, a major constraint in moving forward has been a lack of federal funding—there are no existing funding streams for such early intervention programs; and

"Whereas, President Clinton's plan for the national economy includes a proposal to invest in children by specifically increasing spending for Head Start, the WIC program, immunization, and parenting and family support; and

"Whereas, under the Clinton plan, discretionary funds of $60 million in fiscal year 1993–1994 ($1.1 billion over fiscal years 1994–1997) would be set aside to respond to issues in parenting and family support, including activities to help disadvantaged parents work with their children at home: Now, therefore, be it

"*Resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993*, That the President of the United States is urged to support and provide funding for the Healthy Families America initiative to significantly reduce rates of the interrelated problems of childhood including abuse and neglect, poor child health, and lack of school readiness as part of the long-term national economic recovery program; and be it further

"*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation."

POM—180. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the drug manufacturer Roussel-Uclaf; to the Committee on Labor and Human Resources.

"HOUSE JOINT RESOLUTION NO. 585

"Whereas, the drug Mifepristone (RU 486) represents a medical breakthrough of broad applicability; and

"Whereas, because RU 486 acts to block the normal action of the hormone progesterone and acts as an anti-glucocorticoid, the international medical community has identified RU 486 as a promising treatment for medical purposes; and

"Whereas, articles published in the Journal of the American Medical Association and elsewhere, report that RU 486 has beneficial uses in the treatment of endometriosis and prostate and breast cancer; and

"Whereas, the drug also has been used in initial stages of the research for the treatment of several other conditions including Cushing's Syndrome and adrenal cancer; and

"Whereas, after extensive worldwide clinical testing and research, RU 486 was approved and has been available in France since November of 1988 for termination of early pregnancy; and

"Whereas, a new study published in October 1992 in the New England Journal of Medicine concludes that RU 486 is also a highly effective postcoital contraceptive that, according to the authors, "if used more widely, could help reduce the number of unplanned and unwanted pregnancies"; and

"Whereas, a hostile political climate has discouraged Roussel-Uclaf, the French manufacturer of RU 486, from seeking a license to market the compound in the United States; and

"Whereas, other beneficial drugs which happen to induce abortion have nonetheless been approved, including methotrexate, which several decades ago proved to cure cancer (choriocarcinoma) and became the first effective cancer chemotherapy, and likewise the newly marketed drug Accutane acts as an abortifacient; and

"Whereas, the American Medical Association, the American Public Health Association, the American College of Obstetricians and Gynecologists, the American Association for the Advancement of Science, the American Medical Women's Association and hundreds of other medical professionals and interested organizations have formally recognized the importance of RU 486 and support the testing of RU 486 in the United States; and

"Whereas, the legislatures of Hawaii, Maine, California and New Hampshire have joined the call to bring RU 486 to the United States; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the General Assembly request the President and Congress of the United States to call upon the drug manufacturer Roussel-Uclaf to make RU 486 available for research and development in the United States; and, be it

"*Resolved further*, That copies of this resolution be sent by the Clerk of the House of Delegates to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Virginia's Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-181. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION NO. 247

"Whereas, the Louisiana Department of Social Services can ill afford to lose four hundred thousand dollars in federal grant funds for child abuse prevention and treatment under the Child Abuse Prevention and Treatment Act (CAPTA); and

"Whereas, several Christian denominations, including Christian Science, regularly and successfully use spiritual treatment in lieu of medical treatment for themselves and their children; and

"Whereas, this practice of spiritual healing has been considered safe and legal in Louisiana for over one hundred years; and

"Whereas, the practice of spiritual healing has proven for those who use it to be generally as safe as medical treatment, with the rate of serious illness and death now averaging less than half that of the normal population; and

"Whereas, under CAPTA since 1974, most states were permitted to provide that spiritual treatment for children in lieu of medical treatment shall not in and of itself be considered child neglect or maltreatment; and

"Whereas, most states, like Louisiana, have statutes such as the Children's Code in Article 603(14), which state that providing spiritual treatment for children in lieu of medical treatment shall not be considered child neglect nor maltreatment; and

"Whereas, until November 4, 1992, HHS has considered Louisiana's statutes on this subject to be 'in compliance' and therefore eligible for grant funds under CAPTA, which grant funds have in Louisiana amounted to approximately four hundred thousand dollars per year; and

"Whereas, the children of Louisiana would be severely impacted if HHS discontinued the grant of four hundred thousand dollars per year given to Louisiana for child abuse prevention and treatment; and

"Whereas, the change that HHS is now calling for in Louisiana law would alter the definition of neglect in such a way that parents who are Christian Scientists or members of various other Christian churches could be defined as negligent if they prayed for their children in lieu of medical treatment; and

"Whereas, this would clearly prohibit the free exercise of religion as protected by the First Amendment of the United States Constitution; and

"Whereas, when HHS threatened the state of California with this exact same loss of grant funds, the attorney general of California brought suit in federal district court against HHS and won his case on February 9, 1993; and

"Whereas, in that case the federal district judge found that HHS 'acted capriciously and arbitrarily in denying California a Part I grant on the basis of an allegedly noncomplying religious exemption provision' and he further called it a most glaring example of abuse of discretion; and

"Whereas, CAPTA is due for congressional reauthorization in 1994, and several members of congress have promised to address this question with more specific language to guide the department in their granting of funds for child protection. Therefore, be it

"*Resolved* That the Legislature of Louisiana does hereby urge and request Secretary Donna Shalala of the United States Department of Health and Human Services to immediately suspend the demands mentioned in the letter dated November 4, 1992, from Region VI of HHS, and repeated in her letter of April 27, 1993, to Congressman William Jefferson, which find the Louisiana statutes 'not in compliance' regarding their wording in the Children's Code, and that this suspension continue at least until after the 1994 reauthorization of CAPTA by congress. Be it further

"*Resolved*, That the Louisiana Legislature urges Secretary Donna Shalala and her staff to meet as soon as possible in Washington, D.C. with the Christian Science Committee on Publication, and other interested parties, to work out an understanding on this question. Be it further

"*Resolved*, That the Louisiana Legislature intends that Secretary Donna Shalala and her staff at HHS recognize the great importance that the Louisiana Legislature places on the carefully chosen wording of our definition of 'neglect' in the Children's Code, because the Louisiana Legislature desires to establish in its statutes that it is not negligent for a sincere parent to use 'a well recognized religious method of healing with a reasonable proven record of success', in lieu of medical treatment. Be it further

"*Resolved*, That the Louisiana Legislature does hereby memorialize the Congress of the United States, and particularly the members of the Louisiana congressional delegation, to take all appropriate action to encourage Secretary Shalala to suspend these actions of her department relative to the reduction of grants funds under the Child Abuse Prevention and Treatment Act of 1974: Be it further

"*Resolved*, That copies of this Resolution be transmitted to Donna Shalala, secretary of the United States Department of Health and Human Services, to the clerk of the United States House of Representatives, to the secretary of the United States Senate, and to each member of the Louisiana congressional delegation."

POM-182. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION NO. 302

"Whereas, a bill entitled by its sponsors the "Freedom of Choice Act", or FOCA, now being considered by the Congress of the United States, would purport to invalidate most Louisiana laws on abortion, many of which have never been enjoined from enforcement, and would purport to prevent Louisiana from enacting meaningful limits on abortions, even late-term abortions; and

"Whereas, the FOCA would purport to prohibit Louisiana from enacting any enforceable limitations on late-term abortions, since it provides that 'a state may not restrict the right of a woman to choose to terminate a pregnancy' for any reason 'before viability', including during the fourth, fifth, and sixth months of pregnancy, or 'at any time, if such termination is necessary to protect the life or health of the woman', and since the 1992 Senate Labor and Human Services Committee Report makes clear that 'health' must be interpreted as encompassing 'all factors—physical, emotional, familial, and the woman's age—relevant to the well-being' of the woman, meaning that even after viability abortion must in practice be permitted essentially on demand; and furthermore the bill does not define 'viability' while the committee report states that only the doctor may define it, precluding legally binding limits; and

"Whereas, the FOCA does not define 'viability'; and

"Whereas, the FOCA would purport to invalidate R.S. 40:1299.35.2(A), the Louisiana requirement that only licensed physicians may perform abortions, since the 1992 U.S. Senate Labor and Human Resources Committee Report in effect invites litigation to strike down a physician requirement on the basis that it is not 'medically necessary' that physicians, as opposed to other trained personnel, perform abortions; and

"Whereas, the FOCA would purport to invalidate R.S. 40:1299.34.5, which prevents the use of our citizens' tax dollars to provide operating rooms and equipment in public hospitals for the performance of abortions, except when an abortion is necessary to prevent the death of the mother, thereby effectively overturning the 1977 Supreme Court ruling in Poelker v. Doe, 432 U.S. 519 (1977); and

"Whereas, the FOCA would purport to invalidate R.S. 40:1299.35.6, the Louisiana informed consent law, in its entirety, including provisions that give a woman seeking an abortion the right to know the probable number of weeks since conception of her unborn child, the anatomical and physiological development of that unborn child, whether the unborn child is viable, the abortion procedure to be used, and the particular medical risks associated with the abortion procedure to be used, and which also give her the right to obtain a list of the public and private agencies and services that may be available to assist her during pregnancy and after birth of her child; and

"Whereas, the FOCA would purport to invalidate R.S. 40:1299.35.5, Louisiana's requirement that a minor seeking an abortion first obtain consent of a parent or authorization of a court before an abortion, because the FOCA purports to allow a state to require only "parental involvement" such as parental notification, not consent, and would not even allow the state to require mere notification unless the state law also provides each minor the option of consulting an "other responsible adult", thereby circumventing the involvement of a minor's parents; and

"Whereas, the House version of FOCA purport to allow a state to protect individuals from being forced to participate in abortions, but not hospitals which are conscientiously opposed, and thus it would purport to invalidate R.S. 40:1299.32 which protects the freedom of hospitals to refuse to make their facilities available for the performance of abortions, exposing Louisiana's hospitals that refuse to perform abortions to lawsuits seeking to force them to perform abortions against their conscience; and

"Whereas, since the FOCA would purport to require a state to prove that any health regulation of abortion is "medically necessary" to protect the health of women undergoing such procedures, the requirement of R.S. 40:1299.35.2(B) that an ultrasound test be performed before an abortion, and the provisions in R.S. 40:1299.35.10 requiring the reporting of complications and information about abortions, would be held to a higher scrutiny in determining their validity than Louisiana reporting requirements for other medical procedures; and

"Whereas, President Clinton has proposed taxpayer funding of abortion, taxpayer funding of fetal experimentation, and taxpayer funding of abortion counseling; and

"Whereas, a large segment of our population opposes abortion and especially opposes using their tax dollars to promote abortion; and

"Whereas, a physician performing abortions was recently murdered in the state of Florida, and such criminal activity is unlawful, immoral, and destructive of the role of law; and

"Whereas, the FOCA is an attack on the right to life of our citizens' and proposes an unconstitutional violation of the power of the state of Louisiana to protect our citizens. Therefore, be it

"*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to oppose and defeat the bill entitled the "Freedom of Choice Act" which would purport to invalidate virtually every law on abortion enacted by the people of Louisiana through their elected officials and prevent Louisiana from enacting any enforceable limits on abortions. Be it further

"*Resolved*, That the Legislature of Louisiana does hereby further memorialize the Congress of the United States to defeat all proposals, and to remove existing authority, for the funding of abortions, fetal experimentation, or abortion counseling through the use of taxpayer funds. Be it further

"*Resolved*, That the Legislature of Louisiana does also urge and request all law enforcement agencies and officers in Louisiana to actively enforce all laws and regulations of the state of Louisiana and its agencies and subdivisions on abortion which have not been enjoined from enforcement. Be it further

"*Resolved*, That the Legislature of Louisiana condemns all acts of violence connected with the controversy over abortion and urges all parties to use nonviolent means to express their views. Be it further

"*Resolved*, That copies of this Resolution be transmitted to the president and secretary of the United States Senate and to the speaker and clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation, and that a copy also be transmitted to Louisiana Attorney General Richard Ieyoub who is hereby requested to make its contents known to all law enforcement agencies and officers in the state."

POM-183. A joint resolution adopted by the Legislature of the State of Nevada relative to the ENABLE demonstration project; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION NO. 27

"Whereas, Resources from federal, state and local governments for funding health and human services are declining; and

"Whereas, There is increased public and governmental awareness of the desirability and necessity of coordinating health and human services for cost effectiveness; and

"Whereas, Rural master planning for health and human services has consistently articulated the need for integrated eligibility determination and service delivery, through "one-stop shopping" for services; and

"Whereas, Research consistently demonstrates that the self-sufficiency of clients is attainable only when all of a family's needs are addressed holistically; and

"Whereas, The creation of a family service network can more effectively utilize existing resources and allocations; and

"Whereas, Federal money for demonstration projects is available for innovative methods of service delivery; and

"Whereas, the ENABLE demonstration project would provide 17 Family Service Centers throughout rural Nevada; now, therefore, be it

Resolved, by the assembly and Senate of the State of Nevada jointly, That the Nevada Legislature hereby urges Congress to fund the ENABLE demonstration project in an effort to provide better health care services in rural Nevada; and be it further

Resolved, That this body urges state agencies and county governments to support and cooperate with the ENABLE demonstration project; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-184. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION NO. 10

"Whereas, Chronic fatigue syndrome, also known as Epstein-Barr syndrome and chronic fatigue immune dysfunction syndrome, is a recently discovered illness for which there is no known cure or effective treatment; and

"Whereas, Recent biomedical research has identified chronic fatigue syndrome as a serious illness which affects a number of systems within the human body including the immune system; and

"Whereas, The syndrome is characterized primarily by a chronic debilitating fatigue and many influenza-like symptoms and is often accompanied by a variety of cognitive dysfunctions; and

"Whereas, More serious and longer lasting neurologic impairments may include seizures, psychosis and dementia; and

"Whereas, Victims of this syndrome often experience symptoms of sufficient severity to qualify them for social security disability; and

"Whereas, There is an urgent need to expand the public health response to this disease, which has been identified in every state, and which the Centers for Disease Control have called an emerging epidemic; and

"Whereas, Estimates of the afflicted range as high as 1½ percent of the national population, or approximately 3,750,000 persons; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, Jointly*, That the Nevada Legislature respectfully urges the President and Congress to increase the amount of financial assistance allotted to research chronic fatigue syndrome and to develop effective treatments and a cure for this disease; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-185. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION NO. 18

"Whereas, The family unit is the basic institution in American society in which morals, social skills, traditions and other values essential to our society are imparted to younger generations; and

"Whereas, The enactment of laws forms the structure in which all citizens must function in an ordered society and often has far-reaching effects not easily foreseen at the time of enactment; and

"Whereas, The use of family impact statements, which analyze proposed federal legislation to determine whether it will strengthen or erode the stability of the family, was begun in the early 1970's; and

"Whereas, Such statements have been helpful in determining the effect policies relating to such issues as medical care, urban renewal, tax laws and public education, will have on children and their parents; and

"Whereas, Family impact statements have been ignored in recent years as policy makers often disagree on what actions are necessary to preserve and foster family stability; and

"Whereas, The preservation of the family should be given the utmost consideration by all legislative bodies in the United States; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, Jointly*, That the Nevada Legislature urges the Congress of the United States to give special consideration to the effect that proposed legislation relating to human resources and the delivery of social services will have on the stability and unity of families in the United States; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-186. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Rules and Administration.

"JOINT RESOLUTION NO. 23

"Whereas, The right to vote is considered a fundamental right in the United States, the exercise of which should not be discouraged; and

"Whereas, The hours for the opening and closing of the polls in elections for national officers are determined by the individual states and vary greatly based upon the particular needs of each state; and

"Whereas, Voters who reside in states located within time zones in the western portion of the United States often learn of election results in states located within time zones in the eastern portion of the United States before the close of the polls in their own states; and

"Whereas, Such election results may indicate that a candidate has an overwhelming lead over an opposing candidate, thereby creating the impression that the vote of one person is futile or of little consequence and discouraging some voters from exercising their right to vote; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, Jointly*. That the Nevada Legislature hereby urges Congress to enact legislation which establishes uniform hours for the closing of polls across the nation in elections for national officers; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-187. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs.

"JOINT RESOLUTION

"We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the United States Postal Service, as follows:

"Whereas, the people of the Village of St. George, Maine, had enjoyed the convenience of a post office for more than 160 years; and

"Whereas, the people of the Village of St. George had been assured by authorities of the United States Postal Service that the post office would not be closed before a public hearing was held and serious consideration given to the sentiments and needs of the people; and

"Whereas, authorities of the United States Postal Service made the decision to close the St. George Post Office and, feigning an emergency, did indeed shut the door of that office without a public hearing and with less than a week's notice to postal customers; and

"Whereas, any opinions of the people, expressed at a hearing that may occur after the decision has already been made and the closing accomplished, are rendered ineffective; and

"Whereas, such an arbitrary and irregular act on the part of the Postal Service puts the creditability and integrity of the United States Government into dispute; and

"Whereas, such abuse of authority by one level of government is imputed, in the public mind, to all levels of government, thus eroding respect for all governing bodies and public officials; and

"Whereas, people of the Village of St. George have no recourse save through the collective voice of the people's representatives here assembled; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully recommend and urge that any act by a governmental body be carried out according to procedures established to ensure that the voices of the people be heard and their wishes respected; and be it further

"*Resolved*, That We further remonstrate against the arbitrary action of the United States Postal Service in closing the door of the St. George Post Office without considering the opinions and needs of the people of that place; and be it further

"*Resolved*, That We further urge the responsible authorities to rectify this injustice; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the United States Postal Authorities in Maine, the Postmaster General of the United States and to each member of the Maine Congressional Delegation."

POM-188. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Veterans' Affairs.

"JOINT RESOLUTION

"We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

"Whereas, there currently exists a critical shortage of burial spaces for Maine's veterans, a problem which promises to worsen in the future; and

"Whereas, the nearest national cemetery is in Massachusetts, too far away for central and northern Maine veterans and their families; and

"Whereas, the Maine Veterans' Memorial Cemetery is open only to those veterans who served during specific time periods, specifically war-time service; and

"Whereas, the few remaining spaces at the Togus Veterans Administration cemetery are reserved only for veterans who have reservations on file; and

"Whereas, there are currently 2 bills before the Congress of the United States making National Guard and Reserve members eligible for burial in national cemeteries, which would further compound the need for burial spaces; and

"Whereas, the closing of the Loring Air Force Base in 1994 creates an opportunity to establish a national or state cemetery and as the portion of land needed for a cemetery, 80 acres, is a small percentage of the land available; and

"Whereas, the United States Veterans Administration is in the process of identifying areas in greatest need of a national cemetery and submitted a report in January 1993 to the Congress of the United States; and

"Whereas, the possibility now exists of receiving federal funds from the Veterans Administration for establishment of a new state veterans' cemetery; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to direct the United States Veterans Administration to recognize the problem of proper burial space for Maine's veterans and to provide a solution to that problem by establishing a national cemetery in Maine or, in the alternative, by providing the necessary federal funding for a state veterans' cemetery; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 919. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes (Rept. No. 103-70).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S.J. Res. 32. A joint resolution calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court (Rept. No. 103-71).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 121. A bill to authorize a certificate of documentation for the vessel *Enterprise* (Rept. No. 103-72).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 122. A bill to authorize a certificate of documentation for the vessel *Kalena* (Rept. No. 103-73).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 386. A bill to authorize a certificate of documentation for the vessel *Pandacea* (Rept. No. 103-74).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 444. A bill to require a study and report on the safety of the Juneau International Airport, with recommendations to Congress (Rept. No. 103-75).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 888. A bill to authorize a certificate of documentation and a coastwise and fishery endorsement for the vessel *Reel Class* (Rept. No. 103-76).

S. 889. A bill to authorize the certificate of documentation for the vessel *Da Warrior* (State of Hawaii registration number HA 161 CP) to be endorsed with a fishery endorsement (Rept. No. 103-77).

S. 1006. A bill to authorize a certificate of documentation for the vessel *Arbitrage II* (Rept. No. 103-78).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 412. A bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes (Rept. No. 103-79).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 568. A bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes (Rept. No. 103-80).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 28. A concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations;

Alexander Fletcher Watson, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State;

Daniel K. Tarullo, of Massachusetts, to be an Assistant Secretary of State;

Robert E. Hunter, of the District of Columbia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with rank and status of Ambassador Extraordinary and Plenipotentiary;

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: Robert E. Hunter.

Post: Ambassador to North Atlantic Council (NATO).

Contributions, amount, date, and donee:

1. Self: 1989—June, Friends of Les Aspin, $250, July, Dollars for Democrats (DC Democratic Party), $50. 1990—Feb, Dollars for Democrats (DC Democratic Party), $100; June, Friends of Les Aspin, $100; October, Friends of Les Aspin, $50. 1991—March, Wyche Fowler for Senate, $200. 1992—January, Clinton for President, $250; May, Fowler for Senate, $300; June, Friends of Les Aspin, $100; September, Coloradans for David Skaggs, $100; October, Vickery for Congress, $100; October, Fowler for Senate, $100; November, Fowler for Senate, $250. 1993—None.

2. Spouse: Shireen Hunter, none.

3. Children and spouses names: None.

4. Parents names: Inez Hunter (deceased), Robert Hunter Jr., none. Alberta Hunter (stepmother), none.

69-059 O—97 Vol. 139 (Pt. 10) 36

5. Grandparents names: Robert & Viola Hunter (deceased); David & Myrtle Evans (deceased).

6. Brothers and spouses names: David E. Hunter, none.

7. Sisters and Spouses names: none.

Raymond Leo Flynn, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See;

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: Raymond Leo Flynn.

Post: Ambassador To The Holy See.

Contributions, amount, date and donee:

1. Self: Raymond L. Flynn, none.

2. Spouse: Catherine P. Flynn, none.

3. Children and spouses names: Raymond L. Flynn, Jr.; none. Julie A. Flynn, none. Katherine E. Flynn, none. Edward M. Flynn, none. Nancy E. Flynn, none. Maureen E. Flynn, none.

4. Parents names: Stephen Flynn, deceased; Lillian Flynn, deceased.

5. Grandparents names: John J. Flynn, deceased; Ellen Flynn, deceased.

6. Brothers and spouses names: Stephen Flynn, none. Dennis Flynn, none. Rosemary Flynn, none. Albert Flynn, none. Bridget Flynn, none.

7. Sisters and spouses names: NA.

Christopher Finn, of New York, to be Executive Vice President of the Overseas Private Investment Corporation; and,

Penn Kembel, of New York, to be Deputy Director of the United States Information Agency.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted Committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1168. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus drivers shall be allowable in computing adjusted gross income; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1169. A bill to provide an exception to coverage of State and local employees under Social Security; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1170. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. PRYOR, Mr. BOREN, and Mr. CHAFEE):

S. 1171. A bill to amend the Internal Revenue Code of 1986 with respect to the taxation of certain sponsorship payments to tax-exempt organizations and certain amounts received by Olympic organizations; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. LIEBERMAN):

S. 1172. A bill to amend the National Defense Authorization Act for Fiscal Year 1993, to impose sanctions on certain transfers of equipment and technology used in the manufacture or delivery of weapons of mass destruction and to impose additional sanctions for violations of that Act; to the Committee on Foreign Relations.

By Mr. RIEGLE:

S. 1173. A bill to provide for a comprehensive reduction in the United States bilateral trade deficit with Japan, to assure mutually advantageous international trade in motor vehicles and motor vehicle parts, and for other purposes; to the Committee on Finance.

By Mr. COHEN:

S. 1174. A bill for the relief of Olga D. Zhondetskaya; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MACK, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1175. A bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes; to the Committee on Finance.

By Mr. KOHL:

S. 1176. A bill to clarify the tariff classification of certain plastic flat goods; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1177. A bill to amend title 38, United States Code, to extend the authority of the Veterans' Advisory Committee on Education, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GLENN:

S. 1178. A bill to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. GORTON, and Mr. DANFORTH):

S. 1179. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1168. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus drivers shall be allowable in computing adjusted gross income; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1169. A bill to provide an exception to coverage of State and local employees under Social Security; to the Committee on Finance.

TAX RELIEF FOR SCHOOL BUS DRIVERS

• Mr. JOHNSTON. Mr. President, today I am introducing legislation identical to that which I introduced during the 102d Congress to help assist our Nation's school bus drivers who provide a very important role in the education of our children. Recently, several broad based tax provisions have been enacted into law which adversely affect school bus drivers. The bills that I am introducing today will provide some of our most dedicated school employees with relief which they need and deserve.

The first measure would permit bus drivers to deduct actual operating expenses, regardless of whether or not they itemize on their Federal tax returns. This was the law prior to the enactment of the Tax Reform Act of 1986. Under current law, however, school bus drivers' actual expenses are treated as miscellaneous expenses, thus limiting the deduction to those who itemize and subjecting it to the 2-percent floor. This floor has prevented many school bus drivers from qualifying for any deduction for their actual operational expenses because they cannot meet the 2-percent floor applicable to miscellaneous itemized deductions. The result has been a substantial increase in school bus drivers' annual income tax liability. Moreover, even those bus drivers who itemize and qualify for deductions under the 2-percent floor have been penalized, especially those who file joint returns.

The second measure would exempt school bus drivers—and other State and local employees who work on a part-time, seasonal, or temporary basis—from paying Social Security taxes. Many of these individuals are already covered under State and local retirement systems; however, the law currently requires that they pay into Social Security as well. The result is increased costs to the employer and smaller take home pay checks for the employees. Perversely, some States may even decide to remove these workers from their retirement systems, which could result in a reduction in or loss of retirement benefits for which the employees have worked for many years.

Education is the cornerstone of personal achievement; it is the most effective means we have to expand the economic and social opportunity in our State. But we cannot improve our educational system in Louisiana without commitment—commitment to those professionals—our teachers, our bus drivers, our administrators—those who work together in a cooperative effort to the education of our youth.

Our school bus drivers do a yeoman's job in transporting future generations to and from school. We all agree that the education of our youth should be one of our highest priorities. Let's pass this legislation and provide some relief to those individuals who make it possible for our children to arrive at school in a safe and timely manner.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1168

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

SECTION 1. DEDUCTIONS OF SCHOOL BUS DRIVERS ALLOWABLE IN COMPUTING ADJUSTED GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 62(a) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end thereof the following new subparagraph:

"(C) CERTAIN EXPENSES OF SCHOOL BUS DRIVERS.—The deductions allowed by part VI (section 161 and following) which consist of expenses paid or incurred by the taxpayer in connection with the performance by the taxpayer of services as an employee while driving a school bus (as defined in section 4221(d)(7)(C)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

S. 1169

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

SECTION 1. EXCEPTION TO COVERAGE OF STATE AND LOCAL EMPLOYEES UNDER SOCIAL SECURITY.

(A) EMPLOYMENT UNDER OASDI.—Subparagraph (F) of section 210(a)(7) of the Social Security Act (42 U.S.C. 410(a)(7)) is amended—

(1) by striking "or" at the end of clause (iv),

(2) by inserting "or" at the end of clause (v), and

(3) by inserting after clause (v) the following new clause:

"(vi) by an individual who is characterized as a part-time, seasonal, or temporary employee by such retirement system;".

(b) EMPLOYMENT UNDER FICA.—Subparagraph (F) of section 3121(b)(7) of the Internal Revenue Code of 1986 is amended—

(1) by striking "or" at the end of clause (iv),

(2) by inserting "or" at the end of clause (v), and

(3) by inserting after clause (v) the following new clause:

"(vi) by an individual who is characterized as a part-time, seasonal, or temporary employee by such retirement system;".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to serve performed after December 31, 1992.•

By Mr. CAMPBELL:

S. 1170. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Energy and Natural Resources.

OIL AND GAS LEASE LEGISLATION

• Mr. CAMPBELL. Mr. President, I rise and send to the desk a bill to help our Nation satisfy its energy needs.

Trapped beneath the naval oil shale reserves, two of which are located in Garfield County, CO, are trillions of cubic feet of natural gas. This natural resource can now only be developed if the Department of Energy [DOE] signs an exclusive contract with a producer.

Simply put, DOE's program to produce natural gas from the reserves is not working. Left to its own devices, the Department has lost money even though natural gas may be this country's hottest commodity. The Department's own records show that in 1990 it derived only $143,000 in revenue, when it cost more than $1.9 million to administer the program. In contrast, if the Interior Department is put in charge of this program, and competitively leases the area to private industry, the taxpayers stand to make at least $200,000 per well simply because private industry is more efficient.

Therefore, my bill will accomplish several goals:

First, it will allow the Department of the Interior and the Department of Energy to work cooperatively to establish a program to competitively lease this resource;

Second, it will allow the Secretary of the Interior, acting through the Bureau of Land Management, to manage the surface of these lands pursuant to the Federal Land Policy and Management Act of 1976;

Third, it will require that a royalty be paid to the Federal Treasury.

While we are all aware of wasteful Government programs, it has clearly been Congress's intent to make oil and gas leasing a profitable enterprise. In fact, next to income tax, revenues from oil and gas leasing represent the country's second largest source of revenue.

Congress is also familiar with proposals to open the naval oil shale reserves. In 1975, an act was passed that specifically authorized the production of oil and natural gas from the naval petroleum reserves and the naval oil shale reserves that were set aside by Executive orders in 1913 and 1924.

This bill will expand on that effort. It also would not affect the Navy's ability to access the oil shale should it ever become a realistic source of energy because the shale resource will remain with the Navy.

Now, however, the current withdrawal effectively locks up all oil and gas development in this area. This is due not only to the withdrawals themselves, but also to a 1-mile no-lease buffer zone along the outer edges.

As I have said, allowing the Department of the Interior to help the Department of Energy to manage this resource pursuant to the provisions of the 1920 Mineral Lands Leasing Act also will provide an immediate and additional source of revenue from royalties paid on production. The revenue from the development of trillions of cubic feet of gas will be a shot in the arm to communities still reeling from the pull-out of the last oil company that attempted to profit from the development of oil shale.

Because the BLM will manage the surface of the reserves pursuant to the Federal Land Management and Policy Act, my bill will mean that for once, the Government must thoroughly study the impacts drilling will have on the environment.

The Treasury also stands to gain because the Federal Government gets at least 50 percent of the royalties on production. Some may argue, however, the under the current program, 100 percent of the revenues go to the Treasury. The fact is, that there are no revenues because the DOE loses money on its program. One hundred percent of nothing is still nothing.

I realize Congress has been reluctant to open the reserves in the past because it envisioned the reserves as more of a strategic storage reserve than as a source for additional natural gas. I believe the situation is much different today. With the recent passage of the Clean Air Act, natural gas and low sulfur coal will be the fuels of choice for many utilities and industries. It is time to refocus attention to these underutilized resources and this poorly run Government program.

I hope my colleagues will support me in my efforts.

I would also ask that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 1170

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

SEC. 2. Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding the following new subsection at the end thereof:

"(0)(1) AUTHORITY TO LEASE.—Notwithstanding any other Provision of law, the Secretary of the Interior, in consultation with the Secretary of Energy, may lease for oil and gas exploration, development and production the public domain lands located in Garfield County, Colorado, reserved by Executive Order of the President dated December 6, 1916 (as amended by Executive order of the President dated June 12, 1919), and by Executive Order of the President dated September 27, 1924, Subject to valid existing rights, and pursuant to the requirements of this Act.

"(2) MANAGEMENT.—The Secretary of the Interior, through the Bureau of Land Management, shall hereafter manage the surface estate in the lands covered by this subsection, pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, et seq.), and other laws applicable to the public lands.

"(3) ROYALTY.—A lease of lands by the Secretary of the Interior under this subsection shall be conditioned upon the payment of a royalty pursuant to subsection (b) of this section, except that the Secretary may establish a sliding scale royalty of not less than 12.5 percent and not more than 25 percent in amount or value of the production removed or sold from the lease,

"(4) EXISTING EQUIPMENT.—The lease of lands by the Secretary under this subsection may include the transfer, at fair market value, of wells, gathering lines, and related equipment owned by the United States on the lands referenced in paragraph (1) and suitable for use in the exploration, development or production of hydrocarbons on such lands.".•

By Mr. BREAUX (for himself, Mr. PRYOR, Mr. BOREN, and Mr. CHAFEE):

S. 1171. A bill to amend the Internal Revenue Code of 1986 with respect to the taxation of certain sponsorship

payments to tax-exempt organizations and certain amounts received by Olympic organizations; to the Committee on Finance.

CLARIFYING THE TAX TREATMENT OF CORPORATE SPONSORSHIP

• Mr. BREAUX. Mr. President, I rise to introduce a bill that preserves an important source of support for tax-exempt organizations and the worthy causes they advance. My bill provides precise rules on when corporate contributions received by tax-exempt organizations are subject to tax. It is identical to language we passed in H.R. 11, the Revenue Act of 1992. President Bush vetoed H.R. 11 for reasons unrelated to the corporate contribution provisions.

Under current law, tax-exempt organizations generally are not taxed on their income. In certain situations, however, such income is subject to the Tax Code's unrelated business income tax [UBIT]. In order to be subject to UBIT, the income must be derived from a trade or business, which is regularly carried on, and which is not substantially related to the performance of the organization's tax-exempt functions.

The IRS has initiated audits over the past few years involving numerous and diverse tax-exempt organizations and their income from corporate sponsors. Some IRS auditors have tried to use the Tax Code's UBIT rules to tax corporate sponsorship payments, if the organization agrees to provide recognition to its sponsor. These unnecessary and expensive audits must be stopped.

The bill I am introducing today clarifies that, in certain circumstances, corporate contributions to tax-exempt organizations will remain tax free. This bill was developed from the many comments received from charitable organizations around the country and the efforts last year of the minority and majority staffs of the Finance and Ways and Means Committees.

Only qualified sponsorship payments received in connection with qualified public events are covered by this bill. The event must be conducted by a tax-exempt organization described in paragraph (3), (4), (5), or (6) of section 501(c) of the Tax Code. The event must also be either first, a public event that is substantially related to the exempt purposes of the organization conducting the event, or second, any other public event if that event is the only event of that type conducted by such organization during a calendar year, and such event does not exceed 30 consecutive days.

The bill also states that the corporate sponsor cannot receive any substantial return benefit other than:

First, the use of the name or logo of the sponsor's trade or business in connection with a qualified public event under arrangements, including advertising, in connection with such event which acknowledges such person's sponsorship or promotes such person's products or services, or

Second, the furnishing of facilities, services, or other privileges in connection with such event, to individuals designated by such person.

Mr. President, it might be best to explain how my bill works by using a few examples. If a corporation provides funding for a symphony performance—an event which is related to the symphony's exempt purpose—the organization is not taxed upon receipt of the contribution even if the symphony performs many times throughout the year.

In comparison, if the symphony puts on a fundraising event—such as a fun run—and receives support from a corporate sponsor, those funds can still be tax free to the organization if the event is undertaken and concluded within a consecutive 30-day period, and the event is the only one of its kind conducted during a 1 year period.

This legislation also clarifies that royalty income received by the local organization committee for the 1996 summer Olympic games and the U.S. Olympic Committee will remain tax free. This provision is necessary because of the direction the IRS has been taking in the UBIT area. Since no public funds are expected to be allocated to these games, the tax-exempt organizations conducting the Olympics need this clarification to facilitate their financing efforts.

My bill will help ensure that IRS' proposed audit guidelines, issued last year, on corporate sponsorship payments are never finalized. While the IRS seems to have retracted this position through the release in January of proposed regulations, the risk to many tax-exempt organizations of final guidelines is so great, that the certainty of legislation is vital. Hundreds of tax-exempt organizations of all types—cultural, health, and sports—from around the country submitted comments opposing these guidelines out of fear that they would not be able to attract corporate funding for their exempt activities and that the benefit of the funds they do receive would be reduced.

This legislation should have minimal revenue impact. After passage of this provision in H.R. 11, the IRS issued proposed regulations in January on corporate sponsorship payments. The proposed rules generally reach the same conclusion as my bill, namely, that the simple recognition of corporate sponsors is not a taxable trade or business to these organizations. This bill would ensure that the IRS is never forced to backtrack on this position.

Mr. President, in these days of fiscal austerity, funding for domestic programs at all levels of government is being reduced. It simply does not make sense to reduce funding for these programs and simultaneously discourage the private sector from making up for the shortfall. My bill is a step in the right direction. It would help prevent a misguided IRS audit position from not only harming the thousands of tax-exempt organizations in communities across the country that rely on corporate contributions, but also the worthy causes they advance.

I urge my colleagues to cosponsor this legislation and support its enactment this year, and ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1171

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

SECTION 1. EXCLUSION FROM UNRELATED BUSINESS TAXABLE INCOME FOR CERTAIN SPONSORSHIP PAYMENTS.

(a) IN GENERAL.—Section 513 of the Internal Revenue Code of 1986 (relating to unrelated business taxable income) is amended by adding at the end thereof the following new subsection:

"(i) TREATMENT OF CERTAIN SPONSORSHIP PAYMENTS.—

"(1) IN GENERAL.—The term 'unrelated trade or business' does not include the activity of soliciting and receiving qualified sponsorship payments with respect to any qualified public event.

"(2) QUALIFIED SPONSORSHIP PAYMENTS.—For purposes of this subsection, the term 'qualified sponsorship payment' means any payment by any person engaged in a trade or business with respect to which there is no arrangement or expectation that such person will receive any substantial return benefit other than—

"(A) the use of the name or logo of such person's trade or business in connection with any qualified public event under arrangements (including advertising) in connection with such event which acknowledge such person's sponsorship or promote such person's products or services, or

"(B) the furnishing of facilities, services, or other privileges in connection with such event to individuals designated by such person.

"(3) QUALIFIED PUBLIC EVENT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified public event' means any event conducted by an organization described in paragraph (3), (4), (5), or (6) of section 501(c) or by an organization described in section 511(a)(2)(B) if such event is—

"(i) a public event the conduct of which is substantially related (aside from the need of the organization for income or funds or the use it makes of the profits derived) to the exempt purposes of the organization conducting such event, or

"(ii) any public event not described in clause (i) but only if such event is the only event of that type conducted by such organization during a calendar year and such event does not exceed 30 consecutive days.

An event shall be treated as a qualified public event with respect to all organizations referred to in the preceding sentence which receive sponsorship payments with respect to such event if such event is a qualified public event with respect to 1 of such organizations; except that a payment shall be treated as not being from an unrelated trade or business by reason of this sentence only to the

extent that such payment is used to meet the expenses of such event or for the benefit of the organization with respect to which such event is a qualified public event (determined without regard to this sentence).

"(B) EXEMPT PURPOSE.—For purposes of subparagraph (A), the term 'exempt purpose' means any purpose or function constituting the basis for the organization's exemption under section 501 (or, in the case of an organization described in section 511(a)(2)(B), the exercise or performance of any purpose or function described in section 501(c)(3)).

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to prevent the avoidance of the purposes of this subsection through the use of entities under common control."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to events conducted after December 31, 1992.

SEC. 2. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY OLYMPIC ORGANIZATIONS.

In the case of a qualified amateur sports organization described in section 501(j)(2) of the Internal Revenue Code of 1986, or an organization which would be so described but for the cultural events it organizes in connection with national or international amateur sports competitions—

(1) for purposes of section 512(b) of such Code, the term "royalty" includes any income received (directly or indirectly) by such organization if a substantial part of the consideration for such income is the right to use trademarks, designations, or similar properties indicating a connection with the Olympic Games to be conducted in 1996 or related events or the participation of the United States Olympic Team at such Games or events, and

(2) nothing in section 514 or 512(b) of such Code shall be construed as treating any amount treated as royalty under paragraph (1) as an item of income from an unrelated trade or business.●

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 1172. A bill to amend the National Defense Authorization Act for fiscal year 1993, to impose sanctions on certain transfers of equipment and technology used in the manufacture or delivery of weapons of mass destruction and to impose additional sanctions for violations of that act; to the Committee on Foreign Relations.

IRAN-IRAQ ARMS NON-PROLIFERATION AMENDMENTS OF 1993

Mr. MCCAIN. Mr. President, today Senator LIEBERMAN and I come to the floor to introduce the Iran-Iraq Arms Non-Proliferation Amendments of 1993, a bill to revise and add to the National Defense Authorization Act for fiscal year 1993.

At the outset, Mr. President, I would like to express my appreciation to Senator LIEBERMAN and his staff who worked with us to craft this legislation. With this bill, we hope to continue in a bipartisan effort and move forward in cooperation with the executive branch to reduce what is clearly the greatest threat to world peace in the world today, the proliferation of weapons of mass destruction.

The legislation that we introduce today will contribute to the stability of the Middle East by placing further constraints on the ability of Iran and Iraq, two of the world's most threatening states, to acquire weapons of mass destruction.

This bill builds on previous legislation, which I cosponsored with then-Senator GORE and was subsequently passed by the Senate, to establish new sanctions on foreign enterprises and governments who provide Iran and Iraq with the military equipment and technology used in the manufacture or delivery of weapons of mass destruction or the means of their delivery.

KEY PROVISIONS OF THE MCCAIN-LIEBERMAN BILL

Although the amendments made by our bill are complex, the key portions are easy to summarize.

This legislation does not introduce new export penalties for U.S. firms. It does clearly set forth United States policy toward sales to Iran and Iraq, and reinforces the importance of enforcing current law such as the Atomic Energy Act of 1954, the Arms Export Control Act, the Export Administration Act of 1979, and the Missile Technology Control Regime.

Its primary purpose, however, is to put added pressure on Iran and Iraq's foreign suppliers—the nations which have provided virtually all of the supplies and technologies for Iran's and Iraq's efforts to develop weapons of mass destruction.

It builds on existing law that prohibits persons and countries from transferring or retransferring goods or technology that would contribute knowingly and materially to efforts by Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons, and extends this prohibition to include transfers that would contribute to the efforts of Iran or Iraq to acquire weapons of mass destruction or the means of delivery.

Most importantly, this legislation strengthens existing mandatory sanctions for foreign enterprises and governments that violate these restrictions, and provides the President with new discretionary sanctions. It acts to deter or prevent foreign countries and companies from transferring weapons of mass destruction to Iraq and Iran by confronting them with clear legal and economic penalties.

THE MANDATORY SANCTIONS

The impact of the mandatory sanctions may be summarized as follows. Existing law sets forth the following mandatory sanctions against foreign persons and countries:

First, suspension of United States and multilateral development bank assistance;

Second, suspension of codevelopment, coproduction, military, and dual-use technical exchange agreements; and

Third, prohibitions on the export of all items on the U.S. munitions list to the violating country.

This legislation recognizes the fact that sanctions focused primarily against United States firms do not affect Iran and Iraq's major suppliers.

This legislation adds mandatory sanctions against imports and transiting United States territory that apply to, "foreign countries and persons that transfer weapons of mass destruction, destabilizing numbers and types of conventional weapons, or equipment and technology that assist in enhancing the capabilities of Iran and Iraq to manufacture and deliver such weapons."

The mandatory sanctions in our bill apply to all offenders, although there is a Presidential waiver in the event of urgent national security needs.

THE DISCRETIONARY SANCTIONS

Existing law sets forth mandatory procurement and export sanctions, and no discretionary sanctions. The discretionary sanctions in our bill provide the President with a range of additional measures that he can impose to penalize severe or repeat offenders. It also provides for the discretionary use of authorities of the International Emergency Economic Powers Act.

It provides for the following discretionary sanctions against both foreign countries and foreign persons that knowingly and materially contribute to the efforts of Iran or Iraq to acquire destabilizing advanced conventional weapons and weapons of mass destruction:

First, prohibitions against assistance from financial institutions;

Second, a blocking of international financial transactions; and

Third, the suspension of U.S. aviation and port rights.

Our bill also provides the President with the power to take the following additional discretionary actions to impose on foreign countries:

First, denial of most-favored-nation status;

Second, suspension of diplomatic relations, special trade privileges, and trade agreements; and

Third, revocations of licenses for nuclear material exports.

Hopefully, these sanctions will never have to be used. They will serve as a deterrent to foreign countries and persons. If they are used, they allow the President to tailor his actions and impose sanctions that will be most effective in a given case, and to present a country or company with the risk that he will impose further sanctions.

We believe that such sanctions not only reinforce the seriousness the United States gives to fighting proliferation, but also offer an additional incentive to join in international arms control efforts and to pass and enforce national legislation that parallels the antiproliferation legislation adopted by the United States.

ALTERNATIVES TO U.S. SANCTIONS

This legislation does not emphasize unilateral action by the United States

when foreign governments are willing to take real and decisive action on their own. The bill has provisions for the termination of sanctions, and for urging the President to initiate consultations with the government with primary jurisdiction over any person who violates the prohibition.

THE NEED TO PASS THE MC CAIN-LIEBERMAN BILL

Our legislation is not intended as a substitute for international and multilateral efforts to control proliferation. We fully support efforts to strengthen the Nuclear Non-Proliferation Regime, the Chemical Weapons Convention, the Biological Weapons Convention, the Missile Technology Control Regime, and to institute controls on destabilizing transfers of conventional weapons.

We believe that every effort should be made to reach international and regional agreements, and to persuade foreign governments to establish sanctions on the actions of their own companies and citizens. We applaud the efforts of the Reagan, Bush, and Clinton administrations to achieve these ends.

At the same time, all of us know that certain nations present special threats to their neighbors, our friends and allies, and American strategic interests.

Iran and Iraq are two such nations. Iraq's recent assassination attempt on President Bush, its seizure of innocent people in Kuwait's border area, its continuing obstruction of U.N. inspection, its persecution of its Kurds and Shi'ites, its sponsorship of terrorism in Turkey, and its use of terrorist groups to attack Iran are current cases in point.

More important, in the past it has used poison gas against defenseless Kurdish civilians, invaded Iran and Kuwait, and launched missile attacks on cities in Israel and Saudi Arabia. These are examples of the attitudes and goals of a nation that is a continuing threat to world peace.

Iran has been less aggressive, but it, too, is a threat to its neighbors and the security of the world's economy. It has encouraged terrorism, seized islands in the gulf, sought nuclear and other weapons of mass destruction, and is steadily expanding its military capabilities.

Both nations have emerged as major threats to world peace in the post-cold-war world. They also, however, are highly vulnerable to concerted efforts to deny them the weapons, equipment, and technology they need to develop strong and effective capabilities to deliver weapons of mass destruction.

Unlike North Korea, Iran and Iraq cannot develop and maintain the capability to threaten their neighbors and the region unless the world is foolish enough to provide them with the tools to do the job.

This legislation recognizes this fact. It supplements broader arms control efforts by targeting two States where effective sanctions can play a major role in strengthening the fight against proliferation. At the same time, it recognizes the grim fact that many foreign countries and companies are foolish enough to violate the letter and spirit of arms control agreements, and Iran and Iraq are cases where unilateral pressure is necessary to mobilize an effective effort to restrict the flow of technology and equipment.

THE GROWING THREAT FROM IRAN

No one should have any doubt about the potential threat we face from Iran and Iraq. The more moderate public stance that Iran has sometimes taken since the death of Khomeini has disguised a continuing military buildup and effort to acquire weapons of mass destruction. It has seized full control of the Tumb and Abu Musa islands in the gulf. It has continued to support extreme forms of Islamic fundamentalism in the Sudan, Lebanon, and the Maghreb.

Iran has bought mini-submarines and *Kilo*-class submarines. It has acquired large numbers of attack boats, and is deploying long-range antiship missiles where they can attack any large ship entering and exiting the gulf. While its amphibious capabilities are limited, it has slowly expanded its ability to attack southern Gulf States.

In spite of one of the most corrupt and badly managed economies in the developing world, and the urgent needs of its people for economic development, Iran received 1.6 billion dollars' worth of arms deliveries in 1991.

Iran's loss of oil revenue and hard currency reduced its arms deliveries to $270 million in 1992, and United States officials predict similar deliveries in 1993. Nevertheless, it recently took delivery of one *Kilo* submarine, and it has aggressively sought advanced conventional weapons systems from every supplier in the world.

Iran has received MiG-29 and Su-24 fighters from the Soviet Union, F-7M fighters from the People's Republic of China, and seized large numbers of fighters from Iraq. It is taking deliveries on Soviet SA-5 missiles, Chinese versions of the SA-2, and is seeking to buy large numbers of used T-72's from Russia.

What is most important, however, is that Iran's financial hardships have not stopped it from funding weapons of mass destruction and the ability to deliver them.

The most publicized of these efforts are its purchase of two greatly improved North Korean versions of the Scud missile with ranges of 500 kilometers, steady purchases of the regular Scud missile, and purchases of the shorter range People's Republic of China made CSS-8 missile.

There are growing indications, however, that Iran may be acquiring a missile with a 1,000 kilometer range from North Korea, or with the aid of the People's Republic of China, which some experts believe the Iranian's call the Tondar-68.

At the same time, U.S. Government experts agree that Iran is continuing a significant biological weapons development effort, is producing significant stocks of chemical weapons, and is actively working on nuclear weapons.

I do not want to exaggerate Iran's current progress in developing biological, chemical, and nuclear weapons. Iran's—some little more than Iraqi fronts—have created a major amount of disinformation that exaggerates the scale and success of what Iran has accomplished to date.

At the same time, it is clear that Iran continues to improve its stockpiles and types of chemical weapons, and its long range delivery systems. Last year, Robert Gates, then-Director of Central Intelligence, warned that Iran was close to developing chemical warheads for its Scud missiles.

While some American experts feel that Iran may still be limited to the production of blistering and choking agents, a recent report by the Russian Foreign Intelligence Service indicates that Iran is also able to produce a nerve gas called Sarin, that it has an extensive research effort into new toxins, and that a pesticide plant, which could produce the precursors for nerve gas, operates not far from Tehran.

There are strong indications that Iran has recently stepped up its efforts to acquire biological weapons and to obtain suitable technology and equipment in Europe. James Woolsey, the current Director of Central Intelligence, recently stated that, "biological weapons, if not already in production, are not far behind." Some experts believe that Iran may well have weaponized both toxins and anthrax.

In the case of nuclear weapons, there is broad agreement that Iran is spending several hundred million dollars a year on such effort, and is actively pursuing efforts to separate plutonium from irradiated uranium fuel and to enrich uranium fuel using gas centrifuges.

We do not have a reliable unclassified picture of the full scope of Iran's efforts in this regard, but even a short list of some of the actions recently reported in the press should be a clear warning of the dangers we face.

In spite of the fact that Iran is a major exporter of oil and gas, it is reported to have nuclear facilities of some kind at Ma'allem Kelayah, Karaj, Amir Abad, Gorgan, Bojnurd, Isfahan, Saghand, Darkovin, Busheir, and Bandar Abbas.

The facility at Ma'allem Kelayah is reported to be a military weapons development facility.

Iran is actively seeking major new nuclear reactors from India, the People's Repulbic of China, and Russia. It acquired hot cell technology for separating plutonium from irradiated fuel from the United States in the 1960's.

Iran has long sought support from foreign countries to complete two German-built 1,300 megawatt pressurized water reactors at Bushehr. Some reports indicate these reactors are 60 and 85 percent complete, although these reports may underestimate damage to the projects during the Iran-Iraq war.

Iran signed a 10-year nuclear cooperation agreement with the People's Republic of China in 1990, and there are numerous reports that the People's Republic of China has been in negotiations with Iran to sell a 27 megawatt research reactor that would require about 15 metric tons of uranium fuel a year. The spent fuel from such a reactor could produce up to 6 kilograms of plutonium a year: Close to the amount needed for one bomb.

Iran has acquired a low output research calutron from China, which will give it added expertise in calutron technology. Iran is negotiating with the China National Nuclear Corp. and the Qinshan Nuclear Power Corp. for a 300 megawatt rector to be built at Darkhovin, and support from Chinese nuclear technicians.

Iran signed a contract with India, another nuclear proliferator, for a research reactor at Ma'allem Kelayeh. While U.S. pressure may have blocked this sale, it, too, may eventually contribute to proliferation.

While there is no current evidence to support reports that Iran has acquired nuclear warheads and nuclear weapons engineers from the former Soviet Union, it almost certainly is seeking whatever support it can get. It is also negotiating with Russia for two 213 type VVER 440 megawatt reactors.

Argentina's Investigaciones Aplicadas was prepared to sell Iran uranium purification and conversion equipment, fuel fabrication plant equipment, and potentially heavy water manufacturing capabilities until United States pressure led Argentina to cancel the sale.

It is true that the International Atomic Energy Agency has conducted a familiarization tour of some of Iran's facilities. It is important to point out, however, that this was a brief tour conducted under Iranian auspices, and not an intrusive inspection. It is also important to point out that the IAEA never detected most of Iraq's nuclear weapons development efforts before the gulf war, and that even United States intelligence never detected its main nuclear weapons design facility at Al Atheer.

United States intelligence experts have no doubt that Iran is actively developing nuclear weapons, and everything we can do to delay the transfer of specialized or dual-use technology that aids Iran in developing weapons of mass destruction will buy us time to try to make international agreements work, to develop theater missile defenses, and to strengthen local defense and Western power projection capabilities.

No mix of international agreements and sanctions can prevent Iran from eventually acquiring some nuclear capability. Time can, however, give the Iranian people the opportunity to work out their destiny and, hopefully, to chose a regime that is more concerned with the hopes and needs of the Iranian people than the personal and ideological ambitions of a narrow cadre of extremist leaders.

THE CONTINUING THREAT FROM IRAQ

The entire world now knows that Iraq had several workable nuclear weapons designs, many key components, a multi-billion-dollar nuclear manufacturing base and a global supply network able to exploit lax Western export controls. It knows that his Western trained scientists had produced small amounts of plutonium and enriched uranium.

It is one of the ironies of history that if Iraq had left Kuwait alone, it might just be on the threshold of building its first nuclear device.

Unfortunately, Desert Storm has not ended this Iraqi threat—it has only deferred it. The U.N. efforts to destroy Iraq's weapons of mass destruction, and to deny it arms imports, have had considerable effect. United States Government experts estimate that the U.N. embargo has effectively denied Iraq the ability to acquire military hardware. Exporting nations have shown considerable restraint in selling to Iraq since the end of the gulf war, and Iraq's covert smuggling network does not seem to have had recent major successes.

Iraq, however, has not been passive. Saddam Hussein has placed a high priority on rebuilding Iraq's heavily damaged defense industrial infrastructure in order to supplement its damaged forces. This rebuilding has gone on in spite of the cost and resulting hardships to the Iraqi people, and is now largely complete. Although it can scarcely meet the needs of Iraq's Armed Forces, it is an important step in rebuilding their offensive capabilities.

Successful as we were during Desert Storm, we concentrated our attacks on the Iraqi forces in the Kuwaiti Theater of Operations. We also failed to destroy much of the Iraqi equipment that was deployed in this area. United States Air Force experts now estimate that at least 842 Iraqi tanks, 1,412 other armored vehicles, 279 artillery pieces in the areas subject to intense air attack escaped from Desert Storm.

Iraq is still the largest military force in the gulf and one of the largest military forces in the world. It now has a total military strength of some 383,000 full-time military personnel. It has rebuilt its army and Republican Guards units to a force of around 350,000 men, with at least 2,300 tanks, 2,400 armored reconnaissance and infantry fighting vehicles, 2,000 armored personnel carriers, 400–500 self-propelled artillery weapons and multiple rocket launchers, and 1,200 heavy towed artillery weapons.

In spite of its losses during the war, and Iran's seizure of the Iraqi fighters that fled to Iranian soil, Iraq still has a 30,000-man air force. It still has at least 6 long-range bombers, 130 operational strike fighters, 180 air defense fighters, and a number of advanced reconnaissance and special purpose aircraft. It has massive stocks of air-to-air and air-to-ground guided weapons. It also retains many of its surface-to-air missile units, and thousands of air defense guns.

Iraq's military forces will continue to deteriorate as long as we enforce the U.N. embargo, but many can recover relatively quickly as soon as that embargo ends or other nations decide to violate it. Dual-use technology can substitute for military imports in some cases, and so can the sale of machine tools, engines, and other equipment that can be used to expand Iraq's military production base.

Similarly, the most the U.N. sanctions and inspections can do is to delay the threat of Iraqi weapons of mass destruction. Saddam still has his scientists on the payroll and has protected the identities of many of his global suppliers.

Virtually all experts agree that Iraq will retain some of its chemical weapons production capability, and will be able to resume limited production within a matter of months after the U.N. stops its inspections. Very little of its substantial biological warfare research effort has been exposed by the U.N. effort, and Iraq may now be able to manufacture limited amounts of toxins and active agents.

Experts debate Iraq's residual missile capabilities, but it probably has the parts, major subassemblies, manufacturing equipment, and technology to build at least some Scuds in a matter of months, and it may have concealed significant numbers of finished missiles.

Iraq's nuclear capabilities have probably suffered more than any other aspect of its prewar effort to acquire weapons of mass destruction. Nevertheless, it retains all of the technology and know how that it spent billions of dollars to acquire. The U.N. cannot destroy expertise.

Iraq also will retain at least some critical equipment. Just recently, U.N. inspectors in Iraq found yet another cache of strategic equipment for making nuclear weapons. There is no expert agreement on how much equipment Iraq has been able to conceal, but this equipment could be significant.

On April 26 of this year, an article written by the Wisconsin Project on nuclear arms control and published in the New York Times summarized the

nuclear-related equipment in Iraq today. It drew on export records and reports by inspection teams, and provided an impressive list of items that Iraq is known to possess, but which have not been destroyed or removed: 580 tons of natural uranium—Brazil, Niger, and Portugal; 1.7 tons of enriched uranium—Italy; 255 tons of HMX, a high explosive for detonating atomic bombs; 60 machines that shape metal into centrifuge parts, by Dorries, H & H Metalform, Kieserling & Albrecht, Leifeld and Magdeburg—Germany, Matrix Churchill—Britain, and Schaublin—Switzerland; mass spectrometers to monitor bomb-fuel production, by Finnigan-MAT—United States, Germany; two electric frequency converters to power atomic bomb fuel production, by Acomel—Switzerland; more than 700 valves that can process atomic bomb fuel, by Balzers, VAT—Switzerland and Nupro—United States; two coordinate-measuring machines to monitor centrifuge production, by DEA—Italy; 70 mixer-settler units to extract plutonium, some by Metallextraktion AB—Sweden; machines for milling metal, by Maho, Schiess, SHW and Wotan—Germany, Innocenti—Italy, and Zayer—Spain; two assembly presses and two balancing machines to make centrifuges; one resin-mixing and discharge machine to support electromagnetic uranium enrichment, by Millitorr—Britain; one jet-molding machine to make centrifuge motors, by Arburg—Germany ; one 63-ton hydraulic press to shape explosive atomic bomb parts; one mainframe computer used to process nuclear atomic bomb codes, by NEC—Japan; two oxidation furnaces for making centrifuge parts, by Degussa—Germany; one electron-beam welder to assemble centrifuges, by Sciaky—France; tantalum metal sheets for making crucibles to cast atomic bomb cores.

This same report indicated that the following other items are suspected or known to be in Iraq, but have not been found or accounted for: More than 1 million dollars' worth of computers, electronic testing machines, computer graphics equipment, and frequency synthesizers licensed for shipping to atomic bomb builders, by Hewlett Packard—United States; more than 7 million dollars' worth of computers, licensed for shipping to atomic bomb builders, by International Computer Systems—United States; nuclear reactor control panels, instruments, and computers salvaged from a damaged reactor, by the consortium Cerbag—France.

THE PROBLEM OF THIRD COUNTRY SUPPLIERS

No country in the West can look back on what happened in Iraq without some responsibility or guilt. The United States was too slow to recognize the threat, too slow to give it suitable policy level attention, failed to properly inform its industry, and tolerated a divided and inefficient administration of its export control procedures. It did not properly task its intelligence community, and it failed to give its customs and enforcement officers all of the support and resources they needed.

There are times, however, when even those that have sinned should be prepared to cast a stone. The United States and a few other nations—most notably Britain and Canada—did succeed in putting powerful limits on the amount of equipment and technology that Iraq could import. It established policies and sanctions and enforced them.

This same cannot be said of the rest of the world. Iraq relied on the tacit support or indifference of many governments—including many of our closest allies. In case after case, foreign governments and intelligence services must have known that Iraq had suspect activities underway and turned a blind eye to Iraq's operations in their country.

In many cases, foreign companies had to know—or deliberately ignore—the end use of their sales. While much of the equipment sold to Iraq was dual-use equipment, a substantial amount was not dual-use equipment. It had only extremely specialized civilian uses that did not suit Iraq's economy or needs.

In other cases, the dual-use equipment was highly specialized and was sold only to a narrow range of customers. The seller had to know that Iraq almost certainly was not going to use the equipment for its stated use, and often could not produce or use the equipment without knowing its potential military applications.

It is singularly unfortunate that many of these countries and companies were Western European. While we often criticize authoritarian states like the PRC for the recklessness and destabilizing effect of their arm sales, we have ample evidence that Western democracies can be equally lacking in wisdom and integrity.

This is illustrated by two studies prepared for me by the Congressional Research Service which look at the sources of Iraq's nuclear and chemical weapons technology.

The list of Iraq's nuclear suppliers includes 3 French firms, 11 German firms, 2 Italian firms, 2 Swedish firms, 4 Swiss firms, 4 British firms, and 2 Russian firms.

The list of Iraq's chemical weapons suppliers includes 7 Austrian firms, 2 Belgian firms, 2 French firms, 34 German firms, 3 Dutch firms, 3 Italian firms, 1 Spanish firm, 3 Swiss, and 1 British firm.

We may never have a full list of Iraq's suppliers, or a full list of European suppliers. We will never have a clear picture of what various European governments and intelligence services knew and when they knew it. We can, however, be absolutely certain that many did know years in advance of Desert Storm that firms in their countries were violating the spirit and intent of the Nuclear Non-Proliferation Treaty, and were contributing to the process of proliferation.

We also have ample reason to suspect that the present controls on sales to Iraq might well be bypassed the moment sanctions were lifted or the world's attention shifted away from the actions of Iraq's Government.

Further, it is all too clear that a similar process of proliferation is underway in the case of Iran. Like Iraq before its invasion of Kuwait, Iran maintains a massive arms purchasing network throughout the world and Western Europe. This network was built up during the Iran-Iraq war and, while it has never been as large or successful as Iraq's network, it is all too real.

There are also unconfirmed rumors that this network has been successful enough so that a foreign intelligence service recently destroyed a biological research facility in Switzerland and specialized biological production equipment in Germany, because it feared that the research and equipment was being used to support Iran's biological weapons effort. It would be interesting to hear from the intelligence services of both countries as to whether these rumors can be confirmed.

Once again, let me stress that the United States is neither a paragon of efficiency or virtue. It is also unfair to mention Europe without stressing the fact that nations like Argentina, Brazil, India, Pakistan, the PRC, and Russia have all played a major role in proliferation in the past, and continue to do so.

If I appear to be pointing the finger at the Western democracies, it is only to illustrate the point that we not only face continuing Iranian and Iraq threats, but also we cannot rely on international agreements or self-policing even in the case of the nations with whom we share common values and a close alliance.

We also cannot ignore the fact that nations and companies may not learn from experience, regardless of their stated policies, the odd prosecution, and changes in their domestic laws.

We are talking about what may be vast sums of money: During 1984–91, Iraq obtained 15.8 billion dollars' worth of arms from the former Soviet Union. It obtained 2.3 billion dollars' worth of arms from the PRC, it obtained 4.5 billion dollars' worth of arms from our NATO Allies, it obtained 4.6 billion dollars' worth of arms from other European countries, and 2.9 billion dollars' worth of arms from other states; Iran spent $19.8 billion on arms imports during 1984–91—not counting at least $10 billion more on dual use items and the

technology for weapons of mass destruction. About 4.8 billion dollars' worth of these arms came from the former Soviet Union, $4.5 billion came from the PRC, $1.4 billion came from our major NATO Allies, $5.3 billion came from the rest of Europe, and $3.8 billion came from other countries. Roughly $9.7 billion was imported between the cease-fire in the Iran-Iraq war and the end of 1991.

While other exporting countries may currently comply with the current sanctions, we cannot ignore the fact that they have a steadily growing incentive to support Iraq and Iran's efforts to end these sanctions, or to cheat as time goes on. Iraq's former arms suppliers all face steadily shrinking domestic markets for arms. Their defense industries are desperate for sales. Iraq and Iran's past arms purchases also show that they represent a vast potential market.

The rapid decline in the arms market for NATO and the Warsaw Pact has steadily increased the risk that nations will sell more sophisticated arms to Iran and Iraq, and provide it with the technology for weapons for mass destruction. Similarly, they create growing pressures to either violate the current meager sanctions or rush arms transfers in the moment such sanctions are withdrawn.

THE NEED FOR POWERFUL NEW SANCTIONS ON FOREIGN SUPPLIERS

All of these trends have convinced me that enacting the Iran-Iraq Arms Non-Proliferation Amendments of 1993 must be done in the near future. We cannot afford ilustions about the prospects for peaceful change.

We must heed the lessons we learned from Operation Desert Storm to stop the weapons buildup by Iran and Iraq, the world's two most dangerous states. We must heed the lessons we learned from the fall of the Shah and from tacitly supporting Iraq in the latter half of the Iran-Iraq war. We cannot make an ally or a pillar out of either country.

We cannot play Iran and Iraq off against each other, or act as if the enemy of our enemy is our friend. We cannot try to use radical or extremist groups like the People's Mujahidin to influence one government or the other.

Limiting the Iraqi or Iranian threat will not bring stability to the region unless similar limits are placed on both nation's military buildup. Both Iraq and Iran already have all the arms and military strength they need for self-defense, and limits on arms transfers to these nations can only benefit their peoples by freeing economic resources for development and increasing living standards.

In summary, Mr. President, the amendments made by this bill complement the 1993 Defense Authorization Act and the key international arms control efforts affecting the transfer of weapons of mass destruction. This bill expands on the current sanctions against Iran and Iraq to establish clear penalties against firms and countries that violate the prohibitions on transfers.

It provides an added powerful deterrent to Iranian and Iraqi aggression, that is not provided by the 1993 Defense Authorization Act, the NPT, the Biological Weapons Convention, the draft Chemical Weapons Convention, or the Missile Technology Control Regime. It firmly establishes the United States policy to limit the sales of advanced conventional weapons to the two growing threats to world peace, Iran and Iraq.

We must react to the fact that the United States and the free world do not live in a kind and gentle world. We must make it unambiguously clear that United States law will continue to penalize any nation or person who sells destabilizing arms to Iraq or Iran until both the Congress and the President are in full agreement that either Iraq and Iran has changed so strikingly in government and character that it is no longer a threat to peace.

Senator LIEBERMAN and I hope that our colleagues will continue to support the bipartisan effort to reduce the greatest threat to world peace in the world today, the proliferation of weapons of mass destruction in Iran and Iraq. We hope that our colleagues will support this bill.

Mr. President, I respectfully request that several appendices explaining the need for our bill be inserted in the RECORD following my remarks and the text of the bill.

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

S. 1172

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Iran-Iraq Arms Non-Proliferation Amendments of 1993".

(b) REFERENCES IN ACT.—Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the National Defense Authorization Act for Fiscal Year 1993.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to halt the proliferation of weapons of mass destruction within Iran and Iraq; and

(2) to halt the transfer from any foreign country or foreign person to Iran or Iraq of all weapons of mass destruction and significant components or technology or that can be used to manufacture or deliver weapons of mass destruction.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act to impose additional sanctions against those foreign countries and persons that transfer weapons of mass destruction, destabilizing numbers and types of advanced conventional weapons, or equipment and technology that assist in enhancing the capabilities of Iran or Iraq to manufacture and deliver such weapons.

SEC. 4. SANCTIONS AGAINST PERSONS.

Section 1604 is amended to read as follows:

"SEC. 1604. SANCTIONS AGAINST PERSONS.

"(a) PROHIBITION.—If the President determines that any person has transferred or retransferred goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons or to acquire weapons of mass destruction or the means of their delivery, then—

"(1) the sanctions described in subsection (b) shall be imposed; and

"(2) the President may apply, in the discretion of the President, the sanctions described in subsection (c).

"(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are as follows:

"(1) PROCUREMENT SANCTION.—Except as provided in subsection (d), the United States Government shall not procure directly or indirectly, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

"(2) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to the sanctioned person and shall revoke any such license issued before the effective date of the sanction.

"(3) IMPORT SANCTION.—Notwithstanding any other provision of law, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person, may be imported into any territory subject to the jurisdiction of the United States.

"(4) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person, may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of a vessel or its crew or passengers is threatened.

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) FINANCIAL INSTITUTIONS.—(A) The President may by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(B) As used in this paragraph, the term 'depository institution' means a bank or savings association, as defined in section 3 of the Federal Deposit Insurance Act.

"(2) USE OF AUTHORITIES OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may exercise the authorities of the International Emergency Economics Powers Act to prohibit any transaction involving any property in which the sanctioned person has any interest whatsoever except for transactions involving the provision of humanitarian assistance.

"(3) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this Act against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITIONS.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(d) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(B) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(C) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(2) to products or services provided under contracts entered into before the date on which the President makes a determination under subsection (a);

"(3) in the case of contracts entered into before the date on which the President makes a determination under subsection (a), with respect to—

"(A) spare parts which are essential to United States products or production;

"(B) component parts, but not finished products, essential to United States products or production; or

"(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(4) to information and technology essential to United States products or production; or

"(5) to medical or other humanitarian items.

"(e) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—Whenever the President makes a determination under subsection (a) with respect to a foreign person, the Congress urges the President—

"(A) to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section; and

"(B) to take steps in the United Nations and other multilateral groups to negotiate comprehensive multilateral sanctions pursuant to the provisions of chapter 7 of the United Nations Charter, including a partial or complete embargo, against the government of the foreign country of primary jurisdiction over that sanctioned person, as long as that government has not taken specific and effective actions, including appropriate penalties, to terminate the involvement of the sanctioned person or firm in the activities described in section 1604(a).

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to subsections (b) and (c) for up to 90 days. Following these consultations, the President shall impose sanctions immediately unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—Not later than 90 days after the application of sanctions under this section, the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.".

SEC. 5. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

Section 1605 is amended—

(1) in subsection (a)—

(A) by inserting "or to acquire weapons of mass destruction or the means of their delivery" after "destabilizing numbers and types of advanced conventional weapons"; and

(B) in paragraph (2), by striking "sanction" and inserting "sanctions";

(2) in subsection (b), by adding at the end the following new paragraph:

"(6) OTHER SANCTIONS.—The President shall apply the same sanctions described in paragraphs (1) through (4) of section 1604(b), together with the exception described in subsection (d), with respect to actions of a foreign government;"; and

(3) in subsection (c)—

(A) by striking "SANCTION.—The sanction referred to in subsection (a)(2) is" and inserting "SANCTIONS.—The sanctions referred to in subsection (a)(2) are"; and

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

"(3) DENIAL OF MOST-FAVORED-NATION STATUS.—Notwithstanding any other provision of law, the President may suspend the application of nondiscriminatory trade agreement (most-favored-nation status) to the sanctioned country for such time as the President so determines.

"(4) DIPLOMATIC RELATIONS.—The President is urged to downgrade or suspend diplomatic relations between the United States and the government of the sanctioned country.

"(5) SUSPENSION OF SPECIAL TRADE PRIVILEGES.—The President is authorized to suspend special trade privileges which were extended pursuant to the Generalized Systems of Preferences or the Caribbean Basin Initiative.

"(6) SUSPENSION OF TRADE AGREEMENTS.—The President is authorized to suspend any trade agreement with the sanctioned country.

"(7) REVOCATIONS OF LICENSES FOR EXPORT OF NUCLEAR MATERIAL.—The Nuclear Regulatory Commission is authorized to revoke any license for the export of nuclear material pursuant to a nuclear cooperation agreement with the sanctioned country.

"(8) PRESIDENTIAL ACTION REGARDING AVIATION.—(A)(i) The President is authorized to notify the government of a sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President is authorized to direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and a sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation is authorized to take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President may direct the Secretary of Transportation to provide for such exceptions from this subsection as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'aircraft', 'air carrier', 'air transportation', and 'foreign air carrier' have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(9) OTHER SANCTIONS.—The President may apply the sanctions described in section 1605(c) with respect to actions of a foreign government.".

SEC. 6. WAIVER.

Section 1606 is amended—

(1) by striking "waiver" each place it appears and inserting "termination, modification, and waiver"; and

(2) by striking "waive" each place it appears and inserting "modify or waive".

SEC. 7. TERMINATION OF SANCTIONS.

The Act is amended by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a)(1) shall apply for a period of at least 24 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

"(1) reliable information indicates that the sanctioned person or government has ceased to violate this Act; and

"(2) the President has received reliable assurances from the sanctioned person or government that such person or government will not, in the future, violate this Act.".

SEC. 8. RULES AND REGULATIONS.

The Act is amended by inserting after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President is authorized to prescribe such rules and regulations as the President may require to carry out this Act.".

SEC. 9. DEFINITIONS.

Section 1608 is amended by adding at the end the following new paragraphs:

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act

of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

"(10) The term 'weapons of mass destruction' includes nuclear, chemical, and biological weapons, bomber aircraft with a range in excess of 600 nautical miles, missiles, and missile equipment and technology.".

SEC. 10. CONFORMING AMENDMENT.

Section 1602(a) is amended by striking "chemical, biological, nuclear," and inserting "weapons of mass destruction".

JUNE 1993

DEAR COLLEAGUE: Today, we are introducing the Iran-Iraq Arms Non-Proliferation Amendments of 1993 to revise and add to the National Defense Authorization Act for Fiscal Year 1993. This bill continues a bipartisan effort to move forward in cooperation with the Executive Branch to reduce what is clearly the greatest threat to world peace in the world today, the proliferation weapons of mass destruction.

This legislation will contribute to the stability of the Middle East by inhibiting the ambitions of Iran and Iraq. This bill will further inhibit the willingness of foreign enterprises and governments (see Appendices A and B) to provide Iran and Iraq with the military equipment and technology used in the manufacture or delivery of weapons of mass destructions (WMD) or the means of their delivery.

Our bill clearly sets forth United States policy toward sales to Iran and Iraq, and reinforces the importance of enforcing laws such as the Atomic Energy Act of 1954, the Arms Export Control Act, the Export Administration Act of 1979, and the Missile Technology Control Regime.

Its primary purpose, however, is to put added pressure on Iran and Iraq's foreign suppliers—the nations which have provided virtually all of the supplies and technologies for Iran and Iraqs' efforts to develop WMD—by building on existing law which prohibits persons and countries from transferring or retransferring goods or technology that would contribute knowingly and materially to efforts by Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons. Our bill extends this prohibition to include transfers that would contribute to the efforts of Iran or Iraq to acquire WMD or the means of delivery.

Most importantly, our bill strengthens existing mandatory sanctions for foreign enterprises and governments that violate these restrictions, and provides the President with new discretionary sanctions. It acts to deter or prevent foreign countries and companies from transferring WMD to Iraq and Iran by confronting them with clear legal and economic penalties.

THE MANDATORY SANCTIONS

Existing law sets forth the following mandatory sanctions against foreign persons and countries; suspension of U.S. and multilateral development bank assistance; suspension of co-development, co-production, military, and dual-use technical exchange agreements; and prohibitions on the export of all items on the U.S. Munitions List to the violating country.

Our bill recognizes that sanctions focused primarily against U.S. firms do not affect Iran and Iraq's major suppliers by adding mandatory sanctions (within Presidential discretion) against imports and transit of U.S. territory that apply to, "foreign countries and persons that transfer WMD, destabilizing numbers and types of conventional weapons, or equipment and technology that assist in enhancing the capabilities of Iran and Iraq to manufacture and deliver such weapons."

THE DISCRETIONARY SANCTIONS

Existing law provides no discretionary sanctions. The discretionary sanctions in our bill provide the President with a range of additional measures that he can impose to penalize severe or repeat offenders and provides for the discretionary use of the International Emergency Economic Powers Act sanctions.

Our bill provides for the following discretionary sanctions. Against both foreign countries and foreign persons: prohibitions against assistance from financial institutions, a blocking of international financial transactions, and the suspension of U.S. aviation and port rights. Against foreign countries alone: denial of most-favored nation status; suspension of diplomatic relations, special trade privileges, and trade agreements; and revocations of licenses for nuclear material exports.

These sanctions should serve as a deterrence to potential violators. They allow the President to tailor his actions and impose sanctions that will be most effective in suiting a given case, and maintain the possibility of further sanctions.

RESPONDING TO THE THREAT

Virtually every day brings new evidence of the fact that Iran and Iraq represent a major threat to their neighbors, to Israel, to the flow of oil, and to the world's economy.

This bill also responds to the reality that international arms control agreements, and sanctions on U.S. companies, are not adequate to deal with this problem. Iraq has relied on the tacit support or indifference of foreign governments and their intelligence services, our western allies, and foreign companies to buy dual-use equipment and supplies to exploit the spirit and intent of existing restraints. Similarly, it is all too clear that a comparable process of proliferation is underway in Iran.

Both Iraq and Iran have demonstrated their willingness for fiscal sacrifice in pursuit of their agenda of destructive acquisition.

During 1984–1991, Iraq obtained $15.8 billion worth of arms from the former Soviet Union, $2.3 billion from the PRC, $4.5 billion from our NATO allies, $4.6 billion from other European countries, and $2.9 billion from other states.

Iran spent $19.8 billion on arms imports during 1984–1991 (not counting at least $10 billion more on dual-use technology for WMD)—$4.8 billion from the former Soviet Union, $4.5 billion from the PRC, $1.4 billion from our NATO allies, $5.3 billion non-NATO Europe, and $3.8 billion from other countries.

I hope you will join us in co-sponsoring the Iran-Iraq Arms Non-Proliferation Amendments of 1993. We would be grateful if you would ask your staff to contact Tony Cordesman, Walter Lohman, or Max Grant (x42235) of Senator McCain's staff, or Tom Parker (x44041) of Senator Lieberman's staff.

Sincerely,

JOHN MCCAIN,
United States Senator.
JOSEPH I. LIEBERMAN,
United States Senator.

APPENDIX A—LIST OF FOREIGN SUPPLIERS TO IRAQ'S NUCLEAR WEAPONS TECHNOLOGY AND MATERIAL

BRAZIL

The National Security Council of Brazil approved smuggling uranium to Iraq.

CHINA

Lithium hydride, labelled as "pharmaceutical" but conceivably usable to make tritium for boosted fission weapons.

China North Industries Corp.: supplied chemicals for missile and nuclear applications.

FRANCE

Framatome: fuel for Osirak.

St. Golbain: Fundamental nuclear technology.

Techniatome: the reactor.

GERMANY

Arthur Pfeifer-Vakuumtechnik GmbH: vacuum smelting and casting equipment, vacuum heat-treatment furnace; training in the use of the above.

Blazer: bellows valves for centrifuge enrichment program.

Degussa: special furnace for producing centrifuge parts, surface treatment to survive corrosion from uranium hexafluoride gas.

Ferrostaal (M.A.N. subsidiary): prime contractor for the Tadji gas centrifuge complex.

H and H Metalform Ltd.: large quantities of machine tools for the centrifuge program. Spinning machines capable of making 100 centrifuge rotors per week, each machine (3 machines); flow forming machines including specific mandrels for producing centrifuge parts; computer numerically controlled machines obtained from Neue Magdeburger Wekzeugmaschinenfabrik GmbH; software for tools.

Maschinenfabrik Augsburg-Nurnberg (M.A.N.): carbon fiber rotors or winding machines for centrifuges.

Interatom (Siemens subsidiary): training, enrichment technology, "radium enrichment plants."

Nukem: U235 fuel pins; centrifuge materials.

Dr. Reutliner und Sehne KG: balancing machines for centrifuge production. Valves capable of handling uranium hexafluoride.

Siemens (FRG): named in documents found at Iraqi facilities, no specific hardware named.

Technishe Uberwachungs Verein (a german government agency roughly similar to Underwriter's Laboratories): materials testing for the Tadji gas centrifuge complex.

Uranit: indirect supplier of centrifuge technology to Iraq via Pakistan; uranium melting furnishes.

Vertiebs Ltd.: with H & H Metalform, a flow-forming machine.

ITALY

Euromac: sister company of UK company which attempted to deliver nuclear triggers.

SNIA Technit: hot cells for handling radioactive materials. Based in the illegal (but undetected by the IAEA) separation of several grams of plutonium.

JAPAN

Hamamatsu: high-speed video for observing implosion tests.

LIECHTENSTEIN

Merimpex: a front company used by Leybold.

SWEDEN

Avesta: UK subsidiary of this Swedish firm supplied special maraging steel for Iraqi centrifuges.

SWITZERLAND & SWEDEN

ASEA Brown Boveri (ABB): cold isostatic press useful for forming the high explosives for implosion systems.

SWITZERLAND

Consen: intermediary used to export $50 million worth of advanced centrifuges capable of 100 lbs. of uranium throughput per week.

Schaeublin SA: machine tool for taking as centrifuge endcaps; computer controlled lathes; spin forming machines for endcaps.

Schmiedemeccania: metal parts for endcaps; baseplates for centrifuges (n.b.: an Iraqi purchased a part of Schmiedemeccanica and half of H&H Metalform); possible connections to Leybold Heraeus.

UNITED KINGDOM

Bonaventure Europe (BE): nuclear weapon triggers (probably capacitors or switching devices such as krytrons).

BSA Machine Tools: machine tools.

Consarc Engineering: high-temperature ovens (for melting or casting of uranium metal).

Matrix Churchill: precision lathes and other machine-tool equipment.

FORMER USSR

Atmomenergoexport: reactors.

Irkutsk mining-processing plant: radioactive material stolen and illegally transferred.

Source: Zimmerman, Peter D. CRS Report for Congress, "Iraq's Nuclear Achievements: Components, Sources, and Stature," February 18, 1993. Appendix A, pp. 38–40.

APPENDIX B—LIST OF FOREIGN SUPPLIERS TO IRAQ'S BIOLOGICAL AND CHEMICAL WEAPONS TECHNOLOGY AND MATERIAL

AUSTRIA

Alu-BAu Normbau: equipment for chemical weapons plant.

AST Concult Co.: laboratory construction equipment for chemical weapons.

Fenberg: construction planning for chemical weapons.

Grill and Grossman: equipment for chemical weapons plant.

Lenhardt Metal, Construction and Roofing: steel construction for chemical weapons plant.

Neuberger Wood and Plastics: precursor chemicals.

Swatek and Cerny: sanitary equipment.

BELGIUM

Phillips Petroleum subsidiary [un-named]: A Belgian subsidiary of Phillips Petroleum provided thiodiglycol, the primary compound in mustard gas, to a Dutch trading company, KBS, which in turn was filling a request of the Iraqi State Establishment for Pesticide Production.

Sybetra: this company was the prime contractor for a fertilizer complex at Al Qaim and a phosphates mine at Akashat, believed to have been converted to CW production.

CHILE

Gen. Augustino Pinochet: Pinochet's regime had put cluster and chemical bombs at the disposal of the Iraqi regime, reports said. The shipment included chemical bombs in 500,000-piece consignment with a value of $30 million.

EGYPT

WTB International AG: supplied a controller for the Saad 16 complex.

FRANCE

Atochem: supplied Sarin precursors to Montedison and training of Iraqi chemists in the handling of toxic materials.

Protec: served as the middleman for many of the Karl Kolb company shipments to Iraq.

GERMANY

Avia Test: a contractor at the Saad-16 chemical weapons plant.

Anton Eyerle: provided mobile toxicology labs.

Chemco GmbH: sold chemical precursors.

Degussa: sold unspecified equipment at a chemical weapons facility in Iraq.

Deutsch BP: supplied military research and unspecified military equipment in chemical weapons.

Gildmemeister Projecta GmbH: a general contractor at Saad-16.

Ludwig Hammer GmbH: a subcontractor to Heberger and supplied climate control systems for the Samarra CW plant.

Herberger Bau GmbH: sold building for chemical weapons facilities, under investigation by the Darmstadt public prosecutor for shipping chemicals and equipment for making CW weapons.

Heraus: provided a tubular furnace for biological weapons.

I.B.I.: provided construction and procurement of a CW plant.

Identa Company: supplied a computer-controlled magnetic card system to control entry to the Diyala chemical laboratory.

Industriewerke Karlsruhe, Augsburg (IWKA): provided machine tools to pack 155mm shells with CW agents.

Infraplan: sold facilities for precursor chemical production.

Iveco Magirus: provided mobile toxicology labs.

Karl Kolb, GmbH: a subsidiary, Pilot Plant, assisted with an insecticide plant, and subcontracted the German Quest company to supply equipment necessary to produce chemical weapons. A chemical engineer from Karl Kolb helped install mobile toxicology laboratories during the Gulf War. Karl Kolb has also been implicated in aiding in the development of six Iraqi chemical plants in Samarra. The company has been under investigation for illegal business with Iraq since 1983.

Josef Kuehn: supplied mycotoxins TH-2 and T-2.

Labosco GmbH: supplied assorted biological equipment.

Magiru Deutz: supplied equipment for mobile toxicology laboratories during the Gulf War.

Messerschmitt-Bolkow-Blohm (MBB): provided chemical weapons lab equipment of Saad-16.

Noske Kaeser: installed a large outlet air cleaning plant for a CW lab at Salman Pak.

Neuberger Holz and Kunststoffindustrie GmbH: the middleman for many of the Karl Kolb company shipments.

Pilot Plant: provided corrosion-resistant testing equipment, under investigation for shipments of materials and knowledge of poison gas production.

Plato-Kuehn GmbH: provided mycotoxins TH-2 and T-2.

Preussag AG: provided equipment, chlorine, and chlorine containers for water purification and for refrigeration of food.

Rhein-Bayern Vehicle Construction: provided mobile toxicology labs and compressed air assemblies.

Rhemm Labortechnik: provided inhalation systems for a chemical weapons plan and experimental gas chambers allegedly used to test Zyklon-B mixture on Iranian POWs.

Rotexchemie International Handels GmbH and Co.: provided Iraq with sodium cyanide, used for prussic acid and Tabun manufacture.

Sigma Chemie GmbH: helped supply TH-2 and T-2 mycotoxins.

Thyssen AG: aided, with eight other German subcontractors, in the construction of a CW/BW facility near Salman Pak.

Unipath: provided bacteriological culture media.

WET (Water Engineering Trading) GmbH: provided microbiological parts and fluid culture media, investigated for shipments of material and knowledge to produce poison gas, including special machine tools for poison gas projectiles.

Walter Thosti Bowswai (WTB): built three large factories in a complex near Baghdad, under suspicion of being a CW facility.

Fitz Werner Industrial Equipment Ltd.: sold universal drilling equipment at a chemical weapons facility.

Zeiss, Carl: sold unspecified equipment to a chemical weapons facility.

HOLLAND

Duphar: provided Iraq with blister packs and nerve gas antidotes.

KBS: served as middleman for the sale of thiodiglycol, the primary compound in mustard gas.

Melchemie: supplied the Iraqi State Establishment for Pesticide Production with most of the chemicals needed to produce nerve gas.

INDIA

Cyanide and Chemical Co.: supplied precursor chemicals.

Exomet Chemicals: supplied precursor chemicals.

Khaleej Pte: supplied precursor chemicals.

Oriental Shipping Agency: arranged shipping of precursor chemicals.

Transpek India Ltd.: supplied precursor chemicals (trionyl chloride).

United Phosorous of Baroda and Bombay: supplied precursor chemicals.

ITALY

Ausidet: provided Sarin precursors through Montedison.

Montedison: supplied material for CW.

Technipetrole (TPL): supplied a nerve gas plant at Akashat and a CW plant at Baiji.

JAPAN

Nissho Shoji: shipped precursor chemicals through India to Iraq.

LEBANON

Christian Militia: produced CW (mustard gas) for Iraq.

SPAIN

Rio Tinto Explosives (ERT): supplied precursor chemicals.

SWITZERLAND

CIBA-Geigy: sold over 800,000 tons of phosphatemidon, a chemical used mainly in manufacturing poison gas.

Companies Inc.: provided precursor chemicals.

Ifat Corp. Ltd.: this company was part of the Consen group and was an engineering middleman for Saad-16.

UNITED KINGDOM

Rio Tinto Zinc Chemicals: supplied precursors for chemical weapons.

Source: Bowman, Steven R. CRS Report for Congress, "Iraqi Chemical Weapons Capabilities," February 24, 1993. Appendix, pp. 7–22.

APPENDIX C

[From Diana Edensword & Gary Milhollin, "Iraq's Bomb—an Update," New York Times, April 26, 1993 at A17]

Soon, possibly this week, the U.N. will report that its inspectors in Iraq have found

yet another cache of strategic equipment for making nuclear weapons. Their chief inspector at the International Atomic Energy Agency, Maurizio Zifferero, should be embarrassed. He announced in September that President Saddam Hussein's atomic weapons program was "neutralized" and "at zero." He even said that Iraq had "decided at the higher political level to stop these activities."

Saddam Hussein never told the I.A.E.A. about the newly discovered equipment, as required by U.N. resolutions. And he continues to rain down threats and intimidation on the inspectors, indicating that he has more to hide. In March 1992, Iraq's Deputy Prime Minister, Tariq Aziz, told inspectors that Iraq had not relinquished the right to build weapons of mass destruction.

Before his army marched into Kuwait in August 1990, Saddam Hussein had a workable bomb design, many key components, a multi-billion dollar nuclear manufacturing base and a global supply network able to exploit lax Western export controls, especially those in Germany. His Western-trained scientists had produced small amounts of plutonium and enriched uranium: the fuels in the bombs that destroyed Nagasaki and Hiroshima. They even did clandestine research in laboratories the I.A.E.A. inspected regularly.

If Saddam Hussein had left Kuwait alone, he might have had his first bomb by now. He still has his scientists on the payroll and has protected the identities of many of his global suppliers. He has even started to get European and American inquiries on future oil sales: petrodollars for a renewed bomb effort.

Here is a summary of nuclear-related equipment in Iraq today. It draws on export records and reports by inspection teams. The names of manufacturers, who may not have supplied their products directly to Iraq, are given where known. Iraq claimed the equipment was for civilian use. The U.S. government wants most of the material destroyed; the I.A.E.A. may let Iraq use it under the agency's monitoring. It was just such "monitoring," however, that failed to detect Iraq's bomb program in the first place.

FOUND BUT NOT DESTROYED OR REMOVED

These items have been tagged for possible destruction, monitoring by the I.A.E.A. or unconditional release to Iraq:

580 tons of natural uranium (Brazil, Niger and Portugal).

1.7 tons of enriched uranium (Italy).

255 tons of HMX, a high explosive for detonating atomic bombs.

60 machines that shape metal into centrifuge parts, by Dorries, H & H Metalform, Kieserling & Albrecht, Leifeld and Magdeburg (Germany), Matrix Churchill (Britain) and Schaublin (Switzerland).

Mass spectrometers to monitor bomb-fuel production, by Finnigan-MAT (U.S., Germany).

Two electric frequency converters to power atomic bomb fuel production, by Acomel (Switzerland).

More than 700 valves that can process atomic bomb fuel, by Balzers, VAT (Switzerland) and Nupro (U.S.).

Two coordinate-measuring machines to monitor centrifuge production, by DEA (Italy).

70 mixer-settler units to extract plutonium, some by Metallextraktion AB (Sweden).

Machines for milling metal, by Maho, Schiess, SHW and Wotan (Germany), Innocenti (Italy) and Zayer (Spain).

Two assembly presses and two balancing machines to make centrifuges.

One resin-mixing and discharge machine to support electromagnetic uranium enrichment, by Millitorr (Britain).

One jet-molding machine to make centrifuge motors, by Arburg (Germany). One 63-ton hydraulic press to shape explosive atomic bomb parts.

One mainframe computer used to process nuclear atomic bomb codes, by NEC (Japan).

Two oxidation furnaces for making centrifuge parts, by Degussa (Germany). One electron-beam welder to assemble centrifuges, by Sciaky (France). Tantalum metal sheets for making crucibles to cast atomic bomb cores. Still Missing.

These items are suspected or known to be in Iraq, but have not been found or accounted for:

More than $1 million worth of computers, electronic testing machines, computer graphics equipment and frequency synthesizers licensed for shipping to atomic bomb builders, by Hewlett Packard (U.S.).

More than $7 million worth of computers, licensed for shipping to atomic bomb builders, by International Computer Systems (U.S.).

Nuclear reactor control panels, instruments and computers salvaged from a damaged reactor, by the consortium Cerbag (France).

Computers and instruments capable of analyzing metals and powders for atomic bomb manufacture, licensed for shipping to an atomic bomb builder by Siemens (Germany, U.S.).

$43,000 worth of computers for a nuclear weapons testing site, licensed for shipping by EZ Logic Data (U.S.).

$30,000 worth of electronic and computing equipment to measure neutrons and gamma rays, licensed for shipping by Canberra Industries and Canberra Elektronik (U.S., Germany).

Five frequency converters capable of powering centrifuges, by Acomel (Switzerland).

Parts that collected enriched uranium in electromagnetic enrichment machines.

One jet-molding machine to make centrifuge motors, by Arburg (Germany).

One powder press suitable for compacting nuclear fuels, by XYZ Options (U.S.).

$1.5 million worth of cylindrical presses, by Leifeld (Germany).

$2.2 million worth of computers, licensed to be shipped to an atomic bomb builder by Unisys (U.S.).

$280,000 worth of computers and electronic and phogotraphic equipment for nuclear weapons laboratories, licensed to be shipped by Perkin Elmer (U.S.).

$367,000 worth of computers licensed for shipping to an atomic bomb builder to run its machine tools, by Gerber Systems (U.S.).

Design plans for a $5.6 million plant to process uranium, by Natron (Brazil).

More than 100 mixer-settler units to extract plutonium, by Metallextraktion AB (Sweden).

Certrifuge cascade to enrich uranium.

Underground reactor and heavy water to produce plutonium.

Records of Iraq's foreign sources of expertise on uranium enrichment, foreign equipment suppliers and explosive tests of atomic bomb components.

Records containing identities and current activities of Iraqi nuclear personnel, including those trained by H&H Metalform, Interatom, Leybold, Lurgi and ZSI (Germany), Balzers (Switzerland), Chemddex (Poland), CNEN (Brazil), and Matrix Churchill (Britain).

Computer database showing status and extent of the entire nuclear weapon program.

• Mr. LIEBERMAN. Mr. President, I join my distinguished colleague, Senator MCCAIN, in introducing the Iran-Iraq Arms Non-Proliferation Amendments, which will amend the National Defense Authorization Act for fiscal year 1993. This bill is intended to deal with the threat of advanced weaponry, and particularly weapons of mass destruction, from Iran and Iraq.

Weapons of mass destruction are adding an entirely new dimension to world politics. In the past, relations between the major powers dominated international events; medium-sized countries such as Iran and Iraq only mattered insofar as they contributed to the geopolitical assets of a major power or became the object of a great power rivalry.

Today, however, countries, such as Iran or Iraq, could become as much as a threat as a major industrial power. No longer are a full panoply of conventional forces needed to threaten United States interests; a primitive nuclear device could wreak more havoc on the continental United States than Nazi Germany or Imperial Japan could ever aspire to. So despite much talk about the decline of the nation-state, proliferation is strengthening the potential power of those states bent on becoming nuclear powers.

Of all the aspiring nuclear powers, none threatens United States interests more than Iran. CIA Director James Woolsey said before the Senate Committee on Government Affairs on February 24 that:

> Iran is pursuing the acquisition of nuclear weapons despite being a signatory of the Nuclear Nonproliferation Treaty [NPT]. Iran probably will take at least 8 to 10 years to produce its own nuclear weapons, perhaps sooner if it receives critical foreign assistance for its development program.

To this end, Tehran continues to apply economic pressure on Germany to complete a commercial nuclear power plant at the city of Bushehr that was abandoned when Khomeini came to power. It has also signed contracts for the sale of several commercial nuclear plants, whose materials could be weaponized, from Russia and China. Commercial nuclear power plants make no economic sense for Iran, which has the world's second largest supply of natural gas.

CIA Director Woolsey has also warned that despite Iraq's overwhelming military defeat, its scientific and engineering capabilities and its commercial network remain largely intact:

> Iraq retains key nonfissile materials and equipment, such as centrifuge drawings, machine tools, and expertise, that it could use to rebuild a centrifuge-based uranium enrichment effort * * * the Iraqis retain missiles, support equipment, and propellant, and they are still capable of firing scud missiles * * * Iraq's biological weapons capability is perhaps of greatest immediate concern.

THE MCCAIN-LIEBERMAN BILL

Faced with this challenge, the McCain-Lieberman bill is designed to thwart foreign firms and individuals

that provide assistance to the Iranian and Iraqi weapons programs, particularly those involving arms of mass destruction. While U.S. law generally deals adequately with transgressions by U.S. firms, additional measures are needed against foreign firms. Such measures could be effective because, for all their defiance toward the international community, Iran and Iraq are not hermit States, like North Korea. They rely on foreign suppliers for their weapons materials and for some of their know-how.

The McCain-Lieberman amendments do this. Existing law mandates sanctions against foreign firms and individuals that contribute to Iran and Iraq's programs of destabilizing advanced conventional weapons and weapons of mass destruction by:

First, suspending United States and multilateral development bank assistance;

Second, suspending codevelopment, coproduction, military, and dual-use technical exchange agreements; and

Third, prohibiting the export of all terms on the U.S. munitions list to the violating country.

The McCain-Lieberman bill adds mandatory sanctions against these foreign firms by shutting their imports out of the U.S. market. With this bill, no foreign entity will be able to export to the United States if it knowingly abets the Iran and Iraq weapons programs.

This bill also adds the following discretionary sanctions:

First, prohibitions against assistance from financial institutions,

Second, a blocking of international transactions, and

Third, the suspension of U.S. aviation and port rights.

The McCain-Lieberman bill also provides the President with the power to take the following discretionary actions:

First, denial of most-favored-nation status;

Second, suspension of diplomatic relations, special trade privileges, and trade agreements; and

Third, revocations of licenses for nuclear material exports.

BEHIND THE WEAPONS PROGRAM

The weapons programs of Iran are being driven by two deeply rooted impulses: Islamic fundamentalism and Iranian nationalism. The Iranian Government has been split between Islamic fundamentalists and so-called pragmatists or nationalists. Fundamentalists believe in a heavy-handed state socialist economy and repressive social mores. Their foreign policy is fueled principally by anti-western policies on religious grounds.

In contrast, Iranian nationalists, who have been gaining power since the election of Hashemi Rafsanjani as President in 1989, are motivated primarily by traditional Persian Nationalism. They believe deeply that the Persian Gulf is within their exclusive sphere or influence. The defeat of Iraq has reinforced their view that Iran is the sole Islamic power of consequence in the region.

Iranian nationalism has also been emboldened by the expectation that the collapse of the Soviet Union will permit a return of Iranian influence to the U.S.S.R.'s seven Islamic republics, which were under loose Iranian control in the past. Iranian adventurism, on the part of both fundamentalists and nationalists, has also been fueled by the prospect of cheap, surplus Warsaw pact military equipment.

Iraqi nationalism, embodied in its most virulent form by Saddam, is driving Baghdad's weapons policies. Iraq has always seen itself as the Arab custodian of the gulf, and few Iraqis consider Kuwait to be a legitimately independent country. This imperial attitude no doubt has been used to serve the purposes of the country's ruling elite, which is predominantly Sunni. Since the Sunnis only represent 20 percent of the country's population, Sunni leaders have sometimes been tempted to engage in foreign adventurism to divert the discontents of its Shi'ite majority. This is the case today.

CONCLUSION

Mr. President, there is a deceptive lull in international affairs. With the end of the cold war and the collapse of the Soviet Union, there are not apparent, overwhelming threats to the United States. And yet just as growing German power haunted Europe at the beginning of this century, the specter of weapons of mass destruction in the hands of radical Third World states is a cause of forboding at the end of the century. We must, therefore, prevent the diffusion of technology and know-how to Iran and Iraq.

The McCain-Lieberman bill does this by amplifying upon the existing legal, diplomatic, and conceptual structure that should isolate these two radical Persian Gulf countries. In doing so, we will slow, and hopefully prevent, them from obtaining weapons that threaten our lives and those of our children as nothing else does.●

By Mr. RIEGLE:

S. 1173. A bill to provide for a comprehensive reduction in the United States bilateral trade deficit with Japan, to assure mutually advantageous international trade in motor vehicles and motor vehicle parts, and for other purposes; to the Committee on Finance.

UNITED STATES-JAPAN TRADE EQUALIZING ACT OF 1993

● Mr. RIEGLE. Mr. President, I rise today to introduce legislation to provide for balanced and comprehensive reduction in our trade deficit with Japan. This bill, the United States-Japan Trade Equalizing Act of 1993 is result-oriented legislation which will deal effectively with the growing United States trade deficit with Japan as a result of their unfair trade practices.

This bill complements my earlier bills by approaching the United States trade deficit with Japan on an overall basis.

Just reading this morning's newspapers explains the need for this legislation. Yesterday, negotiations between the United States and Japan to define a new trading relationship broke down.

Contrary to his predecessors, President Clinton has sought measurable progress in our trade relationship with Japan. The United States proposed establishing clearly defined measurable targets for opening specific Japanese markets and for cutting the Japanese trade surplus in general.

Japan has refused, I believe, because setting clearly defined targets has been successful in the past in opening up the Japanese market.

The most obvious example of the benefit of this approach was the semiconductor agreement which required 20 percent of the Japanese market to be foreign—an agreement which achieved its intended result. I believe the very success of this approach mandates that we continue to demand specific and clear measurable targets.

The New York Times states, and I quote, "The deadlock in Tokyo is a blow to Clinton's economic revival plans." I agree that trade is critical to the United States economic future, but do not believe that the Japanese control our economic destiny. We do, as long as we are willing to take those steps necessary to ensure the long-term growth of the United States, and the world, economy.

The United States-Japan Trade Equalizing Act of 1993—which I introduced today—is a step in that direction by providing for a balanced reduction in Japan's overall trade deficit with the United States over a 5-year period. For each of the next 5 years, Japan would be required to reduce its trade surplus with the United States, either by buying more United States products, or selling less products here.

If Japan does not meet the deficit reduction targets, the United States will impose quantitative restrictions on both motor vehicles and motor vehicle parts from Japan. It is appropriate to target the Japanese auto and auto parts sectors for restrictions as the majority of our trade deficit with Japan is in these two sectors alone.

This legislation was first introduced as part of a larger, comprehensive trade package over a year ago. Looking back to when I introduced the legislation last year, I see that many of the issues I was concerned with at that time have not improved.

There continues to be growing unemployment and underemployment, layoffs by many of our Fortune 500 companies, and a growing trade deficit with Japan.

However, one thing has changed over the past year—the specific numbers. The trade numbers indicating the magnitude of the United States trade deficit with Japan have worsened.

The cumulative United States trade deficit since 1980 is over $1.1 trillion—roughly half of our deficit is with Japan. Our cumulative trade deficit with Japan alone is $511 billion—over a half a trillion dollar deficit with one country alone. Moreover, our deficit with Japan is not improving.

When I introduced this legislation last year, our 1991 trade deficit with Japan was $43.4 billion. By the end of 1992, our trade deficit had reached $49.4 billion—an increase of almost 14 percent in 1 year alone.

In April of 1993 alone, the United States trade deficit with Japan was $5.5 billion—since the beginning of this year, the United States trade deficit with Japan is $18.79 billion. If this trend continues, the United States trade deficit for 1993 would be $56.37 billion, again an increase of about 14 percent. That would mean that since 1991, the United States trade deficit with Japan will have increased by almost 30 percent.

Further, well over half the United States trade deficit with Japan is in the automotive sector. The United States deficit with Japan in the automotive sector has increased significantly since the mid 1980's. In 1986, the automotive sector represented 55.6 percent of the United States' total trade deficit with Japan.

By 1988 our deficit in the automotive sector had increased to 61.7 percent, and by 1990 it increased to 73.7 percent. By 1990 almost three-fourths of the United State's trade deficit with Japan was in the auto and auto parts sectors alone.

The U.S. trade deficit in the auto parts sector has increased unabated throughout the 1980's. Between 1985 and 1986, the United States trade deficit with Japan in the auto parts sector increased 95 percent, and between 1986 and 1987 the auto parts deficit increased another 31 percent, and continued nonstop throughout the 1980's and 1990's—reaching $9.8 billion in 1992.

Last year, our auto parts deficit alone accounted for approximately 20 percent of our total trade deficit with Japan.

Our motor vehicle deficit with Japan shows the same trends as both our auto parts deficit and our overall trade deficit—it increased nonstop throughout the 1980's and 1990's. Our motor vehicle deficit with Japan represents on average 45–50 percent of our total trade deficit.

We must remember trade and trade practices have a direct relationship to how much wealth this country has, how many Americans have jobs, and the kinds of jobs they have. The U.S. auto industry accounts for approximately 4.5 percent of our gross national product.

The auto industry employs about 2.5 million workers in the United States and, in doing so, provides workers a middle class standard of living—a home, a pension, health care, and education for their children.

Working Americans—whether in the auto industry, another manufacturing industry, agriculture or other—are the backbone of this country. It is working Americans, through their labors, production, and innovation, that create the products that Americans and people around the world need and want.

In doing so they contribute directly to the economic strength of this country. However, Americans who lose their jobs because of the unfair trade practices of other countries are no longer able to positively contribute to the economic strength of this country.

These unemployed Americans—through no fault of their own—have a negative impact on our economy. They require financial resources be diverted from already burdened Federal, State, and local budgets, for retraining, unemployment compensation and worker adjustment assistance.

The funds used for these programs could be put to much better use—education, crime control, health care—if U.S. workers had not lost their jobs to unfair trade practices. Further, most unemployed workers have less disposable income to spend, thus having a deleterious effect on overall economic growth in the United States.

There are also many social costs associated with unemployment—rising crime, increased alcoholism, drug abuse, and family violence—to name a few. Most of the United States' unemployment results from the unfair trade practices of other countries—not from a lack of U.S. competitiveness.

The problem of Japan's closed market is not just a United States-Japan problem, it affects the entire world economy. Japan's closed market hampers both United States economic growth and overall global economic growth as well. Not only are there countless anecdotal examples of Japan's closed market, but the degree of their closed market is well documented in economic statistics.

Compared to other industrialized nations, Japan imports a disproportionately small share of manufactured products. In 1991, U.S.-manufactured imports represented 6.9 percent of our gross domestic product [GDP].

For the rest of the G–7, excluding Japan, manufactured imports represented on average 7.4 percent of GDP. However, manufactured goods imports in Japan represented only 3.1 percent of their GDP. In addition, Japan has the lowest level of foreign direct investment among the OECD countries.

Only 0.7 percent of the global stock of direct investment is in Japan, whereas 28.6 percent of the global stock of direct investment is in the United States, and 28.6 percent is in Europe. Clearly, Japan continues to be a closed market to the United States and other country's goods and services.

It is unacceptable for the second largest economy, Japan, to continue to use unfair trade practices, such as maintaining a closed market, to further its economic goals.

We have seen entire United States industries disappear, or be reduced to noncompetitiveness, as a result of Japan's unfair trade practices. The United States has virtually lost its consumer electronics industry, semiconductor, and computer chip industry as a result of unfair trade practices by Japan.

These practices include a closed domestic market, export targeting, predatory pricing practices, the Japanese kieretsu system of trade, and other practices. Now, we are on the verge of losing our auto and auto parts industry because of Japan's unfair trade practices in these areas.

While the previous administration was content to merely study the issue, or pursue informal talks with the Japanese, nothing was accomplished. The results of then-President Bush's trip to Japan over 1 year ago have been nonexistent—for in 1992 the United States experienced its largest ever trade deficit with Japan.

More specifically, the so-called import targets the Japanese auto makers and auto parts producers agreed to early in 1992, have not been met. A number of articles following then-President Bush's trip report that the Japanese now say they did not actually commit to increased purchases of United States produced autos or auto parts.

Further, the Japanese have indicated, the specific import targets discussed for reducing the deficit in the auto and auto parts industries were not real commitments but merely informal guidelines discussed by the United States and Japan. Clearly, informal commitments or voluntary targets do not work.

The United States needs a mechanism which will produce results. My legislation provides a mechanism which will produce results.

The United States-Japan Trade Equalizing Act of 1993 provides for a balanced reduction in Japan's overall trade deficit with the United States over a 5-year period.

Beginning in 1994, Japan will be required to reduce its surplus with the United States by 20 percent of the level our 1993 bilateral trade deficit. In each of the following 4 years, Japan will be required to reduce its trade surplus by an additional 20 percent of the 1993 deficit base level.

If Japan does not meet the deficit reduction targets set out in this bill, the United States will impose quantitative restrictions on imports of both motor vehicles and motor vehicle parts from Japan. As I stated earlier, it is appropriate to target the Japanese auto and auto parts sectors for restrictions as the majority of our trade deficit with Japan is in these two sectors alone.

The quantitative restrictions will equal the number of auto and auto parts each that were entered into the United States during 1993 less 20 percent. In other words, if the United States imported 1.5 million cars from Japan in 1993, the number of cars permitted to enter the United States during 1995, if the 1994 deficit reduction target was not met, would be 1.125 million cars.

Likewise, the specific number of auto parts, in each product category that would be permitted to enter the United States would be determined according to the same formula.

In each of the following deficit reduction years, the number of autos and auto parts which would be allowed entry into the United States if Japan did not meet is deficit reduction targets, would be reduced by an additional 20 percent.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 1173

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 "United States-Japan Trade Equalizing Act of 1993".

TITLE I—FINDINGS AND DEFINITIONS

SEC. 101. FINDINGS, PURPOSE, AND DISCLAIMERS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States trade deficit with Japan has increased substantially over the past decade. In 1991, the United States trade deficit with Japan was $43,400,000,000. The trade deficit increased by 14 percent in 1 year, to over $49,400,000,000 by the end of 1992.

(2) The traditional domestic motor vehicle and motor vehicle parts sector directly employs more than 1 million workers and indirectly employs several million more. The workers are skilled, hard working, productive, capable, and proud of their work. The workers and their employers have achieved great improvements in quality, performance, fuel economy, safety, and design of domestic motor vehicles.

(3) The domestic motor vehicle and motor vehicle parts sector directly and indirectly accounts for about 12 percent of our gross national product and generates more than $200,000,000,000 a year in revenue.

(4) The domestic motor vehicle and motor vehicle parts sector is a major consumer of steel, glass, textiles, rubber, aluminum, machine tools, chemicals, electronics, and other important products.

(5) Recognizing the competitive pressures facing the motor vehicle industry, Japan has operated under a voluntary export restraint arrangement since 1981 that has not been recognized or enforced by the United States Government.

(6) Since 1986 the United States Government has engaged, with little result, in a negotiating process with the Government of Japan to obtain fair access to the markets of that nation for United States producers of motor vehicle parts and manufacturers of motor vehicles.

(7) Despite these negotiating efforts, in 1992 the United States posted a $49,400,000,000 trade deficit with Japan of which over $30,000,000,000 was accounted for by the automotive sector deficit ($9,800,000,000 of which was attributable to motor vehicle parts), and there is little evidence that the Japanese Government is seriously trying to eliminate such deficits which are detrimental to the United States economy and jobs.

(8) In addition to transplant assembly facilities in the United States that are owned or controlled by Japanese persons, motor vehicles and motor vehicle parts are being imported from Japan into the United States in such increased quantities and under such conditions as to cause, or threaten to cause, serious injury to domestic manufacturers of like or directly competitive products and to the domestic workers producing such products.

(9) In the last 5 years, transplant assembly facilities in the United States that are owned or controlled by persons from Japan have not shifted significantly their procurement to traditional United States producers of motor vehicle parts, as illustrated by the fact that—

(A) the United States automotive parts trade deficit with Japan grew between 1985 and 1990 at an annual average rate of 17 percent and totaled $9,800,000,000 in 1992; and

(B) only 12.5 percent of the customs value of vehicles manufactured in such transplant facilities in the United States is based on parts produced by traditional United States motor vehicle parts producers, while 35.1 percent of such value is based on imports from Japan and 32.4 percent of such value is based on purchases from Japanese-affiliated parts producers located in the United States.

(10) The pattern of procurement described in paragraph (9) has contributed significantly to the overall United States merchandise trade deficit with Japan.

(11) The continuation of current procurement practices by automobile companies owned or controlled by persons from Japan and the increased production of vehicles by transplant facilities in the United States is projected to result in a 110 percent (or $21,990,000,000) increase in the United States motor vehicle parts trade deficit by 1994.

(12) Aftermarket parts are likely to account for 50 percent of the motor vehicle parts trade deficit with Japan by 1994 because transplant facilities are not purchasing sufficient quantities of original equipment from United States suppliers.

(13) Traditional United States motor vehicle parts manufacturers are particularly underrepresented in the production of motor vehicles produced by transplant facilities in the United States in the following 3 major, high value-added vehicle systems:

(A) Engines.

(B) Transmissions.

(C) Body structures.

(14) In the 1991 National Trade Estimates Report, the United States Trade Representative listed "close and durable relationships" between Japanese motor vehicle makers and suppliers as a barrier to United States motor vehicle parts sales in Japan.

(15) The market share of Japanese motor vehicle manufacturers in the European Community is currently 10 percent while their market share in the United States is about 35 percent.

(16) The European Community has negotiated an understanding with the Government of Japan limiting the market share of motor vehicles produced by Japanese motor vehicle manufacturing companies both in Japan and in the European Community to less than 16 percent until the year 2000.

(17) The home market for motor vehicles and motor vehicle parts in Japan remains largely closed to all foreign manufacturers whose combined market share equals no more than 3 percent.

(18) Japan's nontariff market barriers include onerous inspection and certification systems that discriminate against foreign-made motor vehicles and motor vehicle parts, a tax system that discriminates against foreign-made products, closed distribution systems and dealer networks, and government-tolerated "Keiretsu" relationships involving motor vehicle and motor vehicle parts manufacturers and dealers. At the same time, Japanese firms enjoy open markets in the United States with no limitations or discrimination.

(b) PURPOSE.—The purpose of this Act is to decrease the merchandise trade deficit of the United States with Japan by providing for a staged merchandise trade deficit reduction over a 5-year period.

(c) CONGRESSIONAL DISCLAIMERS.—It is the intent of Congress that this Act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement that may be applicable to motor vehicles and motor vehicle parts and to which the United States, on the date of the enactment of this Act, is a party, including, but not limited to, the terms or conditions of any such treaty, convention, or agreement which provide for the resolution of conflicts between the parties thereto. Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of the enactment of this Act which may confer such jurisdiction in such courts.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) MOTOR VEHICLE AND MOTOR VEHICLE PARTS.—

(A) The term "motor vehicle" means any article of a kind described in heading 8703 or 8704 of the Harmonized Tariff Schedule of the United States.

(B) The term "motor vehicle parts" means any article of a kind described in the following provisions of the Harmonized Tariff Schedule of the United States if suitable for use in the manufacture or repair of motor vehicles:

(i) Subheadings 8407.31.00 through 8407.34.20 (relating to spark-ignition reciprocating or rotary internal combustion piston engines).

(ii) Subheading 8408.20 (relating to the compression-ignition internal combustion engines).

(iii) Subheading 8409 (relating to parts suitable for use solely or principally with engines described in clauses (i) and (ii)).

(iv) Subheading 8483 (relating to transmission shafts and related parts).

(v) Subheadings 8706.00.10 and 8706.00.15 (relating to chassis fitted with engines).

(vi) Heading 8707 (relating to motor vehicle bodies).

(vii) Heading 8708 (relating to bumpers, brakes and servo brakes, gear boxes, drive

axles, nondriving axles, road wheels, suspension shock absorbers, radiators, mufflers and exhaust pipes, clutches, steering wheels, steering columns, steering boxes, and other parts and accessories of motor vehicles).

The Secretary shall by regulation include as motor vehicle parts such other articles (described by classification under such Harmonized Tariff Schedule) that the Secretary considers appropriate for the purposes of this Act.

(C)(i) The term "Japanese motor vehicle" means a motor vehicle which is the product of Japan.

(ii) The term "Japanese motor vehicle part" means a motor vehicle part which is the product of Japan.

(2) ENTERED.—The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) IMPORT RESTRICTION IMPLEMENTATION PERIOD.—The term "import restriction implementation period" means a calendar year which—

(A) occurs after 1994 and before calendar year 2001, and

(B) follows a calendar year with respect to which the Secretary finds, under section 201(b), that the trade deficit reduction target was not met.

(4) INTERSTATE SALE.—The term "interstate sale" means sale or distribution in the interstate commerce of the United States.

(5) BASELINE DEFICIT.—(A) The term "baseline deficit" means the average monthly merchandise trade deficit, as computed by the Secretary, of the United States with Japan during calendar year 1993.

(B) In computing merchandise trade deficits under this section, the value of bilateral trade between the United States and Japan in—

(i) crude petroleum; and

(ii) nonmonetary gold;

shall not be included.

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(7) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

TITLE II—MERCHANDISE TRADE DEFICIT REDUCTION

SEC. 201. STAGED TRADE DEFICIT REDUCTION.

(a) TRADE DEFICIT REDUCTION TARGETS.—

(1) IN GENERAL.—The trade deficit reduction target for each of the calendar years listed below is an average monthly merchandise trade deficit of the United States with Japan during such year that does not exceed an amount that equals the applicable percentage of the baseline deficit that appears opposite such year:

Calendar year	Applicable percentage of baseline deficit
1994	80 percent
1995	60 percent
1996	40 percent
1997	20 percent
1998	0 percent

(2) SPECIAL RULE FOR 1998.—For calendar year 1998, the 0 percent trade deficit reduction target shall be treated as having been met if the merchandise trade deficit of the United States with Japan during such year does not exceed—

(A) an amount equal to 5 percent of the value of the aggregate bilateral merchandise trade between the United States and Japan during such year; or

(B) $5,000,000,000.

(b) COMPUTATIONS.—

(1) IN GENERAL.—Not later than January 1 following each calendar year listed in subsection (a)(1), the Secretary shall compute whether the trade deficit reduction target for such year was met.

(2) ANNOUNCEMENT OF IMPORT RESTRICTION IMPLEMENTATION PERIOD.—If the Secretary finds under paragraph (1) that the trade deficit reduction target specified under subsection (a) for a calendar year was not met, the Secretary shall announce, by publication in the Federal Register, that the import restriction implementation period is in effect beginning on January 1 of the year after the year to which the finding applies.

SEC. 202. COMPUTATION OF IMPORT RESTRICTIONS IF TRADE DEFICIT REDUCTION TARGET NOT MET.

(a) IN GENERAL.—On January 1 of the first calendar year (and each calendar year thereafter) for which an import restriction implementation period is in effect, the Secretary shall compute and publish in the Federal Register the quantitative import restrictions for such calendar year.

(b) COMPUTATION.—

(1) IN GENERAL.—For purposes of subsection (a), the term "quantitative import restrictions" means the aggregate quantity of Japanese motor vehicles and the aggregate quantity of Japanese motor vehicle parts that may be entered into the United States (in accordance with paragraph (2) or (3)) for a calendar year described in subsection (a).

(2) FIRST YEAR RESTRICTIONS.—The aggregate quantity of Japanese motor vehicles and Japanese motor vehicle parts that may be entered into the United States, during the first calendar year for which an import restriction implementation period is in effect, may not exceed the aggregate quantity of such motor vehicles and the aggregate quantity of such motor vehicle parts entered into the United States during 1993, reduced by 20 percent.

(3) SUBSEQUENT YEARS.—In the case of any calendar year for which an import restriction period is in effect after the first such calendar year, the aggregate quantity of Japanese motor vehicles and Japanese motor vehicle parts that may be entered into the United States shall not exceed the amount of such motor vehicles and motor vehicle parts entered during the most recent preceding calendar year for which an import restriction implementation period was in effect, reduced by 20 percent.

(4) ADMINISTRATION.—In order to prevent import surging or to otherwise ensure the efficient administration of this Act, the Secretary may impose temporary quantitative import restrictions on Japanese motor vehicles and Japanese motor vehicle parts entered during the first 3 months of a calendar year in an import restriction implementation period.

SEC. 203. REPORTS.

Within 30 days after a computation is made under section 201 or 202 with respect to a calendar year, the Secretary shall submit to the Congress a report setting forth the bases of the computation.

SEC. 204. SENSE OF CONGRESS REGARDING ACHIEVEMENT OF MERCHANDISE TRADE DEFICIT REDUCTION TARGETS.

It is the sense of the Congress that representatives of the United States and Japanese Governments should undertake continuing discussions regarding the means and measures, to be selected by the Japanese Government, to achieve the merchandise trade deficit reduction targets required under section 201(a). During the discussions, the Trade Representative should particularly address market access priorities for United States exports to Japan.•

By Mr. LIEBERMAN (for himself, Mr. MACK, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1175. A bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes; to the Committee on Finance.

EQUITY EXPANSION ACT OF 1993

• Mr. LIEBERMAN. Mr. President, I rise today to introduce the Equity Expansion Act of 1993. I am pleased to be joined in this effort by Senators MACK, FEINSTEIN, and BOXER.

This bill could help spur the competitiveness and profitability of American companies by expanding the number of employees in all industries who will have the opportunity to receive part of their remuneration in the form of stock options. In addition, our bill would reform the current punitive tax and financial accounting treatment of employee stock options and it will create strong tax incentives for employees to retain the stock they purchase through their stock options, enhancing our pool of long-term, patient capital.

Mr. President, from a public policy perspective this bill is appealing because it is focused on strengthening a key American advantage in global competition. America's best companies learned long ago that the key to success in the world's toughest markets is a dedicated work force that shares the common goals for their company. Nothing spawns that commitment better than the opportunity for equity ownership through broad-based employee stock options and stock purchase plans.

Employee equity could help give us an edge in global competition. Neither the Europeans nor the Japanese have yet learned how to generate the kind of employee creativity and commitment that broad-based employee stock option plans have demonstrated for United States companies. Our Nation's public policy should encourage and promote employee participation through broad use of equity compensation programs. The bill we are introducing today will begin that process.

WHY THIS IS A JOBS BILL

One of our Nation's strongest concerns now is how to stimulate additional job creation in the American economy. We contemplate spending billions of dollars trying to prime the job pump, but we often can't be certain what we will receive in return. As we debate those measures, it's important that we not overlook a powerful job creation engine that is already pumping out thousands of high-quality jobs with a future in this country and generating major tax revenues for us in the process. That engine is small business, and the fuel is the broad-based employee stock option.

Stock options make it possible to start new companies and create new jobs with significantly less cash than

would otherwise be required. They enable growing companies to attract the key people who can make the difference at each stage of a company's progress. Stock options stretch scarce venture capital dollars and allow companies to hire more people than they otherwise could. Stock options also encourage risk-taking and spur technological innovation. America's most dynamic, job-creating companies consistently rely on employee stock options to attract and motivate their employees. Not just their top executives, all their employees.

I often hear from innovative CEO's who tell me they could not have built their companies and created the jobs they have without the ability to offer stock options to their entire work force. These same executives tell me that the rule change soon to be imposed by the Financial Accounting Standards Board [FASB] would have prevented them from creating many of those jobs.

Mr. President, our bill will not only prevent damage to America's growth-oriented industries, it will improve the ability of those companies to share equity more widely with their employees. In the process it will encourage thousands of additional companies to begin granting stock options to their work force, giving them a powerful stake in those companies.

At a time when we are contemplating a variety of reforms, taxes, and other mandates on business that will make it more expensive to create jobs, it's vital that we find new ways to make it easier to start companies and employ people. The Equity Expansion Act is such a bill.

A POSITIVE REVENUE IMPACT

Mr. President, another important reason this bill is attractive is that, unlike most business tax proposals, we believe the Equity Expansion Act will be ruled revenue-positive by the Joint Committee on Taxation. The Joint Committee found a similar bill to be a revenue-raiser in 1979. We asked two national accounting firms to analyze the revenue implications of our bill under today's tax rates and rules.

In a letter dated April 26, 1993, Ernst & Young reached the following conclusions:

> Setting aside matters of timing, to the extent that the performance stock options created by this bill displace nonqualifying stock options (or equivalently taxed cash compensation), there is an unambiguous revenue gain to the Treasury. This revenue gain is offset to the extent that performance stock options displace incentive stock options; and under the current rate structure, so long as 40 percent or more of the performance stock options would otherwise have been nonqualifying stock options (or equivalently taxed cash compensation), the net impact would be a revenue gain for the Treasury.

Coopers & Lybrand also examined the revenue implications of our bill. They conclude:

> In summary, the Equity Expansion Act of 1993 appears to offer the combination of reducing individual tax burdens for the employee and potentially increased Treasury collections. When compared to a non-qualified stock option, the proposed performance option would induce employees to keep the associated stock for the required holding period and in the situations outlined above, government revenue should rise. Our results are less definitive when the analysis is done using ISOs as a yardstick, but based on the current employee practice of selling the stock immediately, the performance options should also increase government revenue.

At a time when there is intense pressure on all tax provisions, my colleagues and I are pleased to be able to offer a bill that focuses on many of the most productive, job creating companies in the economy and also is likely to generate a revenue gain for the Treasury. I plan to include the full text of these accounting firm analyses, along with the Joint Committee's revenue estimate, in a future statement on this bill.

WHAT ARE STOCK OPTIONS, AND WHO PAYS FOR THEM?

An employee stock option is a right to purchase a set number of company shares for a fixed price at some defined time in the future. Unlike the type of stock options traded on stock exchanges, employee stock options are not transferable. There is no external market to establish their value.

The cost of employee stock options is borne entirely by the company's shareholders through dilution in the value of their shares. Yet, as described in more detail below, investors willingly approve these plans because they stimulate greater returns. Stock option plans are the only element of corporate compensation that already require the express approval of shareholders. Further, they are subject to annual proxy disclosure and footnote treatment in financial statements.

SUMMARY OF THE EQUITY EXPANSION ACT

The Equity Expansion Act leaves existing forms of stock options in place. Companies could continue to offer tax-deductible nonstatutory—nonqualified—stock options if they wish. But companies willing to forgo that deduction and grant options broadly throughout their work force would be able to offer their employees a new form of option, called a performance stock option [PSO], that requires no taxes from employees at exercise and gives them strong tax incentives to hold onto their stock after they acquire it. To qualify, at least half of a PSO must go to "non-highly compensate" employees, as defined by the IRS. This new form of option essentially restores the benefits of capital gains treatment by excluding half of the tax on the employees' gain when they sell their stock, after a minimum 2 year holding period.

TAX PROVISIONS

Despite its powerful tax incentives, this new form of option, performance stock option, will not cause a revenue loss to the U.S. Treasury. In fact, a revenue gain is achieved by omitting the employer's expense deduction when PSO's are exercised—as in incentive stock options.

PSO plans will require the approval of the firm's shareholders. They:

Assure broad participation by reserving at least half of the stock in PSO plans for "non-highly compensated" employees as defined by Congress in IRC §414(q).

Relieve employees of taxes on their paper profits when they exercise their options. They would still be taxes when they sell their stock.

Encourage employees to retain their stock after exercise by excluding 50 percent of their gain from tax when the stock is sold, after a minimum 2-year holding period.

Remove the spread at exercise from the alternative minimum tax, and prevent the IRS from imposing FICA and FUTA taxes on premature sales.

ACCOUNTING PROVISIONS

The bill directs the SEC to end the charge against earnings now required on variable options, thereby providing management with a flexible and powerful new motivational tool. The number of options the employee could exercise in the future could be increased or decreased by the achievement of performance goals set by the company—that is, shareholder ROI, product development goals, revenue or profitability target, et cetera—without an accounting penalty.

The bill counters the decision on stock option accounting announced by the Financial Accounting Standards Board on April 7, 1993. It directs the SEC to maintain the current financial accounting treatment of all forms of fixed stock options. No additional compensation charge to earnings would be required.

THE NEED FOR THIS BILL

1. STOCK OPTIONS IMPROVE THE PERFORMANCE OF AMERICAN COMPANIES

In the traditional model for financing a company, investors provide money to a company and receive stock in return. The company then uses some of the money to compensate its employees. There is no dispute over how to account for this simple transaction. But over the last generation a growing number of American companies have learned the value of going back to their investors for a second investment in the form of stock which they then share with large segments of their work force through employee stock option plans.

Because the exercise of employee options will dilute the economic and voting power of shareholders, the corporation laws of virtually every State require that shareholders specifically approve employee stock option plans. And approve them they do, because over the years shareholders have

learned that they receive significantly greater returns from companies that share stock to motivate their work force.

For example, it's worth nothing that professional venture capital firms are some of the strongest advocates of broad-based employee stock option plans. Veteran America venture capitalists are among the most sophisticated corporate investors, directors, and shareholders in the world. They know that as shareholders they bear the full cost of stock option plans through dilution of their holdings. Yet they consistently insist that their portfolio companies establish and maintain extensive employee stock options plans that cover all or nearly all of their work force. And they're not hesitant to say why. The professional venture capital industry has learned over the years that broad-based employee stock ownership is essential to achieving the dramatic returns that investors in professional venture capital funds seek.

2. COMPANY-WIDE OPTION PLANS ARE WIDESPREAD AND GROWING

Many people in this country mistakenly believe that stock options are a benefit awarded only to CEO's and other top executives. This misimpression is reinforced by stories about individual executives stock option packages. Hardly any national visibility has gone to the important trend toward companies sharing options with their entire work force. Yet this movement is fundamental to the success American companies have achieved in global competition. Examples include such highly successful large companies as Chili's, DuPont, Genentech, Kroger, Merck, Nation'sBank, Pepsico, and Pfizer. And the practice is even more widespread among smaller companies.

America's technology companies have been the world's leaders in sharing their stock with their employees and benefiting from the growth that ensues. A dramatic example is Microsoft Corp. The New York Times recently estimated that Microsoft's stock option and employee stock purchase plans have created more than 2,200 employee millionaires in that one company. This is an achievement that our public policy should encourage. But it is far from an isolated example.

A 1990 Radford Associates survey of 300 electronics companies found 85 percent of the companies using options gave them to middle managers and above, while 30 percent even include nonsalaried people. Only 15 percent limited their options to officers.

The Industrial Biotechnology Association reports a similar experience. According to IBA, 75 percent of their companies use stock options. Fully 60 percent grant options to their entire work force. Only 8 percent limit their options to officers and a few managers.

In 1991, ShareData, Inc., makers of a widely used PC-based stock option management program, surveyed their 800-firm user group, which includes many companies outside the technology sectors. They received 300 responses. A substantial majority—68 percent—of the smallest companies—with fewer than 100 employees—grant stock options to every one of their employees. Even when companies reached 500 employees, more than half—54 percent—of the respondents granted options to their entire work force.

It's well known that the political pressure on FASB stems in large part from the mistaken belief that stock options only go to a few top executives. It's painfully ironic that FASB's new accounting rule would translate that premise into a self-fulfilling prophesy. Top executives will always be able to bargain for equity compensation, and boards of directors will want them to have it, even if FASB doubles its cost. What will be lost, however, is the tradition of granting stock options to a company's entire work force. FASB's proposed charge against earnings would also cover the discounts companies now offer their employees to encourage them to purchase stock directly from the company. Both broad-based stock options and employee stock purchase plans will become prohibitively expensive if FASB's plan goes through.

3. U.S. TAX POLICY SHOULD ENCOURAGE STOCK RETENTION BY EMPLOYEES

Nearly every study of what works in successful companies advocates encouraging employees to buy and own meaningful portions of their company's stock. Employee stock options are a sound technique for making it possible for employees to purchase stock in their companies. Yet today's tax policies strongly discourage employees from retaining their stock after they exercise their options.

When employees exercise their stock options they are only acquiring stock. Ordinarily an income tax liability doesn't develop from purchasing an asset like stock. But in the case of the most widely used form of stock option, nonqualified options, employees are required to pay a tax on their paper profit at the time they purchase their stock—before they actually realize any gain from selling the stock. The law also allows employers to deduct the same amount as a compensation expense.

Since the cost of this tax on employees is in addition to the cost of purchasing the stock, most employees are forced to sell their stock immediately to pay the tax. This destroys the fundamental policy goal of encouraging employee ownership in their companies.

INCENTIVE STOCK OPTIONS HAVE BEEN RENDERED WORTHLESS

In 1981 Congress enacted incentive stock options [ISO's] to redress some of the problems with nonqualified options. ISO's were designed to allow employees to keep their stock after exercise by relieving them of taxes at exercise. In return for dropping the tax on employees, ISO's provide no compensation tax deduction for the company.

ISO's actually raise money for the Treasury because, when they sell their stock, employees pay tax on the full spread from date of grant to the date of sale. Since that tax revenue is not diluted by a deduction from the company, the Treasury comes out ahead. The Joint Committee on Taxation confirmed this effect in 1979 when it ruled that the ISO is revenue-positive.

But over the years, the usefulness of ISO's have been severely curtailed. Even though they raise money for the Treasury, Congress now treats ISO's like a tax concession and imposes the alternative minimum tax on their exercise. In addition to being conceptually wrong, this means that employees are once again forced to sell their ISO stock to pay the AMT tax. That defeats the whole purpose of the ISO. The bill we are introducing today will reform that policy.

As noted above, the Equity Expansion Act will create a new form of option, called performance stock options. This new form of option will encourage more companies to grant more options to more of their employees because it is limited to companies that offer broad-based stock option plans to large portions of their work force.

PSO's will require neither an income tax nor an AMT tax payment from employees when they exercise their options. Since any gain in the value of the stock at exercise would not be treated as personal service income to the employee, the company would not receive a compensation expense deduction for it. This foregone corporate deduction generates what Ernst Young describes as "an unambiguous revenue gain for the Treasury."

Our bill then uses a portion of that revenue gain to encourage employees to retain their stock for at least 2 years after exercise. After that holding period, half of the employee's gain will be excluded from tax when he or she ultimately sells the stock. Even with this tax incentive included, we expect the PSO to be ruled revenue-positive to the Treasury.

BUT WHAT ABOUT THOSE FAT CATS?

Mr. President, as I have noted, much of the criticism of stock options revolves around horror stories about a small number of extravagantly compensated executives. Much of the political pressure that has been exerted on FASB stems from such publicity. So it's fair to ask why our bill won't generate even more such stories.

First, it's important to remember that following the scandals we all remember last year, the SEC has promulgated a major new program requiring

extensive disclosure of executive compensation in a company's proxy statements. The compensation of the top people in a company will now be displayed in a readable and comprehensive way, along with comparisons against other companies in the same industry. It is now much easier for shareholders to hold their board of directors accountable for overcompensating employees. It is not necessary to clamp down on the use of stock options as a way to get a handle on executive pay.

Second, the Equity Expansion Act will encourage thousands of companies to share stock options with large percentages of their work force. The bill requires that at least 50 percent of the stock in a PSO plan must be granted to employees who are "not highly compensated" under the definition of that term in section 414(q) which Congress enacted in 1986. That definition is adjusted for inflation. In 1993 highly compensated employees begins at $57,820 for company officers. It covers the top paid 100 employees and the top 20 percent of employees. So any CEO who earns a gain on a PSO will not only have shared that gain with his or her shareholders, but will also have shared it widely with lower level people inside the company.

And finally there is the matter of tax cost. This bill does not cost the taxpayers additional money. We expect it will actually generate additional revenue for the Treasury. Therefore, it is to everyone's advantage to have this new stock option vehicle be adopted and implemented as widely as possible.

FASB'S STOCK OPTION PROPOSAL MUST BE RECONSIDERED

Mr. President, the tax provisions of the Equity Expansion Act would increase the value of broad-based employee stock options to both employees and companies in this country. Unfortunately, however, there still remains a major threat to the ability of companies to continue offering this incentive to their entire work force. I refer to the proposal by the Financial Accounting Standards Board to change the financial accounting rules for stock options.

The magnitude of the threat posed by FASB's proposal is demonstrated by a recent survey of 500 mainly high-technology start-up companies conducted by Venture One, a San Francisco research firm. Ninety percent of these companies said that if they had to deduct stock options from their profits it would force them to stop granting options to their entire work force, confine them to top executives only, or drop them completely. That is exactly the opposite of what we should be doing with stock options in this country.

WHY DOES SECRETARY BENTSEN CALL FASB'S PLAN HIGHLY DEBATABLE?

Mr. President, on April 2, Treasury Secretary Lloyd Bentsen wrote FASB expressing his "reservations about the proposal under consideration which would require companies to take a highly debatable charge to earnings when granting stock options."

It's important to point out some of the reasons this charge is considered "highly debatable" by the Clinton administration, the users of financial statements, all six national public accounting firms, and the companies that grant options.

The fact is that accurately estimating the future value of employee stock options is nearly impossible. No model yet offered comes close. First, no one can even know if the option recipient will remain employed at the company long enough to ever exercise the option. Beyond that, estimating the value of an option to purchase stock in the future requires predicting the company's future earnings, cash flow, market share, capital spending, as well as future Government policy. A high degree of subjectivity is simply unavoidable. Yet FASB proposes to force such guesses about the future onto the company's income statement as a reduction of its hard-won earnings.

The Board says the market will learn to overlook these charges and discern the true worth of the companies. The question is—from a policy perspective why should we make them do it in the first place? Can the benefits FASB proposes to produce with this charge outweigh the harm it will cause? The Board's supporters respond that such considerations are outside of FASB's charter. They feel the Board's responsibility is truth in accounting, not a balancing of interests. Yet a broader perspective is needed.

The Equity Expansion Act contains a provision directing the SEC not to require an issuer to recognize an expense or other charge in financial statements furnished to its security holders resulting from the grant, vesting, or exercise of an employee stock option. It would also eliminate the charge to earnings currently required for performance-based, variable options.

As a matter of abstract accounting theory, FASB's approach to stock option accounting may be defensible. But from a public policy, job creation, and competitiveness perspective, it is simply unnecessary and unusually disruptive.

I believe that the global preeminence of America's vital technological industries could be damaged by the proposal FASB has put forward.

FUTURE STATEMENTS ON EQUITY EXPANSION ACT ISSUES

Mr. President, a full discussion of the various questions raised by this bill is well beyond the scope of a single floor statement. Therefore, I plan to offer additional remarks over the next weeks and months to consider in more detail some of the topics that are important to understanding the Equity Expansion Act. Among the future issues I hope to review are:

How the Equity Expansion Act can spread the benefits of equity compensation to thousands of companies and millions of Americans who don't receive options today;

A survey of the research showing that extensive use of equity compensation promotes growth and competitiveness in American companies and industries.

Explanations of the revenue impact of the bill from both the public accounting firms and the Joint Committee on Taxation;

An examination of the accounting rationale for retaining the current accounting treatment of employee stock options; and

What positive alternatives to this accounting change are available to answer FASB's concerns.

Mr. President, I ask unanimous consent that the text of the Equity Expansion Act be printed in the RECORD following my remarks.

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

S.1175

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 "Equity Expansion Act of 1993".

SEC. 2. PERFORMANCE STOCK OPTIONS.

(a) IN GENERAL.—Part II of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to certain stock options) is amended by redesignating section 424 as section 425 and by inserting after section 423 the following new section:

"SEC. 424. PERFORMANCE STOCK OPTIONS.

"(a) IN GENERAL.—Section 421(a) shall apply with respect to the transfer of a share of stock to any person pursuant to the exercise of a performance stock option if no disposition of such share is made by such person within 1 year after the transfer of such share to such person.

"(b) PERFORMANCE STOCK OPTION.—For purposes of this part—

"(1) IN GENERAL.—The term 'performance stock option' means an option granted to any person for any reason in connection with the performance of services for an entity described in paragraph (4) to purchase stock of any corporation described in paragraph (4).

"(2) ADDITIONAL REQUIREMENTS.—An option shall not be treated as a performance stock option unless the following requirements are met:

"(A) NONDISCRIMINATION.—Either—

"(i) the option is granted to an employee who, at the time of the grant, is not a highly compensated employee, or

"(ii) immediately after the grant of the option, employees who are not highly compensated employees hold performance share options which permit the acquisition of at least 50 percent of all shares which may be acquired pursuant to all performance stock options outstanding (whether or not exercisable) as of such time.

For purposes of clause (ii), only that portion of the options held by persons other than nonhighly compensated employees which results in the requirements of clause (ii) not

being met shall be treated as options which are not performance stock options, and such portion shall be allocated among options held by such persons in such manner as the Secretary may prescribe.

"(B) SPECIFIC NUMBER OF OPTIONS.—The option is granted pursuant to a plan that includes either—

"(i) the aggregate number of shares that may be issued under options granted under the plan, or

"(ii) a method by which the aggregate number of shares that may be issued under options granted under the plan can be determined (without regard to whether such aggregate number may change under such method),

and which is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted.

"(C) TIME WHEN OPTION GRANTED.—The option is granted within 10 years after the date the plan described in subparagraph (B) is adopted, or the date such plan is approved by the stockholders, whichever is earlier.

"(D) TIME FOR EXERCISING OPTION.—The option by its terms is not exercisable after the expiration of 10 years from the date such option is granted.

"(E) OPTION PRICE.—Except as provided in paragraph (6) of subsection (c), the option price is not less than the fair market value of the stock at the time the option is granted.

"(F) TRANSFERABILITY.—The option by its terms is not transferable by the person holding the option, other than—

"(i) in the case of an individual, by will or the laws of descent and distribution, or pursuant to a qualified domestic relations order (as defined in subsection (p) of section 414), and

"(ii) in the case of any other person, by any transaction in which gain or loss is not recognized in whole or in part.

"(3) ELECTION NOT TO TREAT OPTION AS PERFORMANCE STOCK OPTION.—An option shall not be treated as a performance stock option if—

"(A) as of the time the option is granted the terms of such option provide that it will not be treated as a performance stock option, or

"(B) as of the time such option is exercised the grantor and holder agree that such option will not be treated as a performance stock option.

"(4) ENTITIES TO WHICH SECTION APPLIES.—This section shall apply to an option granted to a person who performs services for—

"(A) the corporation issuing the option, or its parent or subsidiary corporation,

"(B) a partnership in which the corporation issuing the option holds (at the time of the grant) a capital or profits interest representing at least 20 percent of the total capital or profits interest of the partnership, or

"(C) a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

"(5) HIGHLY COMPENSATED EMPLOYEE.—For purposes of this subsection, the term 'highly compensated employee' has the meaning given such term by section 414(q).

"(c) SPECIAL RULES.—

"(1) GOOD FAITH EFFORTS TO VALUE STOCK.—If a share of stock is acquired pursuant to the exercise by any person of an option which would fail to qualify as a performance stock option under subsection (b) because there was a failure in an attempt, made in good faith, to meet the requirement of subparagraph (E) of subsection (b)(2), the requirement of subparagraph (E) of subsection (b)(2) shall be considered to have been met.

"(2) PERMISSIBLE PROVISIONS.—An option that meets the requirements of subsection (b) shall be treated as a performance stock option even if—

"(A) the option holder may pay for the stock with stock of the corporation granting the option,

"(B) the option holder has the right to receive property at the time of the exercise of the option,

"(C) the right to exercise all or any portion of a performance stock option may be subject to any condition, contingency or other criteria (including, without limitation, the continued performance of services, achievement of performance objectives, or the occurrence of any event) which are determined in accordance with the provisions of the plan or the terms of such option, or

"(D) the option is subject to any condition not inconsistent with the provisions of subsection (b).

"(3) FAIR MARKET VALUE.—For purposes of this section, the fair market value of stock shall be determined without regard to any restriction other than a restriction that, by its terms, will never lapse.

"(4) DEFINITION OF PARENT AND SUBSIDIARY CORPORATIONS.—For purposes of this section, the terms 'parent corporation' and 'subsidiary corporation' have the meanings given such terms by subsections (e) and (f) of section 425 except that such subsections shall be applied by substituting '20 percent' for '50 percent' each place it appears.

"(5) PERFORMANCE CRITERIA.—In the case of a performance stock option that provides that its exercise is subject to any conditions or criteria described in subparagraph (C) of paragraph (2), the date or time the option is granted with respect to each share that may be acquired shall be the date or time the original performance share option is granted and subject to the provisions of section 425(h), no portion of the option shall be treated as granted at any other time.

"(6) CONVERSION OF OPTIONS.—If—

"(A) there is a transfer of an incentive stock option in exchange for a performance stock option, and

"(B) the number of shares that may be acquired pursuant to such performance stock option and the transferred incentive stock option are the same,

then the option acquired shall qualify as a performance stock option if the option price pursuant to the performance share option is no less than the option price under the transferred incentive stock option."

(b) CONFORMING AMENDMENTS.—

(1) Section 421(a) of such Code is amended by striking "or 423(a)" and inserting ", 423(a), or 424(a)".

(2) Section 421(b) of such Code is amended—

(A) by striking "or 423(a)" and inserting ", 423(a), or 424(a)", and

(B) by striking "or 423(a)(1)" and inserting "423(a)(1), or 424(a)".

(3) Section 421(c)(1)(A) of such Code is amended by inserting "and the holding period requirement of section 424(a)" after "423(a)".

(4)(A) Sections 421(a)(2), 422(a)(2), and 423(a)(2) of such Code are each amended by striking "424(a)" and inserting "425(a)".

(B) Clause (ii) of section 402(e)(4)(E) of such Code is amended by striking "424" and inserting "425".

(5) Section 423(b)(3) of such Code is amended by striking "424(d)" and inserting "425(d)".

(6) Section 425(a) of such Code, as redesignated by subsection (a), is amended by striking "424(a)" and inserting "425(a)".

(7) Section 425(c)(3)(A)(ii) of such Code, as redesignated by subsection (a), is amended by striking "or 423(a)(1)" and inserting ", 423(a)(1), or 424(a)".

(8) Section 425(g) of such Code, as redesignated by subsection (a), is amended by striking "and 423(a)(2)" and inserting ", 423(a)(2) and 424(b)(4) (as modified by section 424(c)(4))".

(9) Section 425(j) of such Code, as redesignated by subsection (a) (relating to cross-references), is amended by inserting "performance stock option" after "employee stock purchase plans,".

(10) Section 1042(c)(1)(B)(ii) of such Code is amended by striking "or 423" and inserting "423, or 424".

(11)(A) Section 6039(a)(1) of such Code is amended by inserting "or performance stock option" after "incentive stock option".

(B) Section 6039(b)(1) is amended by inserting ", performance share option," after "incentive stock option".

(C) Section 6039(c) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and" and by adding at the end the following new paragraph:

"(3) the term 'performance share option', see 424(b)."

(12) The table of sections for part II of subchapter D of chapter 1 of such Code is amended by striking the item relating to section 424 and inserting the following new items:

"Sec. 424. Performance stock options.

"Sec. 425. Definitions and special rules."

SEC. 3. TAX TREATMENT OF GAIN ON PERFORMANCE SHARE OPTIONS.

(a) EXCLUSION.—

(1) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to capital gains and losses) is amended by adding at the end the following new section:

"SEC. 1202. 50-PERCENT EXCLUSION FOR GAIN FROM STOCK ACQUIRED THROUGH PERFORMANCE STOCK OPTIONS.

"(a) GENERAL RULE.—Gross income shall not include 50 percent of the gain from the disposition of any stock acquired pursuant to the exercise of a performance stock option if such disposition occurs more than 2 years after the date on which such option was exercised with respect to such stock.

"(b) DEFINITIONS AND RULES.—For purposes of this section—

"(1) PERFORMANCE STOCK OPTION.—The term 'performance stock option' has the meaning given such term by section 424(b).

"(2) CERTAIN ACQUISITIONS DISREGARDED.—If stock described in subsection (a) is disposed of and the basis of the person acquiring the stock is determined by reference to the basis of the stock in the hands of the person who acquired it through exercise of the performance stock option, such person shall be treated as acquiring such stock pursuant to such option on the date such stock was acquired pursuant to the exercise of such option.

"(3) EXERCISE BY ESTATE.—If a performance stock option is exercised after the death of an individual holder by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the 2-year holding requirement of subsection (a) shall not apply to the disposition by such estate or person."

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includable on account of gains from sales or exchanges of capital assets, and

"(B) the exclusion provided by section 1202 shall not be allowed."

(ii) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting ", (2)(B)," after "paragraph (1)".

(B) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202. In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(C) Paragraph (3) of section 643(a) of such Code is amended by adding at the end thereof the following new sentence: "The exclusion under section 1202 shall not be taken into account."

(D) Paragraph (4) of section 691(c) of such Code is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(E) The second sentence of paragraph (2) of section 871(a) of such Code is amended by inserting "such gains and losses shall be determined without regard to section 1202 and" after "except that".

(F) The table of sections for part I of subchapter P of chapter 1 is amended by adding after the item relating to section 1201 the following new item:

"Sec. 1202. 50-percent exclusion for gain from stock acquired through performance stock options."

(b) TREATMENT FOR WAGE WITHHOLDING AND EMPLOYMENT TAXES.—

(1) FICA TAXES.—Section 3121(a) of the Internal Revenue Code of 1986 (defining wages) is amended by striking "or" at the end of paragraph (20), by striking the period at the end of paragraph (21) and inserting ", or", and by adding after paragraph (21) the following new paragraph:

"(22) any gain from the exercise of a performance stock option (as defined in section 424(b)) or from the disposition of stock acquired pursuant to the exercise of such a performance stock option."

(2) FUTA TAXES.—Section 3306(b) of such Code (defining wages) is amended by striking "or" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", or", and by adding after paragraph (16) the following new paragraph:

"(17) any gain described in section 3121(a)(22)."

(3) WAGE WITHHOLDING.—

(A) Section 3401(a) of such Code (defining wages) is amended by striking "or" at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting ", or", and by adding at the end the following new paragraph:

"(21) any gain from the exercise of a performance stock option (as defined in section 424(b)) or from the disposition of stock acquired pursuant to such a performance stock option ."

(B) Section 421(b) of such Code (relating to effect of disqualifying disposition) is amended by adding at the end the following new sentence: "A deduction to the employer corporation in the case of a transfer pursuant to an option described in section 422, 423, or 424 shall not be disallowed by reason of a failure to withhold tax under chapter 24 with respect to gain on stock acquired in the transfer."

SEC. 4. STOCK OPTION COMPENSATION.

Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) STOCK OPTION COMPENSATION.—The Commission shall not require or permit an issuer to recognize any expense or other charge in financial statements furnished to its security holders resulting from, or attributable to, either the grant, vesting, or exercise of any option or other right to acquire any equity security of such issuer (even if the right to exercise such option or right is subject to any conditions, contingencies or other criteria, including, without limitation, the continued performance of services, achievement of performance objectives, or the occurrence of any event) which is granted to its directors, officers, employees, or other persons in connection with the performance of services, where the exercise price of such option or right is not less than the fair market value of the underlying security at the time such option or right is granted."

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to options granted after the date of the enactment of this Act.●

● Mrs. FEINSTEIN. Mr. President, I rise to join my distinguished colleagues, Senators LIEBERMAN, MACK, and BOXER in introducing the Equity Expansion Act of 1993.

At a time when California continues to be mired in recession, when our economy is struggling to convert thousands of defense jobs into private sector jobs, it's a pleasure for me to offer a bill that will significantly improve the ability of new companies to start-up and grow, as well as help existing companies create more new jobs than they otherwise could.

My bill will improve the tax and accounting treatment of employee stock options and encourage many more companies to offer stock options to their entire workforce. It will also require the Financial Accounting Standards Board [FASB] to reexamine their recent decision to impose huge new accounting charges on the use of employee stock options. I am seriously concerned that if FASB's rule is adopted, tens of thousands of desperately needed jobs in California and the Nation will never be created.

Because of this bill, thousands of households in California and the rest of the country should begin to enjoy the benefits of equity participation in their companies. At the same time, the companies that begin to share equity more broadly with their employees should find their earnings improved and their competitiveness enhanced.

Many of my colleagues here in Washington may not be familiar with the widespread use of employee stock options in America's fastest growing companies. But I can tell you that in California's high technology industries, broad-based employee stock option plans play a crucial role in creating and sustaining the entrepreneurial culture that is essential to the competitiveness of these industries. They are especially important to young technology companies that depend on options to attract and retain key technical talent that would be beyond their ability to attract with cash compensation alone.

A stock option is a right granted to an employee to purchase stock in his or her own company, at today's price, for a specified time in the future. Options help the company by giving employees a strong incentive to work to increase the value of their company's stock. Stock options help create jobs by stretching the cash of venture capitalists and other risk capital investors. By sharing stock with employees in addition to their cash compensation, more companies and more jobs can be created from the limited investment capital pool that is available today.

HOW THE EQUITY EXPANSION ACT WOULD IMPROVE STOCK OPTIONS

Valuable as employee stock options plans are for our economy, they are inhibited and discouraged by the Federal Tax Code today.

Under current law employees who hold the most common form of option, "nonqualified" options are forced to pay a tax on their paper profit at the time they exercise their options and purchase their stock. The difference between the fair market value of the stock obtained by nonqualified options and the option exercise price is treated as ordinary income. The employer is generally permitted to deduct the same amount of ordinary income reported by the employee.

In the case of the other form of option currently available, "incentive stock options," or "ISO's," the difference between the option price and the fair market value of the stock when it is exercised is treated as a tax preference under the alternative minimum tax [AMT].

So under today's tax regime employees are forced to pay either an income tax or an alternative minimum tax at the time they purchase their stock, even though they have not realized and pocketed any gain. The effect of this requirement is to force almost all option recipients to immediately sell their stock at the time they exercise their options in order to generate cash to pay their tax. This destroys the fundamental policy goal of the option program which was to encourage employees to own as much of their company as possible.

The Equity Expansion Act would reform this situation by creating a third form of stock option, called performance stock option. This new option

would relieve employees of the obligation to pay a tax at the time they exercise their options and the company would receive no corresponding deduction. In addition, it would give employees a strong incentive to hold onto their stock after they acquire it, by excluding half the tax on their gain when they eventually sell their stock after a 2-year holding period.

A REVENUE GAIN FOR THE TREASURY

The tax break offered by performance stock options should make them extremely popular in the business community, but what about in Congress? Can we afford to create a new tax incentive for employee stock options? I am pleased to report that we can, because this new stock option will generate a revenue gain for the Treasury. That's because companies that offer performance stock options will have to forego the compensation expense tax deductions they would otherwise have received if they had given their employees either cash compensation or nonqualified stock options. Even though employees will be paying less tax, their employers will be paying more than enough additional tax to make up the difference.

HOW WILL THIS BILL HELP RANK-AND-FILE EMPLOYEE?

Mr. President, I'm well aware that in the past stock options have figured in prominently in stories about runaway executive compensation. Unfortunately all those headlines have obscured the important contribution that options make to the livelihoods of hundreds of thousands of Americans who will never be famous for their wealth. Now that the SEC has imposed an extensive new regime of executive compensation disclosure rules, it will be much easier for shareholders to prevent the kind of abuses we have heard so much about in the past. It is simply not necessary to restrict the use of stock options overall to prevent abuses by a few fat cats.

But it's still fair to ask how my bill would prevent top executives from hogging all the tax benefits it offers. The answer is that the Equity Expansion Act requires that companies that choose to offer this new form of option will be required to share at least half the stock in the plan with company employees who are not highly compensated as defined by Congress. This requirement will assure that the benefits of performance stock options are shared widely in every company that uses them. It will also encourage many companies that today restrict their stock option plans to top executives to broaden their option program. I am very enthusiastic about the prospect that this bill will result in employee stock options becoming available to thousands of households that don't have them today.

The Equity Expansion Act is a carefully crafted bill. It would encourage several of the most widely recommended reforms called for by experts in the debate over executive compensation. For instance, in a recent Harvard Business Review article, Andrew R. Brownstein and Morris J. Panner propose exactly what this bill would deliver.

We suggest that companies take two important steps that make both business and political sense. First, corporations should design plans that allow workers throughout an organization to share in the large bonuses and generous rewards of stock option plans. Second, corporations should create plans that encourage employees to continue to hold the shares awarded to them in stock option programs.

By expanding the employee eligibility pool for stock options, companies will solve two problems simultaneously. They will take the principle of pay for performance and spread it throughout the organization. And they will address the political problem of pay disparity between workers and executives.

Mr. President, I hope my colleagues in the Senate will join with us in sponsoring and voting for this important job-creating and job-preserving bill, the Equity Expansion Act of 1993.●

By Mr. KOHL:

S. 1176. A bill to clarify the tariff classification of certain plastic flat goods; to the Committee on Finance.

CLARIFYING THE CLASSIFICATION OF CERTAIN FLAT GOODS

● Mr. KOHL. Mr. President, I am introducing legislation today that is important to the health of the domestic flat goods industry in this country and in the State of Wisconsin. Flat goods are items that are carried in your pocket or your purse, like wallets, key chains, and eyeglass holders.

When the United States converted to the international Harmonized Tariff Schedule [HTS], a loophole was crated which allowed plastic flat goods, which formerly entered at a duty rate of 20 percent, to enter at an effective duty rate of 5.8 percent. The actual and potential number of items subject to reclassification into the lower duty category is massive and could result in a loss of revenue to the U.S. Government of up to $9 million.

More important, however, is the fact that the duty loophole is threatening our domestic industry by driving up imports and making it impossible for American producers to stay competitive.

Mr. President, this was clearly not the intent of Congress. In fact, Congress was specific in its intent that the conversion to HTS should be tariff neutral. I firmly believe it is up to Congress to remedy this situation, and the legislation I am introducing today achieves this in the fairest way possible.

My bill is a modification of an earlier bill I introduced in the last Congress, S. 1661, and is based on compromise language put forward by the administration last year. The changes proposed by the administration would, in their words, "restore the duties applicable at the time of the tariff conversion by: First, reintroducing into the HTS a definition of reinforced and laminated plastics; second, providing a duty of 8 percent ad valorem for flat goods with an outer surface of not less than 20 percent leather; and third providing authority for the President to continue staging previously authorized tariff cuts."

Under the former tariff schedules of the United States [TSUS], reinforced or laminated plastics were defined as "rigid, infusible, insoluble plastics formed by the application of heat and high pressure on two or more superimposed layers of fibrous sheet material which has been impregnated or coated with plastics or rigid plastics comprised of embedded fibrous reinforcing material—such as paper, fabric, asbestos, and fibrous glass—impregnated, coated, or combined with plastics usually by the application of heat or heat and low pressure." This definition was dropped in the conversion to the HTS, leaving HTS 4202.32.10 open to a broader interpretation of what constitutes "reinforced or laminated plastics." The change recommended by the administration clarifies that only rigid products would be subject to the lower duty under HTS 4202.32.10.

The administration's recommended changes also address the major concern of importers to the earlier version of my bill—the duty treatment of plastic flat goods with leather trim. Under the TSUS, these items were treated as leather products for duty purposes since the leather trim was considered to be the component of chief value and, thus, were imported in a leather category, dutiable at 8 percent. With the conversion to the HTS, however, the chief value concept was replaced with essential character. Therefore, plastic flat goods with leather trim were considered plastic, and were dutiable at 20 percent. The administration's recommended change, incorporated in my bill, establishes a new subheading for plastic flat goods with leather trim dutiable at 8 percent ad valorem.

In closing, I urge my colleagues on the Senate Finance Committee to take this measure up at the earliest possible time.●

By Mr. ROCKEFELLER:

S. 1177. A bill to amend, title 38, United States Code, to extend the authority of the Veterans' Advisory Committee on Education, and for other purposes; to the Committee on Veterans Affairs.

VETERANS' PROGRAM IMPROVEMENT ACT OF 1993

● Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce S. 1172, the proposed Veterans'

Program Extension Act of 1993. This legislation would extend two VA programs—first, it would extend the Veterans' Advisory Committee on Education by 4 years, from December 31, 1993, until December 31, 1997; and second, it would extend VA's authority to maintain a regional office in the Republic of the Philippines by 18 months, from March 31, 1994, until September 30, 1995.

Mr. President, the Veterans' Advisory Committee on Education is composed of persons who are eminent in the fields of education, labor, and management, representatives of institutions and establishments furnishing education to veterans and their families, and of veterans themselves. The Advisory Committee works in consultation with the Secretary of Veterans Affairs with respect to the administration of educational benefits, and also produces relevant reports and recommendations on education to give to both the Secretary and Congress. Extending the authority to maintain the Advisory Committee will help ensure continuous delivery of quality educational benefits to our Nation's veterans.

Mr. President, the VA regional office in Manila administers programs to veterans in the Philippines, including the many Filipinos who served in or were attached to the United States Armed Forces during World War II. Approximately $182 million in benefits are paid annually through the Manila regional office, and operating a regional office in the Philippines continues to be the most cost-effective means of administering VA programs for beneficiaries who reside there.

Mr. President, our Nation holds the service of its veterans in the highest esteem, and one of our foremost priorities should be to ensure that veterans and their families receive the benefits they so rightly deserve. I urge my colleagues to support the extension of these worthwhile and necessary programs.•

By Mr. GLENN:

S. 1178. A bill to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES FEDERAL EFFECTIVENESS ACT

• Mr. GLENN. Mr. President, I rise today to introduce the Great Lakes Federal Effectiveness Act of 1992. This legislation, introduced in the House of Representatives last session by Congressmen Nowak, Davis, and Hertel, would provide greater coordination of the Federal Government's environmental research in the Great Lakes Basin.

The Great Lakes Federal Effectiveness Act establishes a council to coordinate U.S. Federal Great Lakes ecosystem research, to prepare a report on those activities, to identify topics for workshops, to make recommendations on uniform monitoring data management, and to disseminate research findings. The Council will be composed of offices from the EPA, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration, among others.

The Council established by the Great Lakes Federal Effectiveness Act differs from the Great Lakes Research Office established by the Clean Water Act 4 years ago in that there are no bricks and mortar or cross-agency funds authorized in this legislation. Instead, each agency participates in a council which has a rotating chairmanship, and channels its own research funds, to the greatest extent possible, in accordance with a mutually agreed-to Great Lakes research agenda.

Mr. President, we as a society are finally learning a lesson that Native American cultures have understood for centuries: Nature is a complex system composed of highly interdependent parts, and it cannot be fully understood—or successfully managed—unless all of these parts are considered together. This ecosystem perspective on the natural environment, if incorporated into our Federal environmental policy, promises to fundamentally improve the effectiveness and efficiency of environmental management. Rather than address air, water, soil, and wildlife independently of each other as we have until now, we will begin to account for cross-media transfers of pollutants in our environmental protection efforts, and protect the ecosystem as a whole. In the Great Lakes Basin, the Environmental Protection Agency already is geographically targeting—that is, better integrating—its base programs and directing them toward a common set of overall environmental objectives.

Efforts to better integrate environmental protection programs must be undergirded by an equally well-integrated base of scientific knowledge. House Merchant Marine and Fisheries Committee hearings on Great Lakes environmental research this spring revealed an impressive number of agencies and research programs directed at various facets of the Great Lakes environment. Every one of these programs is crucial and more are needed to successfully predict the impacts of human activities in the basin, and to accurately identify effective and affordable restoration measures.

Yet with the level of specialization that we have achieved in environmental research in the Great Lakes Basin, a concerted effort will be required to achieve adequate communication and coordination among research initiatives to avoid unnecessary duplication, turf competition, and most of all, to be able to see the forest for the trees.

I would like to pause here to credit the Federal research managers in the Great Lakes region for anticipating this need and already acting upon it. The Federal research managers in the basin initiated their own effort to coordinate their research programs through integrating their work through the International Joint Commission's Council of Great Lakes Research Managers with the EPA's 5-year planning process.

The Council of Great Lakes Research Managers is composed of Federal, State, academic, and private sector officials from the United States and Canada involved in Great Lakes research. It maintains a Great Lakes Research Inventory that lists and describes environmental research projects from both sides of the border so that the basin's research community can be fully apprized of each other's work. The IJC's Council will also attempt to jointly define research priorities for the basin which address salient policy questions.

This effort promises better targeted and more cost-effective Federal research in the Great Lakes Basin. However, continued Federal agency involvement will be uncertain until clear authorization for these activities is created in statute. Providing this authorization to assure continued Federal agency participation in this innovative effort to coordinate research among agencies and across disciplines in the Great Lakes Basin is the fundamental objective of the Great Lakes Federal Effectiveness Act of 1992.

Mr. President, requiring Federal agencies to coordinate their research in the Great Lakes Basin, and to do so as much as possible through the IJC's Council of Great Lakes Research Managers, will improve the value and relevance of research findings produced by Federal agencies in the Great Lakes Basin. It will stretch our research dollars, and help us to better tap scientific resources within the academic community, the private sector, and in Canada. I urge my colleagues of the Senate to endorse this legislation and move toward its timely enactment.•

By Mr. BRYAN (for himself, Mr. GORTON, and Mr. DANFORTH):

S. 1179. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FTC REAUTHORIZATION

Mr. BRYAN. Mr. President, I am introducing today legislation to reauthorize the Federal Trade Commission [FTC]. As you know, Mr. President, the Commerce Consumer Subcommittee, which I chair, is the authorizing committee for the FTC. I am joined in this effort by Senator DANFORTH, who is the ranking Republican member of the Committee, and Senator GORTON, who is the ranking member of the Consumer Subcommittee.

The Federal Trade Commission is one of our country's most important consumer protection agencies. It has the responsibility of protecting consumers from unfair business dealings and unlawful methods of competition. Pursuant to its authority under the Federal Trade Commission Act, the FTC seeks to protect consumers from unfair and deceptive acts and practices, including civil abuses such as telemarketing and mail fraud, credit card fraud, as well as false and deceptive advertising.

The FTC also has the duty of protecting the public from unfair methods of competition through the prevention of unfair trade restraints such as price fixing, unlawful monopolies, and anticompetitive mergers and acquisitions.

I am certain that most of my colleagues are well aware that the FTC has not been authorized since the expiration of its previous authorization in 1982. Although the committee has reported legislation in each Congress since that time—which has been passed by the Senate on several occasions—we have been unsuccessful in obtaining final passage by both the House and Senate. However, I am particularly optimistic about the passage of a bill this Congress. A bill has already been considered and passed by the House. I have made it clear that I plan to ensure that the legislation we are introducing today is reported and considered by the Senate as expeditiously as possible.

Some may ask the question as to why we continue to go through this process. Why are the reauthorization and this exercise necessary, particularly since the FTC has continued to receive funding by appropriators. Reauthorization, however, is important for all independent agencies. Most significantly, it shows the commitment and confidence the Congress and the people have in the agency. Additionally, it permits the agency to establish a clear and focused agenda, as well as, the opportunity for the Congress to work closely with the agency in setting its goals and in ensuring that it has the necessary resources to carry out its mandate.

The legislation I am introducing today provides authorizations for the Commission for fiscal years 1994 through 1996. The legislation is comparable to bills previously introduced and passed by the Senate regarding the Commission's administrative functions. The bill, among other things, enhances the Commission's ability to enjoin and obtain evidence on persons involved in illegal activities. The bill also establishes guidelines for certain regulatory activities of the Commission, so as to ensure that its resources are being used efficiently and effectively: The legislation requires the FTC to conduct industry wide rulemakings only when there is evidence that such activities are prevalent, instead of initiating such actions when there is evidence of only one or two bad actors. In such cases, the FTC certainly should pursue individuals and companies pursuant to its adjudicative authority. The Commission also is required to conduct an internal review of its activities and to identify areas of enforcement that can best be handled by the States and other agencies, so as to prevent a duplication of resources. In addition, the bill requires the Commission to provide reports to the authorizing committees on its enforcement efforts to combat predatory pricing and retail price maintenance.

As I stated, Mr. President, I am confident that we will be successful in reauthorizing the FTC this Congress. The passage of this bill is important not only for the FTC, but also for businesses and consumers. I am sure that all of my colleagues agree, and will join us in supporting this legislation.

• Mr. GORTON. Mr. President, as the ranking Republican of the Consumer Subcommittee, I am delighted to join Senator BRYAN, the chairman of the subcommittee, in introducing legislation to reauthorize the Federal Trade Commission [FTC]. Senator BRYAN and I have worked to reauthorize the agencies within the subcommittee's jurisdiction and have been successful in all instances except this one. The Commerce Committee has reported FTC bills in each of the past two Congresses, but there has been no action by the House during that time. This Congress, I am pleased that, under the leadership of my colleague from Washington, Representative AL SWIFT, the House passed an FTC bill on June 21. Given this prompt action by the House, I am hopeful that the FTC will be reauthorized for the first time since 1980.

The legislation we are introducing today provides specific guidance to the Commission about how to allocate its resources and will enhance Commission enforcement efforts. For example, the bill prohibits rulemakings on commercial advertising pursuant to the Commission's unfairness authority. During the 1970's, the Commission initiated several controversial rulemakings in this area. The result was that a considerable amount of time and resources were spent on these undertakings, with no rules to show for the effort. Although the current Commission likely would never attempt to promulgate such rules, the prohibition in the bill will constrain their successors from attempting to repeat the mistakes of the past. Similarly, the restriction on Commission regulation of agricultural cooperatives and marketing orders reflects the desire to avoid duplicative regulation, as the Department of Agriculture is responsible for monitoring these activities.

The bill also enhances Commission enforcement efforts in several ways, including permitting the FTC to issue civil investigative demands for physical evidence and by allowing the Commission's Bureau of Competition to issue these demands. This provision will improve substantially the Commission's capability to address consumer fraud. Similarly, the expanded venue provision, which is based in part on 28 U.S.C. 1391, the general value provision in the United States Code, will permit the FTC to bring defendants scattered throughout the country to justice in a single forum. This promotes judicial economy and will help the FTC to save precious resources for law enforcement.

The bill also addresses a long-standing problem involving the Commission's cease-and-desist orders. Under current procedures, such orders become final only after all appeals are exhausted. If a case goes to the Supreme Court, this can take many years. These procedures allow the appeal process to be used simply as a dilatory tactic. The provision in this bill allows cease-and-desist orders to become final 60 days after they are issued unless a court or the Commission issues a stay. This is a reasonable solution which continues to protect the right of defendants to challenge these orders.

Mr. President, since the 101st Congress, the FTC has thrived under the leadership of Chairman Janet Steiger. I believe that she and her fellow Commissioners will carry out their responsibilities even better after this legislation is enacted. I commend Senator BRYAN for his leadership on this issue, and I urge my colleagues to support this bill.•

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 27

At the request of Mr. SARBANES, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 185

At the request of Mr. GLENN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 484

At the request of Mr. DASCHLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 484, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 519

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II ballistic missile program.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor program.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 560

At the request of Mr. NUNN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 560, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 604

At the request of Mr. DOMENICI, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 604, a bill to provide for programs for the prosecution of driving while intoxicated charges to be included in the Edward Byrne Memorial State and Local Enforcement Assistance Program.

S. 605

At the request of Mr. DOMENICI, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 605, a bill to amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes.

S. 649

At the request of Mr. RIEGLE, the names of the Senator from California [Mrs. BOXER] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 649, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 798

At the request of Mr. ROTH, his name was added as a cosponsor of S. 798, a bill to amend the Federal Fire Prevention and Control Act of 1974 to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

S. 808

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 808, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 833

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 834

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage area, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wyoming [Mr. SIMPSON], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 999

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 999, a bill to amend the Foreign Trade Zones Act to allow foreign trade zones to be established where a regional commission involving more than one State will coordinate zone activities.

S. 1007

At the request of Mr. PRYOR, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1007, a bill to recreate the common good by supporting programs that enable adults to share their experience and skills with elementary and secondary school age children.

S. 1011

At the request of Mr. PRYOR, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1011, a bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies.

S. 1030

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1030, a bill to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans.

S. 1040

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate

citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1098

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1098, a bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes.

S. 1118

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1145

At the request of Mr. JEFFORDS, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1145, a bill to prohibit the use of outer space for advertising purposes.

S. 1147

At the request of Mr. KEMPTHORNE, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. SIMPSON] were withdrawn as cosponsors of S. 1147, a bill to prohibit Presidential nominees from performing certain governmental functions, and for other purposes.

S. 1159

At the request of Mr. MURKOWSKI, the names of the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maine [Mr. MITCHELL], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1159, a bill to require the Secretary of the Treasury to mint coins in commemoration of women who have served in the Armed Forces of the United States.

SENATE JOINT RESOLUTION 51

At the request of Mr. DURENBERGER, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution designating the week commencing October 3, 1993, as "National Aviation Education Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. PACKWOOD, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alaska [Mr. STEVENS], the Senator from Hawaii [Mr. INOUYE], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from New York [Mr. D'AMATO], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to commemorate the sesquicentennial of the Oregon Trail.

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Maryland [Mr. SARBANES], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 106

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], the Senator from Maine [Mr. COHEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Delaware [Mr. ROTH], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating July 2, 1993, and July 2, 1994, as "National Literacy Day."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MITCHELL, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

SENATE CONCURRENT RESOLUTION 21

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mrs. BOXER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

At the request of Mr. BROWN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Utah [Mr. HATCH], the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Concurrent Resolution 30, supra.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 117

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 117, a resolution to express the sense of the Senate that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a hearing on the Department of Energy's efforts to clean up its nuclear weapons complex.

The purpose of the hearing is to receive testimony on the scope and cost of the Department's cleanup program, the technological and managerial problems it faces, the standards governing the cleanup effort, and how priorities are set among competing cleanup projects.

The hearing will take place on Thursday, July 29, 1993, at 9:30 a.m. in room

SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Sam Fowler of the committee staff at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing scheduled before the full Committee on Energy and Natural Resources has been postponed.

The hearing scheduled for July 1, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building has been postponed and will be rescheduled for a later date.

The purpose of the hearing was to receive testimony from Dr. Tara O'Toole, nominee to be Assistant Secretary of Energy for Environment, Safety and Health; and Robert Nordhaus, nominee to be General Counsel for the Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, June 29, 1993, at 11 a.m. in SR-332 on the National Academy of Science Report on Pesticides and Children.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, June 29, 1993, at 10 a.m. to mark up S. 424, the Limited Partnership Rollup Reform Act of 1993.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., June 29, 1993, to discuss the administrations's program for meeting the stabilization goals for greenhouse gases announced in the President's Earth Day speech and the ongoing work on the national action plan.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 29, beginning at 2:30 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, June 29, 1993, at 10 a.m. to hold a business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, June 29, 1993, at 10 a.m., to hold a hearing on women prisoners.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, June 29, 1993, at 9:30 a.m. to hold a hearing on the insurance industry.

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

SUBCOMMITTEE ON CONSUMER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Consumer, of the Committee on Commerce, Science, and Transportation be authorized to meet on June 29, 1993, at 2 p.m. on reauthorization of the Federal Trade Commission.

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

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, June 29, 1993, in open session, to receive testimony on bomber and related aircraft programs in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

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

SUBCOMMITTEE ON REGIONAL DEFENSE AND CONTINGENCY FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Regional Defense and Contingency Forces be authorized to meet on Tuesday, June 29, 1993, at 10:30 a.m., in open session, to receive testimony on Navy programs in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

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

SUBCOMMITTEE ON DISABILITY POLICY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Disability Policy be authorized to meet for a hearing on the Reauthorization of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 and the Reauthorization of the Developmental Disabilities Assistance and Bill of Rights Act, during the session of the Senate on Tuesday, June 29, 1993, at 9 a.m.

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, June 29, 1993, at 10:30 a.m. to mark up the fiscal year 1994 Foreign Relations Authorization Act. An original piece of legislation.

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

SUBCOMMITTEE ON TOXIC SUBSTANCES, RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 29, beginning at 9:30 a.m., to conduct a hearing on S. 729, the Lead Reduction Act of 1993.

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

ADDITIONAL STATEMENTS

NEW CHILDREN'S FACILITY AT YALE-NEW HAVEN HOSPITAL

• Mr. LIEBERMAN. Mr. President, I rise to recognize the upcoming dedication of the new children's facility at Yale-New Haven Hospital. This wonderful occasion culminates many years of planning.

The Children's Hospital at Yale-New Haven will be the most comprehensive state-of-the-art facility for children on the east coast between Philadelphia and Boston. It has been designed, from the beginning, to provide a sensitive clinical setting for children in need of serious care. Children admitted to the hospital will find an environment uniquely suited to their needs, and the facilities will provide great comfort

and stimulation to children who require extended care during their formative years.

Mr. President, as a parent and resident of New Haven, I know what a great addition this facility is to our community and the State of Connecticut. But the Children's Hospital will serve children from areas far and near, and so it is a great addition to our Nation's health care system.

On behalf of the Senate, I wish the designers, builders, directors, and staff of the hospital all the best as they prepare to celebrate the opening of this marvelous facility. Their efforts have yielded a great success.•

TRIBUTE TO SHIVELY

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Shively in Jefferson County, KY.

Shively, a community of over 15,000 people, is located just west of my hometown of Louisville on the Ohio River flood plain. This area was initially settled by a handful of German Catholics and thrived as a collection of small farms. Not long after the dawn of the 20th century, this farmland community gained the reputable status of city and was named after the region's first settler, Christian Shively.

Traditional rural family living dominated the character of Shively in the prewar years. Although this character changed significantly after World War II, not all would argue it was a change for the worse. The growth of Louisville and rapid suburbanization wiped out many of the farms in Shively. However, as Shively was transformed into a suburb, economic development followed. Workers were attracted to the area's multiplicity of job opportunities. The tobacco industry, distilleries, manufacturing jobs, and retail trade all contributed to a prosperous environment.

Unfortunately, political unrest in the 1980's has resulted in many misconceptions about Shively. In reality, Shively enjoys the advantages of a quiet small town and close-knit community. Moreover, Shively residents possess a great deal of pride even though outsiders often misunderstand their community.

Mr. President, I respectfully request that a recent article from the Louisville Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, June 28, 1993]

SHIVELY

(By Bill Pike)

Talk to a Shively resident about the town and you're likely to get an earful about the community's image.

To many residents, Shively has a bad image. And to them, it's a bum rap.

"I'd say we are more stereotyped than any other city in Jefferson County," said Jim Jenkins, the Democratic candidate for mayor in the city of 15,000 just southwest of Louisville. "It's unfair. It has damaged the city."

Phil Quillman—a former editor of the Southwest Newsweek, a weekly newspaper serving the Shively area—agreed.

"Shively isn't the 'lively Shively' image that people have predetermined in their heads," he said. "Shively's really just a bedroom community. It's a nice place, really."

A reflection of strip-joint sleaze and public corruption, the image harkens back to the bars built along Seventh Street Road during World War II for soldiers stationed at Fort Knox.

(Actually, only the west side of Seventh Street Road is in Shively. The other side of the street is in Louisville. But Shively's image is such that the city boundary has somehow gravitated in the public imagination to take in the entire Seventh Street Road strip.)

The image got worse during the early 1980s, when Michael Donio, who had been Shively's police chief, pleaded guilty to extortion charges and received a five-year prison sentence and a $10,000 fine.

Shively people maintain that the media overplayed the Donio affair, giving a good city a bad name.

"At one time, 'lively Shively' meant the city was a good place to live with a lot to do," Jenkins said. "You all in the media twisted its meaning."

In the minds of Shively residents, the powers in downtown Louisville—including The Courier-Journal—have their own image problem, one of keeping their gaze fixed on the more effluent East End. That leaves the leadership showing its corporate backside to residents in the South and West Ends. Given that perspective, Shively residents say, their town has been misunderstood ever since it was incorporated in 1938.

Seeing only the negative—and the traffic backups on busy Dixie Highway, which passed through Shively—outsiders fail to understand that Shively has its quiet streets and is a close-knit community, with serious politics and a streak of pride found in few of Jefferson County's 93 suburban cities.

"A lot of people have a strong identity as residents of Shively, in spite of the negatives," Quillman said. "They know Shively for what it is. They have pride in Shively."

"If you're not from Shively, don't criticize it," said City Council member Bud Smith.

That pride resulted in part from a coup the city pulled off in its infancy. A week after Shively was incorporated as a sixth-class city with 1,035 residents, it annexed $20 million worth of distilleries on Seventh Street Road and Dixie Highway. Distillery executives helped engineer the move to keep their businesses out of Louisville, where taxes were higher.

Taken aback, Louisville officials accused Shively of "distillery kidnapping" and filed a lawsuit to stop the raid. However, Louisville's efforts served only to ignite a longstanding distrust.

"There's always been that antipathy of Louisville toward Shively," said the Rev. Gerald Timmel, former pastor of St. Helen's Catholic Church, which has been Shively's spiritual center for nearly 100 years.

The distillery brouhaha and Shively's subsequent growth contrasts with the area's quiet beginnings. The first settlers were vegetable farmers. German Catholics mostly, drawn to the area's rich soil. Clustered around St. Helen's, a little community sprang up and named itself after the church.

In 1902, residents wanted to call their first post office St. Helen's, but the name was already in use in Eastern Kentucky. Instead, they named it after Christian Shively, the area's first settler. The name stuck when Shively became a city.

The area remained in small farms until after World War II, instilling an enduring legacy of family togetherness.

"My grandfather grew potatoes, cabbage, beans, tomatoes and truck-farm stuff on Seventh Street Road," said Louis Korfhage, who owns a nursery of Dixie Highway. "My dad and my uncles worked there, too.

"My dad ran the hot beds. That's where they raised the plants. One of my uncles did the marketing. Another did the planting.

"A fellow from up east came to work for him and introduced him to pansies. They put them on the market wagon to see how they would do. He was the first in the area to have them. They sold so well he went into geraniums."

The horse-drawn wagon, Korfhage said, made frequent trips during the growing season to the Haymarket in downtown Louisville, where farmers sold their produce.

"It was fun going to the Haymarket with Dad. What I can really remember was going across the street and getting pork chops for breakfast. That was great. Pork chops for breakfast!"

Following World War II, subdivisions sprouted where vegetables and flowers had flourished.

"They just built them and built them," said David Huber, whose grandfather was a blacksmith who had immigrated from Germany.

"I remember when the Bibelhausers grew vegetables over there where the bowling alley is and when Oehrle's Dairy had a pasture where City Hall is. It was quite a change.

The building boom, lasting into the 1960s, attracted young veterans and their families looking for a way out of Louisville.

"Most of them came from Parkland or Portland or the West End," said Smith, who moved to Shively with his parents in 1948 from the West End. "Most of them were Catholic.

"A lot of people came up from Marion and Nelson counties and counties out that way. They came here for jobs. And they were good jobs—at the distilleries, tobacco places, American-Standard," Smith said.

"Those were good-paying, blue-collar jobs, the kind you don't have much of anymore."

Shively grew into a middle-class community of 15,000 in 1960. It topped out at around 19,000 in 1970 and then dropped back to around 15,000 as the children of the original suburbanites came of age and moved on. In recent years, African Americans have begun moving to Shively from Louisville.

During the early '60s, the city had a $25 million tax base that led officials to boast that Shively was the state's richest city—figured on tax base per capita. It also had a police chief who became a legend.

"Luther 'Nub' Melton was like an old-time sheriff," said Quillman, a teen-ager at the time. "He knew every car that belonged in Shively. He'd stop you and check you out. He'd say, 'Boys, you better not be drinking or you'll be hearing from me. You hear me?

"He was so big it would take him five minutes to get out from under the steering wheel. He had a stomach all right, but he wasn't tall. He intimidated us. We listened to him."

Like everyone who remembers Melton, Smith told a story about him.

"One time a guy pulled a gun on Nub. But Nub stuck his finger in the barrel of the gun

and said, "Shoot. Go ahead.' He talked the guy down, he backed him down!"

Along with an earlier town marshall named Joe Roach, Melton set a precedent as a strong-armed chief that may have led to Shively's darkest hour. That was Donios admission in 1984 that he extorted money from the owner of the Red Garter Lounge on Seventh Street Road in exchange for allowing prostitution and other vice.

Several years of political turmoil followed as Shively sought to lay blame for its black eye. The wake left by the Donio affair included a bitter election in 1985 and the resignation two years later of a number of city officials.

Suspicion between rival Democratic factions endures today in Shively, which is one of only a handful of Kentucky cities that conduct elections along party lines.

"Back in the revenue-sharing days, you got more consideration from county and state people if you belonged to a party," said Mayor Bill O'Daniel. "We switched to partisan elections in the early '50s."

Adding to the political stew, once-wealthy Shively has been looking for new sources of revenue as changes in the state whiskey tax and the market place have driven away the distilleries.

"We made our tax revenue from whiskey that is stored," O'Daniel said. "At one time, there were seven distilleries storing whiskey. Now, there are just two."

In 1985, an aborted plan to annex much of neighboring Pleasure Ridge Park embroiled Shively in controversy, as did a property-tax increase that voters shot down the next year.

Perhaps looking for stability, voters in 1987 re-elected O'Daniel, who at 79 is the closet thing Shively has to a father-figure. He has been involved in city government since the early '50s and has served 18 years as mayor.

"We needed someone to get the city back on an even keel," said Jenkins.

Jenkins said attacking new businesses is the key to righting the city's finances and reducing budget deficit estimated at as much as $320,000.

While Jenkins looked ahead to Shively's future, the blacksmith's grandson lingered a bit in the past.

"I remember when the interuban train car used to drop off wine in a 25-gallon keg for St. Helen's communion," Huber said, "They'd leave it by the tracks on Dixie Highway at Crums Lane. Everybody was so honest, nobody would steal it.

"I was about 10 years old. I used to . . . put it in my wagon and haul it over to St. Helen's for old Father Pfeiffer, the German priest. That's what Shively used to be like."•

KIDS SAY NO TO MOVIE VIOLENCE

• Mr. DURENBERGER. Mr. President, the average American child watches 22,000 hours of TV by the age of 18. The average Ph.D. graduate—by contrast—spends only 15,000 hours in class from kindergarten through the doctoral program.

And much of that 22,000 hours of TV watching is coarsening and harmful. Clearly, we—as a society—ought to be much more serious about the intellectual and spiritual formation of our young people.

Not for the first time, a little child is leading us. Six-year-old Alex Boyd of Rosemount, MN, is boycotting the merchandise associated with the violent new film Jurassic Park—and calling on other youngsters to follow his lead. If I cannot see the movie, he argues, why should I spend my allowance on the merchandise?

Mr. President, Alex Boyd is reminding us that we too—as a nation—have an allowance, and we can make responsible choices about what to do with it. Alex is not complaining about movie violence and the decline of America's culture—he is putting his money where his mouth is and doing something about.

A valuable lesson for us all.

I ask that an article about Alex Boyd from the St. Paul Pioneer Press—along with an Associated Press story about director Steven Spielberg's children—be included in the RECORD at the conclusion of my remarks.

The material follows:

BOY, 6, BOYCOTTS "JURASSIC PARK" TOY DINOSAURS

(By Bill Gardner)

There comes a time in a boy's life when he has to stand on principle.

No matter how much Alex Boyd might want some "Jurassic Park" toy dinosaurs, the 6-year-old Rosemount boy refuses to part with any of his allowance and is urging other youngsters to follow his lead.

"Why should I spend my allowance on the toys when I can't see the movie?" Alex asked.

His parents won't let him see the Steven Spielberg blockbuster, rated PG-13, because it has too much violence. And Alex, determined to make a point about the movie spin-off products being marketed to younger kids, has become an instant media star.

He has appeared on television, radio, and newspapers across the country, courtesy of the Associated Press. Now People magazine wants to interview him, his parents said.

Alex's father, Tom, is virtually a Hollywood insider, having played the oboe solos for "Jurassic Park," "Dances with Wolves," "Out of Africa," "Beauty and the Beast," "Aladdin" and both "Batman" movies, among many others.

Tom Boyd and his wife, Julie, recently saw "Jurassic Park" and decided it was no movie for young children. "I had to close my eyes three times," Boyd said.

Boyd, who grew up in the San Fernando Valley of Los Angeles, moved the family to Rosemount a year ago and now commutes to Los Angeles for film work. He has worked on many Steven Spielberg films and noted that Spielberg won't let his own 8-year-old son, Max, see "Jurassic Park."

Alex said he has been looking forward to the movie.

"I was really bummed out that it was rated PG-13," he said. The rating means parental discretion is advised for children under age 13.

During a recent trip to the Target Greatland store in Apple Valley, Alex explained his views to the store manager, who seemed sympathetic. Alex said he was sticking up for kids everywhere.

"There was this little kid saying, 'Me want dino, me want dino,'" Alex recalled.

Alex has had the same problem with other films, including "Robin Hood," "Batman" and "Terminator." He'd buy the toys but couldn't see the movie.

But not this time.

"I've grown old enough to know better now," he said.

SPIELBERG'S KIDS WON'T SEE JURASSIC PARK

Steven Spielberg doesn't want a Minnesota kindergartener to feel bad about missing out on "Jurassic Park"—his kids won't be seeing the hit movie either.

Earlier this week, 6-year-old Alex Boyd of Rosemount organized an informal boycott of the movie's Jurassic toys, bubble bath, jawbreakers, sleeping bags, coin purses, walkie-talkies and other merchandise.

In a letter to Spielberg, Boyd said it's not fair to ask kids to spend their allowance on stuff from a movie they're too young to see.

Spielberg told Alex that he, too, felt "teased" as a child when he wasn't allowed to have or do things his parents knew were inappropriate.

"Six years old may be too young to see this movie," Spielberg said in a letter dated Thursday. "But the toys are made for older kids to enjoy, too. It seems equally unfair to me that some of these older kids whose parents think it is OK for them to see 'Jurassic Park' should be denied the chance to get toys and souvenirs."

The PG-13-rated film is set in a theme park inhabited by dinosaurs recreated in a scientific experiment. The animals rampage, eating each other and a few park visitors.

Alex's mother saw the movie and decided it was too violent for her son to see.

Spielberg, who has four children under age 9, said parents must decide whether "Jurassic Park" is suitable for their children.

"I am not allowing my children to see the movie for a few more years," Spielberg wrote.

He urged Alex to wait until Thanksgiving for "We're Back—A Dinosaur Story." That film—a fantasy about a scientist who sends dinosaurs to Manhattan where they befriend children—is one Spielberg told Alex he could enjoy with his family.•

TRIBUTE TO KAREN ADAMS

• Mr. MCCONNELL. Mr. President, I rise today to honor a Bowling Green, KY, native for her outstanding achievements. Karen Adams has entered a traditionally male environment as plant manager of Grindmaster Corp. in Louisville, KY. Despite being a bit of an oddity in this particular profession, she has performed her duties with distinction, impressing all with her capabilities.

Adams admirers point to her diligent work ethic and ability to deal with people as reasons for her success. Grindmaster's president points out that the workers under Ms. Adams respond to her leadership and direction. Since she became plant manager there has been an increase in both production and efficiency. Sales for 1992 at the corporation increased 20 percent over 1991 levels, and revenues so far this year are up 15 percent.

Mr. President, Karen Adams understands the fact that the customer comes first. She makes sure that Grindmaster's customer needs are met promptly. This trait undoubtedly has contributed to the company's improved performance during the past few years.

Mr. President, I ask my colleagues to join me in paying tribute to Karen Adams. I think that all will agree that she demonstrates on a daily basis why American workers are still the most productive in the world. Additionally, I ask that an article from the June 21, 1993, Business First be included in the RECORD at this point.

The article follows:

[From Business First, June 21, 1993]

A REAL GRIND: KAREN ADAMS TEARS DOWN STEREOTYPE—PLANT MANAGER BUILDS CONFIDENCE

(By Rachael Kamuf)

For all the breakthroughs women have made in the business and labor world, Grindmaster Corp.'s plant manager—Karen Adams—doesn't need a calculator to count all the female production chiefs with whom she is personally acquainted.

"I'm it, as far as I know," in this area and Kentucky as a whole, the 41-year-old Adams says.

Grindmaster President Karl Kuiper says he is unaware of any other women in comparable positions either.

Still, Kuiper says, her gender was not a factor when Adams—who started in the purchasing department in 1988—was put in charge of the manufacturing process at Grindmaster last year.

"She had been doing an excellent job," Kuiper says in listing the primary reason Adams was picked to oversee production of the commercial coffee-brewing machines sold under the Grindmaster label.

"If that person is doing a heck of a job, you don't consider if it is a man or a woman."

And with Adams, he says: "You've got a good manager here who is very good with people. They respond very well to her leadership and direction. . . . Efficiency is up. Production is up. . . . The credit is hers."

Adams, in turn, praises Kuiper and other executives of the privately owned company for giving her a chance to prove her mettle. "A lot of people think Louisville is not a progressive city, but Grindmaster has shown itself to be progressive."

But if any one person is responsible for assuring that Adams would be able to make a place for herself in this world, she says it was her mother.

"She is a very independent woman," who passed on her strengths to her two daughters, Adams says.

Although his wife and sister-in-law, Sharon Ash, have distinct personalities and character traits, Adams' husband, Larry Betzel, says, "they are both so much like their mother, it is spooky sometimes."

Ash is a management consultant in California. "She's like me," Adams says. "Sometimes she wears a suit, and another day she is in a hard hat and jeans."

Their father was in the U.S. Air Force, and the family traveled throughout the world until the parents separated when Adams was a toddler. Their mother then returned to her native Bowling Green, Ky., to be near relatives while raising her children.

"She worked two jobs a lot," Adams recalls. "I now realize that my sister and I were the only people we knew who came from a divorced background. But my mother was such a strong woman it never occurred to me that we were different. She would tell us, 'Girls, you gotta be tough, if you are going to make it.' . . . If things don't go your way, you pick up and go on, because that is what you are supposed to do."

Adams was 16 when she started working part time at the Castner-Knott department store in Bowling Green. At age 19, she was a department manager. Three years later, Adams says she was offered a position as a buyer, which would have meant relocating to the Castner-Knott headquarters in Nashville.

By that time, Adams, who had married shortly after her 1969 graduation from Bowling Green High School, was a mother herself. Her husband objected to moving to Tennessee, and Adams declined the promotion.

A few years later Adams, who had by then become divorced, made an even greater geographical change; she packed up daughter Ashley and headed for Alaska, where her sister Sharon was then living. "Her husband had always wanted to go to Alaska, and off they went," Adams says about her sister.

Her own infatuation with Alaska began with her older sister's tales of life in the land of the midnight sun. And at Ash's urging, Adams made the long trek from Bowling Green to Northern Alaska in 1980, despite having no job waiting for her there.

Adams says she wasn't worried about finding employment, however. "The pipeline was being laid, and things were still booming," she points out.

Grady Harris, who now lives in Albuquerque, N.M., says she has had no reason to be concerned about her daughter. "She was always a faster learner . . . always determined . . . a very self-sufficient person. I never had to worry about Karen. Karen could do it."

At her first visit to an employment agency in Alaska, Adams met a placement counselor who had once worked with her sister. Such ties—and her own background, which included business classes at Western Kentucky University in Bowling Green—were enough to get Adams an interview for an opening in the purchasing department at a mechanical contracting firm where the office manager was also a native Kentuckian.

Ash and her family departed Alaska just three months after Adams moved there, but Adams says she was not tempted to leave.

"Alaska is a pretty laid-back place. You either love it or hate it," Adams says.

For her, "It was love at first sight. It is absolutely the most beautiful place I have ever seen. The scenery literally brings you to your knees."

As a "Chechako"—Indian for newcomer—Adams made some mistakes. Such as the time she removed a glove in 20-degree below weather and found that her hand began to freeze almost instantly.

"The winters there, oh, they are cold," she says. "But you get acclimated. And I feel the winters here much more. It is so very damp, it cuts me to the bone. It was much dryer there."

Her memories of Alaska include camping, deep-sea fishing. They also include looking out her kitchen window and seeing mosquitoes so big that they are referred to as the state bird, and watching two moose graze in the back yard. "They were hungry and angry," says Adams, who tried to record the event by clicking away with her 35 mm camera.

"I was so excited. I got some great close-up shots." There was only one problem. In all the excitement she forgot to load film into the camera.

For Adams, the highlight of the years in Alaska was meeting and marrying Larry Betzel in 1983. The couple met at S. Koglund Co., where she worked in the accounting department and he was in sales. Their business relationship is the reason that she refers to him as Betzel, not Larry.

"Everyone said, 'If you want to know anything, ask Betzel.' No one ever called him anything else. So to me, Larry is a stranger's name. I do get some strange looks when I introduce him to people."

Betzel, regional sales manager for Halton/Pan Oston Co., and Adams reluctantly returned to Kentucky in 1985 for family reasons. Halton/Pan Oston is based in Glasgow, Ky., and Betzel operates out of an office in their home in Old Brownsboro Place.

She remembers five years in Alaska with fondness, but notes, "If I left here now, I would miss it."

For their first 18 months in Louisville, Adams was a homemaker for the blended family that includes her daughter, now a 19-year-old college student, and Betzel's son from a previous marriage, 13-year-old Van, who just completed the seventh grade at Kammerer Middle School.

Adams slipped back into the paid work force gradually, going to work for a temporary employment service. One of the companies where she was assigned was Grindmaster, and Adams went to work there full time in 1988 as a purchasing agent.

By 1990, she was materials manager and also became involved in production scheduling.

Her performance and thorough knowledge of the production department made Adams the natural choice to take over responsibility for the manufacturing line last year "when we had a parting of ways with the plant manager," Kuiper says.

He says: "She is positively aggressive. She goes for it. She brought a combination of talent and experience that have served us well. She is a good, solid organizer who has very, very good people skills. I would challenge anyone to find a man who could do any better."

As the plant manager, Adams oversees the work of 21 of Grindmaster's 54 Louisville employees. The company, which was started in 1933 at the corner of Eighth and Main streets, has a total of 104 workers at its facility in Bluegrass Industrial Park and another in Canton, Mass., where cold-drink dispensers are produced.

Grindmaster recently purchased a business in New York City that makes espresso coffee machines and is gearing up here for an expansion as the manufacturing is relocated to Louisville.

Kuiper says the additional work will mean the hiring of seven to 10 more employees in Adams' department.

Coffee grinders for the home are also sold by Grindmaster. The machines were designed in the Grindmaster research and development division in Louisville, but are produced at a factory in China in a joint venture with a Chinese concern.

Bringing on a line of espresso equipment is part of the Grindmaster growth strategy, Kuiper says, as the managers seek out new niches in the specialty-beverage business. Last year's sales—between $20 million and $25 milion—represented a 20-percent increase over 1991, he says. Kuiper says revenues so far this year are up 15 percent.

Kuiper says Adams has played a pivotal role in matching output with projects. "As a plant manager, you have to be able to handle anything that comes your way. And she has been able to handle everything."

Adams describes her job as "keeping the vice president of sales happy." And she succeeds, according to the Grindmaster vice president of sales, Larry Johnson.

"I am very happy," Johnson says. "Karen listens to our needs. Our needs are our customers' needs. And she has done a good job of meeting our customers' needs."

Although plant managers at Grindmaster and other factories have traditionally been male, Adams says she encountered no resistance from the employees on the line—all but three are men—when she was promoted.

"The men were and are wonderful," says Adams, who also oversees receiving, warehousing and shipping.

One of the reasons Adams was accepted so readily was because of her tenure with Grindmaster, says a 20-year veteran of the production line, Frank Grace. "She had been there a few years and had a real good job."

As a manager, he says her demands are realistic. "She knows what she can and cannot do." More important, says Grace—one of three "lead men" in the plant—"she appreciates everything we do. Karen tells us when we do a good job. It helps morale and production when anyone tells you that."

Adams is no pushover, however, he says. "She is firm, but she is easy to work for."

The Grindmaster family may have accepted Adams' role as a natural course of events, but she says some outsiders have had problems adjusting.

"It's the old story: a strong man, he gets things done. A strong woman, she's a bitch. I nip that in the bud pretty quickly."

She ran into that shortly after her promotion, when the plant was going full tilt to meet increased demand. She told vendors she could not meet with them, unless there was a problem, until the orders were filled.

That didn't satisfy a salesman who wanted to sign up Grindmaster as a new client. When she told him to call her again in six weeks, Adams says he responded by saying, "'Look, hon, is there a man there I can talk to?'"

Her response: "Yes, there are a lot of men out here, but they all work for me. He said, 'Oh.' He hung up and never called back."

Her job requires that Adams often put in 10- to 12-hour days. The hours don't bother her, but she says "the best part of the day is going to Betzel and the kids."

The Betzel-Adams family members tend to be homebodies, says Adams, whose idea of a good time is relaxing at home, stretched out on a chaise lounge watching television or reading. Her daily activities also include walking the family pets, two schnauzers and a 140-pound Great Dane named Leo.

She also looks forward to going into Grindmaster every day. "I like to work," she says, adding that she has found being with a growing company "exciting."

"I love the excitement," she says. "It is fascinating to see ideas come from research and development, and then to watch as sales and marketing do their thing with the prototype.

"Then it is turned over to production, and here we go again."•

THE NEED FOR PUBLIC INFORMATION ON THE PEOPLE'S MUJAHIDIN OF IRAN

• Mr. McCAIN. Mr. President, it is my continuing concern that, due to a lack of official information on its ideology and history, representatives of People's Mujahidin of Iran [PMOI] are lobbying the United States Congress without Members of Congress being aware of whether this organization does or does not have terrorist connections. Given the charges made in a previous FBI report that the PMOI has a history of terrorism, an anti-Western ideology, and ties to the regime of Saddam Hussein, this should be a matter of concern to all Members.

In order to shed some light on the activities of the PMOI, I have asked the Federal Bureau of Investigation to update the review of open sources on the PMOI that it first issued in 1987. Although the Director of the FBI has indicated a willingness to provide me information in a classified briefing, thus far, my efforts to obtain an update of the 1987 report have been rebuffed.

I ask that my correspondence with the Director of the FBI, Secretary Christopher and Attorney General Reno be included in the RECORD following my remarks.

As I have stated in my correspondence to the Director, Attorney General, and Secretary of State, I believe that the Congress, and more importantly, the American people have a right to know the broad results of U.S. Government investigations into the PMOI. We cannot deal with this issue through classified briefings. These may be helpful in briefing individual Members, but they do not serve the purpose of informing the Congress or the American people.

The PMOI has become a major lobbying group. It has lobbied Members of the Senate and the House. It has lobbied the President and his wife. It has conducted fund-raising efforts throughout the United States, and it is actively lobbying members of the Iranian-American community. Some U.S. Government officials repeatedly give background briefings attacking this group while other U.S. Government officials meet with its representatives on a very different basis.

The U.S. Government must not become the unwitting tool of any political group engaged in any of the following activity:

Attacks on American citizens, other foreigners, and Iranian citizens and officials during the time of the Shah.

Involvement in a civil war in which it took a strong anti-American and anti-Western stance, was a more extreme left wing movement than Iran's Tudeh Communist Party, and regularly used terrorism and assassination during the struggle for power following the Shah.

Involvement in a Saddam Hussein funded and supported military movement attacking Iran during the Iran-Iraq war, and in maintaining such a military movement on Iraqi soil during and after the invasion of Kuwait.

Continuing involvement in a low-level struggle of terrorism and counterterrorism with the Rafsanjani government in Iran.

Continuing to accept funds, support, bases, and arms from the Saddam Hussein government in Iraq.

Soliciting political support and funds from the Congress, American citizens, and Iranian exiles on United States soil under the guise of being a democratic coalition and human rights advocate when it remains an extreme leftist group whose secret agenda opposes American values and the security of Israel.

In our efforts to promote democracy in Iran, we must be extremely careful not to support terrorism and extremism. Making sure that the American people and this body are properly informed about the nature of the groups competing for influence in Iran is the best way to avoid these undemocratic extremes. To this end, I believe that it is vital that the FBI report publicly on the activities of the PMOI, and specifically that it update its 1987 report. We need to find a way of supplementing our current reporting patterns of global terrorism and human rights abuses that clearly distinguishes between legitimate democratic opposition groups and those that have terrorist connections.

The material earlier referred to follows:

UNITED STATES SENATE,
June 9, 1993.

WILLIAM S. SESSIONS,
Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR SESSIONS: After reviewing your letter of May 11, 1993, I do not believe that a briefing would be a meaningful or suitable response to my original requests.

I fully recognize the need to protect the rights of Americans and foreign nationals in this country, and to avoid prejudicing an ongoing investigation. At the same time, I see little merit in the FBI's refusal to update an existing report, and a great deal of bureaucratic obfuscation.

As I said in my letter to you of January 25, we cannot deal with this issue through classified briefings. These may be helpful in briefing individual members, but they do not serve the purpose of informing the Congress or the American people.

Let me repeat, there is no question that we have every ethical, moral, and strategic reason to encourage Iraqi and Iranian democratic movements, to halt the arms build-up in Iraq and Iran, and to do everything we can to pressure Iraq and Iran to adopt the rule of law and protect the human rights of all their citizens.

Yet, anyone can use the rhetoric of democracy. Anyone can hide behind the flag of human rights. Anyone can attempt to exploit our opposition to the current regimes in Iraq and Iran, and our ethical and moral beliefs. This is particularly true in two countries filled with political, ethnic, and religious turmoil and without real democratic traditions. It is particularly true because Iran is actively arming and encouraging Iraqi groups that oppose Saddam Hussein, and Saddam Hussein is actively arming Iranian groups that oppose Rafsanjani.

We must be extremely careful not to support terrorism in the name of anti-terrorism, front groups in the name of democracy, or extremist opposition groups in the name of human rights. We must not take sides between factions, and we must not encourage violence in the name of democracy. This is why I first wrote you in December, 1992 to ask for an update of the FBI's 1987 report on the People's Mujahedin of Iran (PMOI).

The fact remains that the PMOI has become a major lobbying group. It has lobbied

members of the Senate and the House. It has lobbied the President and his wife. It has conducted fund raising efforts throughout the United States, and it is actively lobbying members of the Iranian-American community. The fact remains that some U.S. government officials repeatedly give background briefings attacking this group while other U.S. government officials meet with its representatives on a very different basis.

I have just received another report on this group, which seems to be from a hostile Iranian group and which has been widely circulated to members of Congress. I am attaching this to my letter, and while I have no way to evaluate its contents, there is no doubt that serious questions still exist about the real nature of the PMOI.

The fact remains that the U.S. government must not become the unwitting tool of any political group that engages in any of the following heritage, belief, or actions that have been listed in the FBI's 1987 report and recent reporting by the Congressional Research Service:

Attacks on American citizens, other foreigners, and Iranian citizens and officials during the time of the Shah.

Involvement in a civil war in which it took a strong anti-American and anti-Western stance, was a more extreme left wing movement than Iran's Tudeh Communist Party, and regularly used terrorism and assassination during the struggle for power following the Shah.

Involvement in a Saddam Hussein funded and supported military movement attacking Iran during the Iran-Iraq War, and in maintaining such a military movement on Iraqi soil during and after the invasion of Kuwait.

Continuing involvement in a low level struggle of terrorism and counter-terrorism with the Rafsanjani government in Iran.

Continuing to accept funds, support, bases, and arms from the Saddam Hussein government in Iraq.

Soliciting political support and funds from the Congress, American citizens, and Iranian exiles on U.S. soil under the guise of being a democratic coalition and human rights advocate when it remains an extreme leftist group whose secret agenda opposes American values and the security of Israel.

The only way that PMOI involvement in these activities can be realistically assessed is for the FBI to provide an unclassified report that addresses each of these points.

If, upon further investigation, the FBI finds that the PMOI has not engaged in any of the activities mentioned above, then it has more credibility as a legitimate democratic movement. It should be free of the kind of indirect allegations made by the State Department and other executive agencies. The fact remains that no group operating in American politics should be forced to live in limbo, or in a climate where U.S. officials informally criticize it, if it has not engaged in any wrongdoing.

If the facts are uncertain, then the Congress, the American people, the media, and Iranian exiles in America deserve to know the truth about such uncertainties, and make their own judgments. If the PMOI has engaged in the activities noted above, then we must take appropriate judicial action and we must not treat it as a legitimate opposition to Iran's current government until it has fundamentally changed its character and leadership.

To put it bluntly, your response on this issue to date reminds me of another Director that denied the existence of the Mafia for nearly two decades, and allowed it to become a critical law enforcement problem. It reminds me that that same Director had to be forced by Presidential and Congressional pressure to come to grips with the need to protect the civil rights of Afro-Americans and other minorities. The Bureau has an unfortunate history of rushing into situations where it can get favorable publicity and dodging serious problems.

I repeat my continuing caveat on the kind of data the U.S. government should provide. We must never do anything to abridge the First Amendment rights of any group, foreign or domestic. We must continue the struggle for democracy and human rights. We must encourage and support every group that truly advocates freedom and the rule of law that opposes any regime that denies such progress, whether it is Iran, Iraq, or anywhere else in the world.

But, the fact remains that we cannot afford to have a situation where groups can lobby Congress and the American people in the name of democracy, human rights, freedom, and the rule of law whose true nature is very different or who have undisclosed ties to foreign governments, those who use violence, and those who use terrorism. We cannot afford to allow such groups to raise funds in the United States without the Congress and the American people knowing their true nature.

We have already seen in the case of the World Trade Center bombing that it does no good to dodge these issues, rush to judgment in a flurry of media events, and then watch an uninformed media, public, and Congress start to assign the blame against Arab or Islamic groups in general, Hamas, Iran, or Iraq.

With the end of the Cold War, it has become even more important to identify real terrorists and make it clear when the government does not feel groups support terrorist actions or act as fronts for them. There also is little point in maintaining a list of terrorist countries and then failing to identify the terrorist organizations that actually operate in the United States.

Quite frankly, this situation is absurd. The FBI has already written an unclassified report on the group in question. The United States government repeatedly takes background positions, and is supposed to be in the middle of a major exercise to open up the process of government and reduce unnecessary classification.

You have ample tools available to update your existing report. As I have noted in earlier correspondence, you have already shown that it is possible to summarize the results of U.S. government investigations without disclosing sensitive sources and methods.

I would like to resolve this issue without legislation or confrontation, but I do not believe that further delay and correspondence is a substitute for action. Your office has already repeatedly delayed its responses to my previous letters, in one case by nearly three months, and even initially denied that the FBI was the source of a report that it had passed to Senate security.

As a result, I would like to have your formal agreement or non-agreement to provide the requested update no later than June 24, 1993. If necessary, please coordinate this response with Attorney General Reno and Secretary of State Christopher.

Sincerely,

JOHN MCCAIN,
United States Senator.

U.S. SENATE,
June 9, 1993.

Hon. JANET RENO,
Department of Justice, Washington, DC.

DEAR MS. RENO: I am enclosing copies of an exchange of correspondence with William S. Sessions, the Director of the FBI, that I find deeply disturbing. It is both non-responsive and ignores a major problem in dealing with foreign groups that lobby the Congress and American people.

The issue involved is my request for an update of a report the FBI issued on the People's Mujahedin of Iraq (PMOI) in 1987. I believe that the Congress, and more importantly the American people, has a right to know the broad results of U.S. government investigations into this group, and whether it does or does not have terrorist connections.

I also believe that the Executive Branch cannot operate according to a dual standard in dealing with such groups. It cannot, on the one hand, provide "unofficial" briefings to the media, Congress, and others that condemn such a group or associate it with terrorism, and then refuse to summarize its conclusions and the facts that support them. This is particularly true when an FBI report, official or unofficial, is already in broad circulation.

Let me make the same point to you that I have made to Director Sessions in my correspondence to him. I fully recognize the need to protect the rights of Americans and foreign nationals in this country, and to avoid prejudicing an ongoing investigation. At the same time, I see no merit in the FBI's refusal to update an existing report, and a great deal of bureaucratic obfuscation.

I also see indifference to a major problem in dealing with terrorism and political extremism in the post-Cold War era. We have every ethical, moral, and strategic reason to encourage Iraqi and Iranian democratic movements, to halt the arms build-up in Iraq and Iran, and to do everything we can to pressure Iraq and Iran to adopt the rule of law and protect the human rights of all their citizens.

Yet, anyone can use the rhetoric of democracy. Anyone can hide behind the flag of human rights. Anyone can attempt to exploit our opposition to the current regimes in Iraq and Iran, and our ethical and moral beliefs. This is particularly true in two countries filled with political, ethnic, and religious turmoil and without real democratic traditions. It is particularly true because Iran is actively arming and encouraging Iraqi groups that oppose Saddam Hussein, and Saddam Hussein is actively arming Iranian groups that oppose Rafsanjani.

There is little point in issuing a long series of public and unclassified reports on terrorist activities overseas if we cannot link our anti-terrorist effort to dealing with groups that operate in the United States. We must have some way in which to access the investigative and intelligence efforts of the United States government that will prevent members of Congress, the media, and the American public from supporting terrorism in the name of anti-terrorism, front groups in the name of democracy, and/or extremist opposition groups in the name of human rights.

The PMOI is a classic case in point. It has become a major lobbying group. It has lobbied members of the Senate and the House. It has lobbied the President and his wife. It has conducted fund raising efforts throughout the United States, and it is actively lobbying members of the Iranian-American

community. At the same time, U.S. government officials have repeatedly given background briefings attacking this group while other U.S. government officials meet with its representatives on a very different basis.

There is no question that the Executive Branch should protect sensitive investigative and intelligence data. At the same time, it should not refuse to provide an adequate warning of activities that would allow members of Congress or the public to become the unwitting tool of any political group that engages in any of the following kinds of activities (all of which are listed in the FBI's 1987 report and recent reporting by the Congressional Research Service);

Attacks on American citizens, other foreigners, and Iranian citizens and officials during the time of the Shah.

Involvement in a civil war in which it took a strong anti-American and anti-Western stance, was a more extreme left wing movement than Iran's Tudeh Communist Party, and regularly used terrorism and assassination during the struggle for power following the Shah.

Involvement in a Saddam Hussein funded and supported military movement attacking Iran during the Iran-Iraq War, and in maintaining such a military movement on Iraqi soil during and after the invasion of Kuwait.

Continuing involvement in a low level struggle of terrorism and counter-terrorism with the Rafsanjani government in Iran.

Continuing to accept funds, support, bases, and arms from the Saddam Hussein government in Iraq.

Soliciting political support and funds from the Congress, American citizens, and Iranian exiles on U.S. soil under the guise of being a democratic coalition and human rights advocate when it remains an extreme leftist group whose secret agenda opposes American values and the security of Israel.

The only way that PMOI involvement in these activities can be realistically assessed is to provide an unclassified report that addresses each of these points. Background briefings, special access briefings, and classified material do not provide effective warnings to Congress, the public, or the media. They also allow U.S. government officials to condemn the PMOI or any similar group without a hearing.

As I have stressed from the start in my correspondence with Director Sessions, we must never do anything to abridge the First Amendment rights of any group, foreign or domestic. We must continue the struggle for democracy and human rights. We must encourage and support every group that truly advocates freedom and the rule of law that opposes any regime that denies such progress, whether it is Iran, Iraq, or anywhere else in the world.

If, upon further investigation, the FBI, Department of Justice, and State Department, and the intelligence community find that the PMOI has not engaged in any of the activities mentioned above, then it has more credibility as a legitimate democratic movement. It should be free of the kind of indirect allegations made by the State Department and other executive agencies. The fact remains that no group operating in American politics should be forced to live in limbo, or in a climate where U.S. officials informally criticize it, if it has not engaged in any wrongdoing.

If the facts are uncertain, then the Congress, the American people, the media, and Iranian exiles in America deserve to know the truth about such uncertainties, and make their own judgments. If the PMOI has engaged in the activities noted above, then we must take appropriate judicial action and we must not treat it as a legitimate opposition to Iran's current government until it has fundamentally changed its character and leadership.

I have asked Director Sessions repeatedly to come to grips with this issue, and to update the FBI's 1987 report. I would be grateful if you would consult with Secretary Christopher, and intervene in this matter to make sure that I get a full and timely response that reflects the views of the Department of Justice and State Department, as well as the FBI, and that no further effort is made to avoid coming to grips with the core issues involved.

Sincerely,

JOHN MCCAIN,
United States Senator.

U.S. SENATE,
June 9, 1993.

Hon. WARREN M. CHRISTOPHER,
Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: I am enclosing copies of an exchange of correspondence with William S. Sessions, the Director of the FBI, that I find deeply disturbing. It is both non-responsive and ignores a major problem in dealing with foreign groups that lobby the Congress and American people.

The issue involved is my request for an update of a report the FBI issued on the People's Mujahedin of Iraq (PMOI) in 1987. I believe that the Congress, and more importantly the American people, has a right to know the broad results of U.S. government investigations into this group, and whether it does or does not have terrorist connections.

I also believe that the Executive Branch cannot operate according to a dual standard in dealing with such groups. It cannot, on the one hand, provide "unofficial" briefings to the media, Congress, and others that condemn such a group or associate it with terrorism, and then refuse to summarize its conclusions and the facts that support them. This is particularly true when an FBI report, official or unofficial, is already in broad circulation.

Let me make the same point to you that I have made to Director Sessions in my correspondence to him. I fully recognize the need to protect the rights of Americans and foreign nationals in this country, and to avoid prejudicing an ongoing investigation. At the same time, I see no merit in the FBI's refusal to update an existing report, and a great deal of bureaucratic obfuscation.

I also see indifference to a major problem in dealing with terrorism and political extremism in the post-Cold War era. We have every ethical, moral, and strategic reason to encourage Iraqi and Iranian democratic movements, to halt the arms build-up in Iraq and Iran, and to do everything we can to pressure Iraq and Iran to adopt the rule of law and protect the human rights of all their citizens.

Yet, anyone can use the rhetoric of democracy. Anyone can hide behind the flag of human rights. Anyone can attempt to exploit our opposition to the current regimes in Iraq and Iran, and our ethical and moral beliefs. This is particularly true in two countries filled with political, ethnic, and religious turmoil and without real democratic traditions. It is particularly true because Iran is actively arming and encouraging Iraqi groups that oppose Saddam Hussein, and Saddam Hussein is actively arming Iranian groups that oppose Rafsanjani.

There is little point in issuing a long series of public and unclassified reports on terrorist activities overseas if we cannot link our anti-terrorist effort to dealing with groups that operate in the United States. We must have some way in which to access the investigative and intelligence efforts of the United States government that will prevent members of Congress, the media, and the American public from supporting terrorism in the name of anti-terrorism, front groups in the name of democracy, and/or extremist opposition groups in the name of human rights.

The PMOI is a classic case in point. It has become a major lobbying group. It has lobbied members of the Senate and the House. It has lobbied the President and his wife. It has conducted fund raising efforts throughout the United States, and it is actively lobbying members of the Iranian-American community. At the same time, U.S. government officials have repeatedly given background briefings attacking this group while other U.S. government officials meet with its representatives on a very different basis.

There is no question that the Executive Branch should protect sensitive investigative and intelligence data. At the same time, it should not refuse to provide an adequate warning of activities that would allow members of Congress or the public to become the unwitting tool of any political group that engages in any of the following kinds of activities (all of which are listed in the FBI's 1987 report and recent reporting by the Congressional Research Service);

Attacks on American citizens, other foreigners, and Iranian citizens and officials during the time of the Shah.

Involvement in a civil war in which it took a strong anti-American and anti-Western stance, was a more extreme left wing movement than Iran's Tudeh Communist Party, and regularly used terrorism and assassination during the struggle for power following the Shah.

Involvement in a Saddam Hussein funded and supported military movement attacking Iran during the Iran-Iraq War, and in maintaining such a military movement on Iraqi soil during and after the invasion of Kuwait.

Continuing involvement in a low level struggle of terrorism and counter-terrorism with the Rafsanjani government in Iran.

Continuing to accept funds, support, bases, and arms from the Saddam Hussein government in Iraq.

Soliciting political support and funds from the Congress, American citizens, and Iranian exiles on U.S. soil under the guise of being a democratic coalition and human rights advocate when it remains an extreme leftist group whose secret agenda opposes American values and the security of Israel.

The only way that PMOI involvement in these activities can be realistically assessed is to provide an unclassified report that addresses each of these points. Background briefings, special access briefings, and classified material do not provide effective warnings to Congress, the public, or the media. They also allow U.S. government officials to condemn the PMOI or any similar group without a hearing.

As I have stressed from the start in my correspondence with Director Sessions, we must never do anything to abridge the First Amendment rights of any group, foreign or domestic. We must continue the struggle for democracy and human rights. We must encourage and support every group that truly advocates freedom and the rule of law that opposes any regime that denies such

progress, whether it is Iran, Iraq, or anywhere else in the world.

If, upon further investigation, the FBI, Department of Justice, and State Department, and the intelligence community find that the PMOI has not engaged in any of the activities mentioned above, then it has more credibility as a legitimate democratic movement. It should be free of the kind of indirect allegations made by the State Department and other executive agencies. The fact remains that no group operating in American politics should be forced to live in limbo, or in a climate where U.S. officials informally criticize it, if it has not engaged in any wrongdoing.

If the facts are uncertain, then the Congress, the American people, the media, and Iranian exiles in America deserve to know the truth about such uncertainties, and make their own judgments. If the PMOI has engaged in the activities noted above, then we must take appropriate judicial action and we must not treat it as a legitimate opposition to Iran's current government until it has fundamentally changed its character and leadership.

I have asked Director Sessions repeatedly to come to grips with this issue, and to update the FBI's 1987 report. I would be grateful if you would work with Attorney General Reno in this matter to make sure that I get a full and timely response that reflects the views of the Department of Justice and State Department, as well as the FBI, and that no further effort is made to avoid coming to grips with the core issues involved.

Sincerely,

JOHN MCCAIN,
United States Senator.

U.S. SENATE,
January 25, 1993.

MR. WILLIAM S. SESSIONS,
Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR SESSIONS: I have received a letter from John E. Collingwood, the Inspector in Charge of the Office of Public and Congressional Affairs in response to my letter to you of December 15, 1992.

I believe that this response raises a basic public policy issue that cannot be resolved in the way your letter suggests. Whether or not the report I enclosed to you was a formal FBI report, we cannot deal with the issue through classified briefings. These may be helpful in briefing individual members, but they do not serve the purpose of informing the Congress or the American people.

There is no question that we have every ethical, moral, and strategic reason to encourage Iraqi and Iranian democratic movements, to halt the arms build-up in Iraq and Iran, and to do everything we can to pressure Iraq and Iran to adopt the rule of law and protect the human rights of all their citizens.

Yet, anyone can use the rhetoric of democracy. Anyone can hide behind the flag of human rights. Anyone can attempt to exploit our opposition to the current regimes in Iraq and Iran, and our ethical and moral believes. This is particularly true in two countries filled with political, ethnic, and religious turmoil and without real democratic traditions. It is particularly true because Iran is actively arming and encouraging Iraqi groups that oppose Saddam Hussein, and Saddam Hussein is actively arming Iranian groups that oppose Rafsanjani.

We must be extremely careful not to support terrorism in the name of anti-terrorism, front groups in the name of democracy, or extremist opposition groups in the name of human rights. We must not take sides between factions, and we must not encourage violence in the name of democracy.

This is why I wrote you asking for an update of the 1987 report that I received from Senate Security on the People's Mujahedin of Iran (PMOI). The PMOI has become a major lobbying group. It has lobbied members of the Senate and the House. It has lobbied the President elect and his wife. It has conducted fund-raising efforts throughout the United States, and it is actively lobbying members of the Iranian-American community.

Regardless of the exact status of the report I sent you, there is no doubt that serious questions exist about the real nature of the PMOI. There is no doubt that the PMOI is derived from a violent left wing group that carried out the assassination of American officers and civilians in Iran before the fall of the Shah. Similarly, a recent report by the Congressional Research Service raises similar questions about the PMOI. The State Department refuses to meet with this group because of its heritage of extremism.

I agree that we should not take sides in Iranian or Iraqi politic, nor become involved in the complex infighting between Iranian groups in exile. I do believe, however, that we must not start the new Clinton Administration with a new "Irangate." The U.S. government must not become the unwitting tool of any political group that can accurately be charged with any of the following heritage, belief, or actions:

Attacks on American citizens, other foreigners, and Iranian citizens and officials during the time of the Shah.

Involvement in a civil war in which it took a strong anti-American and anti-Western stance, was a more extreme left wing movement than Iran's Tudeh Communist Party, and regularly used terrorism, and assassination during the struggle for power following the Shah.

Involvement in a Saddam Hussein funded and supported military movement attacking Iran during the Iran-Iraq War, and in maintaining such a military movement on Iraqi soil during and after the invasion of Kuwait.

Continuing involvement in a low level struggle of terrorism and counter-terrorism with the Rafsanjani government in Iran.

Continuing to accept funds, support, bases, an arms from the Saddam Hussein government in Iraq.

Soliciting political support and funds from the Congress, American citizens, and Iranian exiles on U.S. soil under the guise of being a democratic coalition and human rights advocate when it remains an extreme leftist group whose secret agenda opposes American values and the security of Israel.

The only way that any or all of these charges can be resolved is for the FBI to provide an unclassified report that comprehensively addresses each of these points. If the FBI finds that the PMOI is innocent on all the above counts, then it deserves our support as a legitimate democratic movement. It should be free of the kind of indirect charges made by the State Department and other executive agencies, that do not provide formal charges, but indicate that it may be associated with Iraq, with violence, with attacks on Americans, and with terrorism. No group operating in American politics should be forced to live in limbo, or in a climate where U.S. officials informally criticize it, if it is innocent.

If the facts are uncertain, then the Congress, the American people, the media, and Iranian exiles in America deserve to know the truth about such uncertainties, and make their own judgments. If the PMOI is guilty of any or all of these charges, then we must not treat it as a legitimate opposition to Iran's current government until it has fundamentally changed its character and leadership.

I also wish to point out that an important precedent is involved here. We must never do anything to abridge the First Amendment rights of any group, foreign or domestic. We must continue the struggle for democracy and human rights. We must encourage and support every group that truly advocates freedom and the rule of law that opposes any regime that denies such progress, whether it is Iran, Iraq, or anywhere else in the world.

But, we cannot afford to have a situation where groups can lobby Congress and the American people in the name of democracy, human rights, freedom, and the rule of law whose true nature is very different or who have undisclosed ties to foreign governments, those who use violence, and those who use terrorism. We cannot afford to allow such groups to raise funds in the United States without the Congress and the American people knowing their true nature.

Ironically, we have strong rules designed to deal with this situation by requiring Americans who lobby for foreign countries to register with the U.S. government. At the same time, we lack a mechanism that requires the State Department and FBI to maintain a list of groups with suspect ties to foreign governments, movements with a history of attacking U.S. and other nationals, movements with ties to military or terrorist movements, or which covertly advocate violence, extremist ideologies, or which otherwise use the First Amendment in ways that abuse the very causes they claim to defend.

This is also a case where the Executive Branch cannot hide behind the need for national security. First, it is possible to summarize the results of U.S. government investigations without disclosing sensitive sources and methods. We have seen this confirmed in countless government reports which provide such data when it is convenient to support a given policy or program.

Second, groups which really defend the causes we believe in deserve to be free of indirect charges or innuendo. We must never cloud the reputation of any group with indirect charges that cannot be answered or justified.

Third, we are already living in a post Cold War era filled with groups with conflicting agendas that all use the rhetoric of the post-Cold War era, but many of which repackage themselves without having forsworn violence, extremism, or attacks on the things we believe in. We must be able to distinguish the true nature of foreign groups, or groups with foreign ties, if we are to support the groups that really do advocate freedom and human rights, we must know the nature of the wolves who wear freedom's flag.

Accordingly, I again repeat my formal request for an FBI report that will resolve this issue. At the same time, I would like to have your views as to how you intend to address the broader issues involved.

I would be grateful if you could provide my with such a report, and your views on this issue no later than February 15, 1993, so that the report could be circulated to members of the new Congress. I also wish to make it clear that if we cannot resolve this issue on

a timely basis, it is my intention to seek legislation that will require such reporting on a comprehensive and regular basis.

Sincerely,

JOHN MCCAIN,
United States Senator.

FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, May 11, 1993.

Hon. JOHN MCCAIN,
United States Senate, DC.

DEAR SENATOR MCCAIN: Thank you for talking with me this morning about your January 25, 1993, letter requesting additional information regarding the People's Mujahedin of Iran (PMOI). When your staff arranges an appropriate briefing, we can discuss the matter further.

In discussions between FBI Congressional people and a member of your staff, it was indicated that the report which you asked the FBI to update was originally prepared by the FBI from public source information. The FBI, unlike the Congressional Research Service, Library of Congress, does not generally disseminate such reports beyond appropriate law enforcement and intelligence agencies.

As Inspector John E. Collingwood indicated in his letter of January 15, 1993, your request involves certain factors which may restrict the amount of information available for public disclosure. The Privacy Act, Title 5, United States Code (U.S.C.), Section 552a(b)(9), the classified nature of counter terrorism investigations, the possibility of compromising ongoing investigations, and the lack of authority to release information from other agencies/countries, all severely restrict the information available for public disclosure.

The FBI is very sensitive to issues raised during the investigation of any group within the United States, particularly when the alleged criminal activity may be commingled with activity protected by constitutional and statutory safeguards. The conduct of such investigations is governed by Attorney General Guidelines which require a certain level of predication before investigative activity can be conducted.

The maintenance of a list of suspect groups as you suggest has diplomatic implications, which may necessitate the involvement of the Department of State.

Given this mix of factors, the FBI believes that much thought should be given before requiring that the FBI maintain a "list" of offending groups, as suggested by your letter. In this respect, I agree that our position raises a "basic public policy issue" and, therefore, have forwarded your letter to the Department of Justice and Department of State for their consideration. You may wish to contact them directly.

You have always been a great supporter of the FBI in particular and law enforcement in general, and I know your comments are based upon your sincere desire to provide the American people with as much information as possible. I, too share your goal. However, as Director of the FBI, I must abide by existing statutes and guidelines in determining the extent of information available for public release, and insure that public disclosures does not unnecessarily damage the interests of the United States. In this particular case, without policy direction to the contrary, I believe that a public briefing may not serve those interests.

I have directed my staff to maintain contact with your office in order to determine if other alternatives, such as a classified briefing, a Chairman request—as per Title 5, U.S.C., Section 552a(b)(9), or a Freedom of Information Act request, might be appropriate. Should you wish to discuss this matter further please contact me directly or through Supervisory Special Agent Patrick L. Connolly of the FBI's Office of Public and Congressional Affairs, at (202) 324-8381.

Sincerely,

WILLIAM S. SESSIONS,
Director.

U.S. SENATE,
December 15, 1992.

Mr. WILLIAM S. SESSIONS,
Federal Bureau of Investigation,
Washington, DC.

DEAR MR. SESSIONS: I am concerned that the People's Mujahedin-E-Khalq is playing an active role in lobbying the U.S. Congress, and in presenting its views on Iran, under conditions where members have no way to learn the history of this organization. I am particularly concerned with its role in terrorism, and its financial ties to Iraq.

Back in 1987, the FBI developed an open source review of this group which provides strong indications that the People's Mujahedin-E-Khalq is a terrorist movement that has participated in the assassination of American citizens and receives most of its funds from Iraq. I have attached a copy of the report to this letter.

I would be grateful if you could have your staff review this report, and provide me with an updated version that could be circulated to members of the Senate and House. If possible, I would like to have such an update no later than January 15, 1993, so that the report could be circulated to members of the new Congress when it comes back into session.

Sincerely,

JOHN MCCAIN,
United States Senator.

FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, January 15, 1993.

Senator JOHN MCCAIN,
United States Senate, Washington, DC.

DEAR SENATOR MCCAIN: Director Sessions has asked that I respond to your letter to him dated December 15, 1992, which requested that the Federal Bureau of Investigation update a report which you enclosed with your letter.

A review of our files indicates that the enclosed report was not prepared by the FBI. However, the FBI would be happy to provide you and other Senators or Staff Members with a briefing regarding the People's Mujahedin-E-Khalq.

As you probably know, the information that the FBI can discuss will depend upon whether your request comes from a Chairman of a Committee with appropriate jurisdiction. With a Chairman request, the FBI can provide you information which would otherwise be protected by the Privacy Act. (See, Title 5, United States Code, Section 552a(b)(9).)

In addition, as a general rule, our counterterrorism briefings may contain classified information which would restrict further dissemination and require that attending staff members have the appropriate security clearance(s).

If you would like to discuss this issue further, please contact Supervisory Special Agent Patrick L. Connolly of my staff at (202) 324-8381.

Sincerely yours,

JOHN E. COLLINGWOOD,
Inspector in Charge,
Office of Public and Congressional Affairs.•

A TRIBUTE TO LEECO, INC.

• Mr. MCCONNELL. Mr. President, I rise today to congratulate Leeco, Inc., of Jeff, KY. This outstanding company has recently been presented with an Excellence in Surface Mining Reclamation Award from the U.S. Department of the Interior, Office of Surface Mining.

The Excellence in Surface Mining Reclamation Award gives recognition to companies that produce creative and innovative accomplishments in restoring coal-mined land to its natural state. In addition, this national award encourages those companies to envision and undertake innovative concepts that will allow the land to become productive once again.

Leeco, Inc., earned this distinct honor for reclaiming a site in the steep, mountainous terrain of eastern Kentucky. Leeco received the award for the innovative design and operation of a preparation plant and refuse disposal area. A unique feature of the refuse disposal system is a 400-foot-high earthen dam constructed from excess spoil from the mountaintop removal at the site.

Mr. President, Leeco, Inc., deserves this highest honor based on their love for the land, solid technical know-how, a strong sense of pride, a respect for the law, and a sincere willingness to work closely with the State regulatory agency to achieve such reclamation.

I'm sure that my colleagues will agree that Leeco, Inc., has shown that it is among the best of the best. I salute their progress, and wish them added success in the future.•

REOPENING OF THE THEODORE ROOSEVELT HOME

• Mr. D'AMATO. Mr. President, I rise today to speak of an event that is going to take place on Saturday, July 3, 1993. The special event is the reopening of the Theodore Roosevelt Home at Sagamore Hill Natural Historic Site.

Sagamore Hill is the former home of Theodore Roosevelt, the 26th President of the United States. Between 1901 and 1909, Sagamore Hill served as the Nation's summer White House. In 1950, it was acquired by the Theodore Roosevelt Association [TRA] and opened to the public in June 1953. In 1963, the TRA presented Sagamore Hill to the American people. It is administered as a national historic site by the National Park Service.

The NPS has focused its interpretation of Sagamore Hill on the 1901–09 period when it was the summer White House. The goal is to recreate for the visitor the atmosphere of the TRH during this period. This is done by presenting the rooms as they appeared during the President's lifetime.

The preservation of the Theodore Roosevelt Home [TRH] began in 1980, when the library, drawing room, and

dining room were restored to their original appearance. In the 1980's, a historic structures report and a historic furnishing report were prepared by NPS staff. These studies provided the historic information and physical evidence on which the 1992 furnishing plan was based.

The 1993 project focused on five rooms on the second floor and the hallways on the second and third floors of the TRH. Work has been done to facilitate the installation of the new furnishing plan. The furniture, objects, and artwork in all of the rooms have been returned to their original arrangements.

I would like to pay tribute to the Sagamore Hill Natural Park Service and the Theodore Roosevelt Association for their hard work in restoring this historic site. It is because of their perseverance that visitors will now be able to see the home of Theodore Roosevelt as it was when he lived there. I ask my colleagues to join me in saluting this monumental accomplishment, which will benefit our entire country.●

NORTH VALLEY PARALEGAL SERVICE OF ARIZONA

● Mr. McCAIN. Mr. President, the good work that Ms. Fran Forgan is doing through the North Valley Paralegal Service of Arizona was recently brought to my attention. I would like to congratulate Ms. Forgan on all that she has accomplished in helping others while also overcoming great personal hardship.

Mr. President, as a resident of Arizona, Ms. Forgan has set a fine example in Arizona for her dedication and commitment to community service. Mr. President, I would like the Senate to take note of the work that is done by the North Valley Paralegal Service of Arizona. It is a nonprofit agency which specializes in working with the disabled, elderly, and people of low income offering them a unique form of paralegal assistance to people in the community who cannot afford an attorney.

Mr. President, I would like Ms. Forgan to know how much I appreciate her commitment to the many people in Arizona who would otherwise be unable to receive legal aid.

Mr. President, I am pleased to have brought Ms. Fran Forgan to the attention of the Senate and I wish North Valley Service of Arizona every success in the future.●

COMMENDING THE 126TH ANNIVERSARY OF B'NAI B'RITH DISTRICT 5

● Mr. WARNER. Mr. President, as we survey the socio-political landscape of the day, we are confronted by the various horrors, injustices, cruelties, and blights—domestic and foreign—which dominate newspaper stories and television broadcasts. In this very chamber, we work to effectively address many of those issues. Fortunately, we are not alone in the effort to promote the causes of freedom, democracy, and human rights.

One organization that has been at the forefront of promoting those democratic ideals is B'nai B'rith. Next month, B'nai B'rith District 5 will celebrate the 126th anniversary of its founding, and I would like to take a moment to comment on the good work of this organization.

B'nai B'rith is the largest Jewish organization in the United States and was the first established international service organization in this country. Its mission is to defend freedom and democracy, to combat racism and bigotry, and to promote human rights.

These broad reaching goals are approached from many directions. Through cultural and educational programs, the B'nai B'rith Youth Organization and the Hillel Foundation helps young people to develop the values and skills that enable them to become better citizens and effective community leaders. Volunteers support hospitals and philanthropies, they provide assistance to victims of natural disasters, and they carry on a broad program of community service. B'nai B'rith District 5 provides housing to senior citizens.

In short, the members and leaders of B'nai B'rith are daily involved in the quest for freedom and human dignity.

On this important anniversary, I am proud to commend the fine work of B'nai B'rith District 5, and to offer my congratulations to Eugene Margolis, who will be installed as president of the district.●

SUBMARINE INDUSTRIAL BASE EXTENSION

● Mr. D'AMATO. Mr. President, earlier this year I challenged industry to come up with ideas to reduce the cost, yet retain the capability, of current submarine systems or components.

Hughes Corp. has put together a short briefing, "Options and Alternatives for Submarine Production beyond 1993," that outlines potential cost savings that could be applied to improved *Los Angeles*, *Seawolf*, or *Centurion* class attack submarines. For reasons of space, I will include only the final table from the presentation, but I would be happy to make the full package available to any of my colleagues who are interested.

I cannot vouch for feasibility, desirability, or acceptability of any of the initiatives, but I applaud Hughes' effort. Frankly, I have been very disappointed at the lack of creativity displayed by both the Navy and industry in coming to grips with cost issues. The pat answer seems to be: if you want to pay less, strip out capability. That is unacceptable.

A wristwatch today costs less then one 20 years ago, and, whereas an old watch only marked the passage of time, a watch today does everything but cook your dinner. The *Seawolf* is a quantum leap in submarine technology. Now we need to come up with another quantum leap within that *Seawolf* technology pool in terms of savings. Hughes has taken the first step. I hope others will follow.

I ask that the table I referred to be inserted into the RECORD immediately after my remarks.

The table follows:

SUBMARINE INDUSTRIAL BASE EXTENSION—SSN688 I PLUS OPTIONS

[Comparison matrix, planning estimates]

	Weapons launch system (WLS)	Torpedo data converter	Combat control system	Prototype cots (WLS)	Integrated ship ((CTRL)	Hull mounted array
Recurring cost savings (per system)	$3,200,000	$600,000	$900,000	$6,000,000	$10,000,000	$10,000,000
Nonrecurring cost investment	500,000	100,000	100,000	18,000,000	6,000,000	25,000,000
Degree of risk	Low	None	None	Medium	Medium	Medium
Footprint savings (square foot)	8	4	None	8	8	8
Space savings (Cubic foot)	40	16.1	None	50	40	40
Weight savings (pounds)	500	900	None	1,500	1,000	40,000

PANAMA AID

● Mr. LEAHY. Mr. President, in 1990, the Senate approved an enormous emergency aid package to Panama. At close to half a billion dollars, it was the largest per capita AID Program of the fiscal year. I visited Panama while the aid package was still under consideration. In my report on the trip, which was submitted to the Appropriations Committee on March 5, 1990, I discussed many of the problems I had with the aid package and listed several concerns with how the appropriation was being handled.

In May of this year, the GAO released a report entitled "Foreign Assistance: U.S. Efforts to Spur Panama's Econ-

omy Through Cash Transfers.'' This report bears out many of the concerns I had earlier expressed.

In my trip report, I maintained that despite the Panamanian leaders' insistence on the need for a large-scale dose of external assistance, ultimately only private enterprise could deliver the requisite funds to revive the economy. I also warned that the severe structural problems that plagued Panama's economy would not be eradicated by a sudden infusion of cash. They would require major long-term reform.

The GAO report reveals both that the impact of the economic assistance is questionable at best, and that Panama is still in need of economic reform if economic progress is to continue. The Panamanian economy was well on its way to recovery in the short term before the emergency funds were ever disbursed. Although the money did stimulate credit lines, it is uncertain whether credit expanded beyond the actual amount of aid. GAO also stresses the fact that unaddressed economic reforms continue to hamper panama's continued progress and growth.

The 1990 stimulus package for Panama offers an important lesson for future foreign assistance programs. Emergency economic aid should not be used as a political expedient as it seems to have been in Panama. There was never any careful examination of how much money was actually necessary, or what the money would be used for. The Bush administration named an arbitrary figure and handed the money to AID to determine its best use. AID in turn passed the money to the Panamanian Government, choosing not to participate fully in the decision-making process of how the funds were to be used.

Foreign aid should never be understood as merely a vote of confidence. In these times of fiscal restraint, emergency economic assistance should only be granted in emergencies, and when the expected uses and desired results of the aid can be clearly outlined. None of this was the case in Panama. The purposes for the funds were cloudy, the expectations unclear, and predictably, the results were uncertain. We must be careful to avoid this type of rash action in the future.●

THE MOUNT SOPRIS TREE NURSERY LAND EXCHANGE PROPOSAL

● Mr. BROWN. Mr. President, I am pleased the Senate has approved S. 341, legislation introduced by Senator CAMPBELL, of which I am a cosponsor.

S. 341 provides for the exchange of land between the Forest Service and Pitkin and Eagle Counties in Colorado. Similar legislation passed both the House and Senate last year. Changes were made at the request of the Forest Service to provide for more boundary latitude and to place control of State-appropriated water rights consistent with historical management. The Pitkin and Eagle County commissioners are agreeable to these modifications.

This exchange is truly a win-win situation for both the agency and the counties. One hundred and thirty-two acres of the Mount Sopris Tree Nursery currently owned by the United States has been identified by the General Services Administration [GSA] as surplus to Government needs. Conversely, Pitkin and Eagle Counties currently own 1,307 acres of inholdings within the White River National Forest. S. 341 would facilitate the exchange of the county-owned inholdings for the Forest Service's tree nursery. Both counties and the Forest Service support this legislation.

S. 341 also ensures that the land acquired by the county will be used solely for public purposes, otherwise the land would revert back to the U.S. Government. In cases of clouded title to the county-owned lands, the bill requires would-be claimants to file quiet title actions within 6 years. In addition, if any claim were to be successful, the counties would be required to reimburse the Forest Service with land or cash.

This land exchange is another example of how cooperation between Federal and local governments can benefits everyone. The people of Eagle and Pitkin Counties will acquire the site of Mount Sopris Tree Nursery which will be used for various community facilities, while the Federal Government improves its ability to manage existing wilderness. We ought to be encouraging such land exchanges which can put surplus Federal land toward a good public use.●

OMNIBUS BUDGET RECONCILIATION

● Mr. KERRY. Mr. President, I voted for the Omnibus Budget Reconciliation Act. But I did so with great ambivalence. My ambivalence is twofold. First, I feel that the bill does not contain enough of the tough choices we need to make in order to eliminate waste in Government spending and which we should have made before we asked for an additional penny of taxpayer money. Second, this measure does not authorize the kind of major shift toward investment that we so urgently need to jumpstart our ailing economy. It is only a downpayment on spending cuts and on investment, and a small downpayment at that.

I decided to support the bill after much consideration. In the end I was swayed by the fact that the bill will cut a total of $516 billion from the deficit by 1998. And by the fact that it is the only package with any hope of enactment into law that cuts this much money from the deficit. If deficit reduction is our goal, and I think that it is, then we have no choice but to support this bill.

If this bill becomes law, the deficit should be lower next year than it is this year, and lower the year after that. By the year 1998, the deficit will be one-half the percentage of GDP that it is today. This bill represents the largest deficit cutting package proposed by any American President in history. Despite all the rhetoric, no Republican President ever offered this many specific spending cuts. They proposed process changes—caps in entitlement growth and balanced budget amendments—but those were all gimmicks designed to put a gun to the heads of Congress, and the President to force us to make the hard choices—later—they didn't themselves contain any specifics on how to cut spending. In this package we have actually made some of those hard choices—now, not later.

As my colleague Senator HOLLINGS said so well, the interest that Americans currently pay on the debt—$1 billion every day—is a tax. It is the tax the middle class must pay for the profligacy of the 1980's. It is a tax that eats away at our ability to finance programs to help our most needy, to combat crime on our streets, to invest in technology, and to improve our roads and bridges. It is a tax that grows as our debt grows—every day that we have a budget deficit. The net interest on the debt is now about 14 percent of our budget. If we do not adopt the Omnibus Budget Reconciliation Act and do nothing to address the deficit; if we continue to pretend that deficit reduction does not entail painful decisions; if we prefer to play politics than to shoulder our responsibilities to the voters who put us here; then the interest on the debt will grow to almost 18 percent of the budget by the year 2003.

This reconciliation bill addresses this tax by reducing the deficit. It makes painful cuts to many programs that in an ideal world, in which there were no deficit, we would not want to cut. I commend President Clinton and my colleagues for their bravery in offering and voting for these cuts which will certainly not be popular back home but which are absolutely necessary if we are finally to tame the deficit which threatens the living standards of our children.

The bill also raises taxes—75 percent from those who make over $100,000 and 25 percent from those who make between $30,000 and $100,000. I wish that we did not need to raise taxes, but every serious economist, including Robert Stockman, Director of the Office of Management and Budget, has admitted that the budget cannot be balanced without increasing taxes somewhat.

The plan that the Senate voted on also contains provisions designed to increase investment in families, in infrastructure, and in job creation. These programs are worthy of our enthusiastic support. The bill provides funding for a number of programs designed to bolster the family, such as the earned income tax credit—which is the first step toward welfare reform and making work pay—and the childhood immunization program.

The reconciliation bill makes permanent the low-income housing tax credit which increases the housing stock for low-income individuals and it expands the mortgage revenue bond program.

And it includes a number of provisions that will create jobs. It extends the R&D tax credit, though unfortunately it does not make it permanent—something I hope will be corrected in conference and increases expensing for small businesses. It repeals some of the passive loss rules to provide some relief to the Nation's ailing real estate industry. In addition, this legislation, if signed into law, would end finally the so-called luxury tax on boats which has compounded the devastation of the boat industry brought about by our sick economy.

My major complaint with this bill is that it does not go far enough to cut waste from the Federal budget and that it does not contain several important investment provisions included in the President's original proposal.

I was deeply disappointed that we did not do more to cut unnecessary programs and subsidies to the wealthy from the Federal budget. The taxpayers know, and so do we, that there is still room to cut the budget without gravely harming our ability to meet pressing national needs. There are programs that reflect economic priorities of the past, programs designed to protect the United States against cold war dangers, programs that were initiated only to satisfy powerful political constituencies, and many other programs that persist despite the fact that they benefit the few at the expense of the many.

When the bill was on the floor, I offered, with Senators BRYAN and REID an amendment to eliminate one of these programs: the wool and mohair price support program. I would have thought that, given the rhetoric in Congress about the need to cut more, this amendment would have won easily. This program has been vilified in the New York Times and the Washington Post as an egregious example of pork-barrel spending. Yet our amendment received only 52 votes and, because 60 were required, it failed. This is just one example of the kind of parochial politics that gets in the way of true budget reform but that we must be willing to take on if we are to restore taxpayer confidence in our budget process.

The President's original investment plan attempted not only to attack the budget deficit but to take on the investment deficit as well. However, several of his job-creating investment proposals were lost in the political dealmaking over the past few months. I was especially sorry the bill voted on in the Senate did not include the targeted capital gains tax incentive for investment in small businesses on which Senator BUMPERS, chairman of the Small Business Committee, and I have worked over the past several years and which was included in President Clinton's original economic package as well as in the House bill. I will work with Senator BUMPERS to ensure that this provision is included in the final bill that emerges from the conference committee. On the floor of the Senate, I worked to amend the reconciliation bill so that it would include a permanent extension of the R&D tax credit and exempt small businesses who are classified as subchapter S corporations from the increased individual income tax. We succeeded in adopting a recommendation that the permanent R&D tax credit be adopted but failed to exempt small businesses from the higher taxes.

Mr. President, this bill is far from perfect. There is much more that needs to be done to cut Government spending and to reorient our spending toward job-creating investment. I voted for it knowing that it constitutes only the very first steps of a strategy, but knowing as well that we have no choice but to take those steps.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103–8

Mr. MITCHELL. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on the Marking of Plastic Explosives for the Purpose of Detection (Treaty Document No. 103–8), transmitted to the Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

The message follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention on the Marketing of Plastic Explosives for the Purpose of Detection with Technical Annex, done at Montreal on March 1, 1991. The report of the Department of State is also enclosed for the information of the Senate.

The terrorist bombing of Pan Am 103 in December 1988 with the resultant deaths of 270 (including 189 Americans), and the terrorist bombing of UTA flight 772 in September 1989 with the resultant deaths of 171 (including 7 Americans), dramatically demonstrate the threat posed by virtually undetectable plastic explosives in the hands of those nations and groups that engage in terrorist savagery.

This Convention is aimed at precluding such incidents from recurring, as well as others where plastic explosives are utilized, by requiring States that produce plastic explosives to mark them at the time of manufacture with a substance to enhance their detectability by commercially available mechanical or canine detectors. States are also required to ensure that controls are implemented over the sale, use, and disposition of marked and unmarked plastic explosives.

Work on the Convention began in January 1990 under the auspices of the International Civil Aviation Organization (ICAO) on the basis of an initial draft prepared by a special subcommittee of the ICAO Legal Committee. That work was completed, and the Convention was adopted by consensus, at an international conference in Montreal in March 1991. The United States and 50 other States signed the Convention. Early ratification by the United States should encourage other nations to become party to the Convention.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification, subject to the declaration described in the accompanying report of the Secretary of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1993.*

NOMINATION OF RICHARD SCOTT CARNELL TO BE AN ASSISTANT SECRETARY OF TREASURY

Mr. MITCHELL. As if in executive session, I ask unanimous consent that nomination of Richard Scott Carnell to be an Assistant Secretary of Treasury, received today by the Senate, be referred at the close of business, Wednesday, June 30.

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

TRAUMA CARE AMENDMENTS ACT OF 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 93, S. 1113, a bill to revise and extend trauma care programs; that the bill be advanced to third reading and that the Senate then proceed to the consideration of Calendar No. 92, H.R. 2205, the House companion; that all after the enacting clause be stricken and the text of S. 1113, be inserted in lieu thereof, the bill be deemed read a

third time and passed; the motion to reconsider be laid upon the table; and that S. 1113 be indefinitely postponed.

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

So the bill (H.R. 2205) was deemed read three times and passed.

THE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Calendar No. 99 and No. 100, that the committee amendments be agreed to, en bloc, that the bills be deemed read three times, passed and the motion to reconsider laid upon the table, en bloc; that any statements relative to these measures appear in the RECORD at the appropriate place.

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

EAGLE AND PITKIN COUNTIES LAND EXCHANGE

The Senate proceeded to consider the bill (S. 341) to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes which had been reported from the Committee on Energy and Natural Resources with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 341

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

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Eagle and Pitkin Counties in the State of Colorado (hereinafter in this Act referred to as the "Counties") are offering to convey to the United States approximately one thousand three hundred and seven acres of patented mining claim properties owned by the Counties within or adjacent to the White River National Forest (hereinafter in this Act referred to as the "National Forest inholdings"), including approximately six hundred and sixty nine acres of inholdings within the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas;

(2) the properties identified in paragraph (1) are National Forest inholdings whose acquisition by the United States, would facilitate better management of the White River National Forest and its wilderness resources; and

(3) certain lands owned by the United States within Eagle County comprising approximately two hundred and seventeen acres and known as the Mt. Sopris Tree Nursery (hereinafter in this Act referred to as the "nursery lands") are available for exchange and the Counties desire to acquire portions of the nursery lands for public purposes.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide the opportunity for an exchange whereby the Counties would transfer to the United States the National Forest inholdings in exchange for portions of the nursery lands;

(2) to provide an expedited mechanism under Federal law for resolving any private title claims to the National Forest inholdings if the exchange is consummated; and

(3) after the period of limitations has run for adjudication of all private title claims to the National Forest inholdings, to quiet title in the inholdings in the United States subject to valid existing rights adjudicated pursuant to this Act.

SEC. 2. OFFER OF EXCHANGE.

(a) OFFER BY THE COUNTIES.—The exchange directed by this Act shall be consummated if within ninety days after enactment of this Act, the Counties offer to transfer to the United States, pursuant to the provisions of this Act, all right, title, and interest of the Counties in and to approximately—

(1) one thousand two hundred and fifty eight acres of lands owned by Pitkin County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 1–53 on maps entitled "Pitkin County Lands to Forest Service", numbered 1–11, and dated April 1990, except for parcels 20 (Twilight), 21 (Little Alma), the Highland Chief, and Alaska portions of parcel 25 depicted on map 7, and parcel 52 (Iron King) on map 11, which shall remain in their current ownership; and

(2) forty-nine acres of land owned by Eagle County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 54–58 on maps entitled "Eagle County Lands to Forest Service", numbered 12–14, and dated April 1990, except for parcel 56 (Manitou) on map 14 which is already in National Forest ownership.

(b) EXCHANGE BY THE SECRETARY.—Subject to the provisions of section 3, within ninety days after receipt by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") of a quitclaim deed from the Counties to the United States of the lands identified in subsection (a) of this section, the Secretary, on behalf of the United States, shall convey by quitclaim deed to the counties, as tenants in common, all right, title, and interest of the United States in and to approximately one hundred and thirty-two acres of land (and water rights as specified in section 7 and the improvements located thereon), as generally depicted as tract A on the map entitled "Mt. Sopris Tree Nursery", dated October 5, 1990.

SEC. 3. RESERVATIONS AND CONDITIONS OF CONVEYANCE.

(a) RESERVATIONS.—In any conveyance to the Counties pursuant to section 2, the Secretary shall reserve—

(1) all right, title, and interest of the United States in and to approximately eighty-five acres of land (and improvements located thereon), which are generally depicted as tracts B (approximately twenty-nine acres) and C (approximately fifty-six acres) on the map referred to in section 2(b);

(2) water rights as specified in section 7(a); and

(3) any easements, existing utility lines, or other existing access in or across tract A currently serving buildings and facilities on tract B.

(b) REVERSION.—It is the intention of Congress that any lands and water rights conveyed to the Counties pursuant to this Act shall be retained by the Counties and used solely for public recreation and recreational facilities, open space, fairgrounds, and such other public purposes as do not significantly reduce the portion of such lands in open space. In the deed of conveyance to the Counties, the Secretary shall provide that all right, title, and interest in and to any lands and water rights conveyed to the Counties pursuant to this Act shall revert back to the United States in the event that such lands or water rights or any portion thereof are sold or otherwise conveyed by the Counties or are used for other than such public purposes.

[(c) EQUALIZATION OF VALUES.—(1) Within one hundred and twenty days after the date of enactment of this Act, the Secretary of Agriculture shall complete appraisals of the lands to be exchanged pursuant to subsections (a) and (b) of section 2 of this Act, taking into account any effects on the value of such lands resulting from the use restrictions and reversionary interest imposed by subsection (b) of this section and any other factors that may affect value. The sum of $120,000 shall be deducted from the value of the Counties' offered lands to reflect any adverse claims against such lands which may be adjudicated pursuant to section 5 of this Act.

[(2) The appraisals shall utilize nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

[(3) On the basis of such appraisals, the Secretary shall make a finding as to whether the values (after the deduction described in paragraph (1)) of the lands to be exchanged are equal and shall immediately notify the Counties as to such finding. If the values are not equal, any cash equalization which would otherwise be owed to the Counties by the United States shall be waived. Any equalization amount which may be owed to the United States by the Counties shall be satisfied through conveyance to the United States, within five years of the date of transfer of the nursery lands to the Counties pursuant to section 2(b) of this Act, of additional lands or interests in lands, acceptable to the Secretary, which the Counties own on the date of enactment of this Act or may acquire after such date. Such additional lands shall have a value as approved by the Secretary at least equal to the amount owed plus annual interest on such amount or unconveyed portion thereof, as applicable, at the standard rate determined by the Secretary of the Treasury to be applicable to marketable securities of the United States having a comparable maturity. Interest shall accrue beginning on the date the nursery lands are transferred to the Counties pursuant to section 2(b) of this Act.**]**

(c) EQUALIZATION OF VALUES.—Values of the respective lands exchanged between the United States and the Counties pursuant to this Act are deemed to be of approximately equal value, without any need for cash equalization, as based on a statement of value prepared by qualified Forest Service appraisers and dated February 12, 1993.

(d) RIGHT OF FIRST REFUSAL.—The Secretary may convey any or all of the nursery lands reserved pursuant to subsection (a) of this section for fair market value under existing authorities, except that the Secretary shall first offer the Counties the opportunity to acquire the lands. This right of first refusal shall commence upon receipt by the Counties of written notice of the intent of the Secretary to convey such property, and the Counties shall have sixty days from the date of such receipt to offer to acquire such properties at fair market value as tenants in

common. The Secretary shall have sole discretion as to whether to accept or reject any such offer of the Counties.

SEC. 4. STATUS OF LANDS ACQUIRED BY THE UNITED STATES.

(a) NATIONAL FOREST SYSTEM LANDS.—The National Forest inholdings acquired by the United States pursuant to this Act shall become a part of the White River National Forest (or in the case of portions of parcels 39, 40, and 41 depicted on map 9, and a portion of parcel 54 of map 12, part of the Gunnison and Arapahoe National Forests, respectively) for administration and management by the Secretary in accordance with the laws, rules, and regulations applicable to the National Forest System.

(b) WILDERNESS.—The National Forest inholdings that are within the boundaries of the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas shall be incorporated in and deemed to be part of their respective wilderness areas and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

SEC. 5. RESOLVING TITLE DISPUTES TO NATIONAL FOREST INHOLDINGS.

(a) QUIET TITLE ACT.—Notwithstanding any other provisions of law and subject to the provisions of subsection (c) of this section, section 2409a of title 28, United States Code (commonly referred to as the "Quiet Title Act") shall be the sole legal remedy of any party claiming any right, title, or interest in or to any National Forest inholdings conveyed by the Counties to the United States pursuant to this Act.

(b) LISTING.—Upon conveyance of the National Forest inholdings to the United States, the Secretary shall cause to be published in a newspaper or newspapers of general circulation in Pitkin and Eagle Counties, Colorado, a listing of all National Forest inholdings acquired pursuant to this Act together with a statement that any party desiring to assert a claim of any right, title, or interest in or to such lands must bring an action against the United States pursuant to such section 2409a within the same period described by subsection (c) of this section.

(c) LIMITATION.—Notwithstanding section 2409a(g) of title 28, United States Code, any civil action against the United States to quiet title to National Forest inholdings conveyed to the United States pursuant to this Act must be filed in the United States District Court for the District of Colorado no later than the date that is six years after the date of publication of the listing required by subsection (b) of this section.

(d) VESTING BY OPERATION OF LAW.—Subject to any easements or other rights of record that may be accepted and expressly disclaimed by the Secretary, and without limiting title to National Forest inholdings conveyed by the Counties pursuant to this Act, all other rights, title, and interest in or to such National Forest inholdings if not otherwise vested by quitclaim deed to the United States, shall vest in the United States on the date that is six years after the date of publication of the listing required by subsection (b) of this section, except for such title as is conveyed by the Counties, no other rights, title, or interest in or to any parcel of the lands conveyed to the United States pursuant to this Act shall vest in the United States under this subsection if title to such parcel—

(1) has been or hereafter is adjudicated as being in a party other than the United States or the Counties; or

(2) is the subject of any [section] *action* or suit against the United States to vest such title in a party other than the United States or the Counties that is pending on the date six years after the date of publication of a listing required by subsection (b) of this section.

(e) COSTS AND ATTORNEY'S FEES.—(1) At the discretion of the court, any party claiming right, title, or interest in or to any of the National Forest inholdings who files an action against the United States to quiet title and fails to prevail in such action may be required to pay to the Secretary on behalf of the United States, an amount equal to the costs and attorney's fees incurred by the United States in the defense of such action.

(2) As a condition of any transfer of lands to the Counties under this Act, the Counties shall be obligated to reimburse the United States for 50 percent of all costs in excess of $240,000 not reimbursed pursuant to paragraph (1) of this subsection associated with the defense by the United States of any claim or legal action brought against the United States with respect to any rights, title, and interest in or to the National Forest inholdings. Payment shall be made in the same manner as provided in section 6 of this Act.

SEC. 6. REIMBURSEMENT TO THE UNITED STATES.

(a) IN GENERAL.—As a condition of any transfer of lands to the Counties under this Act, in addition to any amounts required to be paid to the United States pursuant to section 5(e), in the event of a final determination adverse to the United States in any action relating to the title to the National Forest inholdings, the United States shall be entitled to receive from the Counties reimbursement equal to the fair market value (appraised as if they had marketable title) of the lands that are the subject of such final determination.

(b) AVAILABILITY OF FUNDS.—Any money received by the United States from the Counties under section 5(e) or subsection (a) of this section shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (and commonly known as the Sisk Act, 16 U.S.C. 484a).

(c) IN-KIND PAYMENT OF LANDS.—In lieu of monetary payments, any obligation for reimbursement by the Counties to the United States under this Act can be fulfilled by the conveyance to the United States of lands having a current fair market value equal to or greater than the amount of the obligation. Such lands shall be mutually acceptable to the Secretary and the Counties.

SEC. 7. WATER RIGHTS.

(a) ALLOCATION AND MANAGEMENT.—The water rights in existence on the date of enactment of this Act in the Mt. Sopris Tree Nursery, which comprise well water and irrigation ditch rights adjudicated under the laws of the State of Colorado, together with the right to administer, maintain, access, and further develop such rights, shall be allocated and managed as follows:

(1) The United States shall convey to the Counties as undivided tenants in common all rights associated with the five existing wells on the properties.

(2) If the Secretary determines that water from the five existing wells is necessary to meet culinary, sanitary, or domestic uses of the existing buildings retained by the United States pursuant to section 3(a), the Counties shall make available to the United States, without charge, enough water to reasonably serve such needs and shall additionally, if requested by the United States, make every [future] effort to cooperatively provide to the United States, without charge, commensurate with the Counties own needs on tract A, water to serve reasonable culinary, sanitary, and domestic uses of any new buildings which the United States may construct on its retained lands in the future.

(3) All federally owned irrigation ditch water rights shall be reserved by the United States.

(b) MODIFICATION OF ALLOCATION.—If the Secretary and the Counties determine the public interest will be better served thereby, they may agree to modify the precise water allocation made pursuant to this section or to enter into cooperative agreements (with or without reimbursement) to use, share, or otherwise administer such water rights and associated facilities as they determine appropriate.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) TIME REQUIREMENT FOR COMPLETING TRANSFER.—If the Counties make a timely offer, pursuant to section 2(a), the transfers of lands authorized and directed by this Act shall be completed no later than one year after the date of enactment of this Act.

(b) BOUNDARY MODIFICATIONS.—The Secretary and the Counties may mutually agree to make modifications of the final boundary between tracts A and B prior to completion of the exchange authorized by this Act if such modifications are determined to better serve mutual objectives than the precise boundaries as set forth in the maps referenced in this Act.

(c) TRACT A EASEMENT.—The transfer of tract A to the Counties shall be subject to the existing highway easement to the State of Colorado and to any other right, title, or interest of record.

(d) VALIDITY.—If any provision of this Act or the application thereof is held invalid, the remainder of the Act and application thereof, except for the precise provision held invalid, shall not be affected thereby.

(e) FOREST HEADQUARTERS AND ADMINISTRATIVE OFFICES.—The White River National Forest headquarters and administrative office in Glenwood Springs, Colorado, are hereby transferred from the jurisdiction of the United States General Services Administration to the jurisdiction of the Secretary, who shall retain such facilities unless and until otherwise provided by subsequent Act of Congress.

So the bill (S. 341) was deemed read three times and passed.

INTERNATIONAL FUSION ENERGY ACT OF 1993

The Senate proceeded to consider the bill (S. 646) to establish within the Department of Energy an international fusion energy program, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 646

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 "International Fusion Energy Act of 1993".

SEC. 2. FINDINGS, PURPOSES AND DEFINITIONS.

(a) FINDINGS.—Congress finds that—

(1) fusion energy has the potential to be a safe, environmentally attractive, secure and economically affordable source of energy;

(2) the United States Department of Energy's magnetic fusion energy program has made significant progress toward realizing fusion as a viable source of energy;

(3) other industrial nations have also invested in significant magnetic fusion energy programs;

(4) an integrated program of international collaboration will be necessary for continued progress to demonstrate the scientific and technological feasibility of magnetic fusion energy;

(5) there is international agreement to proceed with the engineering and design of the International Thermonuclear Experimental Reactor to prove the scientific and technical feasibility of fusion energy and to lead to a demonstration reactor;

[(6) the United States should focus the Department of Energy's magnetic fusion energy program on the design, construction and operation of the International Thermonuclear Experimental Reactor;]

(6) the United States should focus the Department of Energy's magnetic fusion energy program on elements furthering the design, construction and operation of the International Thermonuclear Experimental Reactor and a fusion demonstration reactor, including the operation of the Tokamak Physics Experiment;

(7) the continuation of an aggressive fusion energy program requires the Department of Energy, industry, utilities, and the international fusion community to commit to the International Thermonuclear Experimental Reactor as soon as practicable; and

(8) an effective United States fusion energy program requires substantial involvement by industry and utilities in the design, construction, and operation of fusion facilities.

(b) PURPOSES.—The purposes of this Act are to—

(1) redirect and refocus the Department's magnetic fusion energy program in a way that will lead to the design, construction and operation of the International Thermonuclear Experimental Reactor by 2005, in cooperation with other countries, and operation of a fusion demonstration reactor by 2025;

(2) develop a plan identifying the budget, critical path, milestones and schedules for the International Thermonuclear Experimental Reactor;

[(3) eliminate from the Department of Energy's magnetic fusion energy program those elements that do not directly support the development of the International Thermonuclear Experimental Reactor or the development of a fusion demonstration reactor; and]

(3) limit the Department of Energy's magnetic fusion energy program to elements that support the development of the International Thermonuclear Experimental Reactor or a fusion demonstration reactor, including the Tokamak Physics Experiment to be built at the Princeton Plasma Physics Laboratory; and

(4) select a candidate host site within the United States for the International Thermonuclear Experimental Reactor and to identify the steps necessary to lead to the selection of the final host site by the international community.

(c) DEFINITIONS.—

(1) "Department" means the United States Department of Energy;

(2) "ITER" means the International Thermonuclear Experimental Reactor; and

(3) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3. INTERNATIONAL FUSION ENERGY PROGRAM.

(1) OFFICE OF THE FUSION NEGOTIATOR.—(A) There is established the Office of the International Fusion Negotiator that shall be an independent establishment in the executive branch.

(B) The Office shall be headed by an International Fusion Negotiator who shall be appointed by the President, by and with the advice and consent of the Senate. The Negotiator shall hold office at the pleasure of the President, and shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code.

(C) The Negotiator, in consultation with the Secretary and the Secretary of State, shall represent the United States in negotiations with other countries relating to the design, construction or operation of the International Thermonuclear Experimental Reactor.

[(a)] *(2)* PROGRAM.—The Secretary shall redirect and refocus the Department's magnetic fusion program in a way that will lead to the design, construction and operation of ITER by 2005 and operation of a fusion demonstration reactor by 2025. The Department's magnetic fusion program shall be referred to as the [ITER] program and shall be carried out in cooperation with the international community.

(b) REQUIREMENTS.—In developing the [ITER] program, the Secretary shall—

(1) establish as the main focus of the Department's magnetic fusion energy program the development of ITER;

(2) provide for the development of fusion materials and other reactor components to the extent necessary for the development of a fusion demonstration reactor;

(3) eliminate those components of the magnetic fusion energy program not contributing directly to development of ITER or to the development of a fusion demonstration reactor;

(4) select a candidate host site within the United States for the International Thermonuclear Experimental Reactor;

(5) [negotiate] *provide support, as requested, to the International Fusion Negotiator in negotiating* with other countries involved in ITER to select a final host site for ITER and to agree to construct ITER as soon as practicable;

(6) provide for substantial United States industry and utility involvement in the design, construction and operation of ITER to ensure United States industry and utility expertise in the technologies developed; and

(7) provide for reducing the level of effort in the [ITER] program to the levels prescribed in section 4(b)(2) in the event the [ITER] program is terminated in accordance with subsection (g).

(c) MANAGEMENT PLAN.—(1) Within one hundred eighty days of the date of enactment of this Act, the Secretary shall prepare, *in consultation with the International Fusion Negotiator,* and implement a management plan for the [ITER] program. Tne plan shall be revised and updated biannually.

(2) The plan shall—

(A) establish the goals of the [ITER] program;

(B) describe how each component of the Department's [ITER] program contributes directly to the development of ITER or development of a fusion demonstration reactor;

(C) set priorities for the elements of the Department's [ITER] program, identifying those elements that contribute directly to the development of ITER or to the development of a fusion demonstration reactor;

(D) provide for the elimination of those elements of the magnetic fusion energy program not contributing directly to the development of ITER, or to the development of fusion materials or other reactor components that are necessary for the development of a fusion demonstration reactor;

(E) describe the selection process for a proposed host site within the United States for ITER;

(F) establish the necessary steps that will lead to the final selection of the host site for ITER by the countries involved in the [ITER] program by the end of 1996.

(G) establish the necessary steps that will lead to the design, construction and operation of ITER by 2005 and operation of a fusion demonstration reactor by 2025;

(H) establish a schedule and critical path, including milestones, and a budget that will allow for the design, construction and operation of ITER by 2005 and operation of a demonstration fusion reactor by 2025;

(I) provide mechanisms for ensuring substantial industry and utility involvement in the design, construction and operation of ITER;

(J) set forth any recommendations of the Secretary on—

(i) the need for additional legislation regarding the [ITER] program; or

(ii) the possibility and desireability of accelerating the design and construction of ITER or the development of a fusion demonstration reactor; and

(K) provide for reducing the level of effort in magnetic fusion to the levels prescribed in section 4(b)(2) in the event the [ITER] program is terminated in accordance with subsection (g).

(d) INTERNATIONAL AGREEMENTS.—(1) The [Secretary] *International Fusion Negotiator* may negotiate or enter into agreements with any country governing the design, construction and operation of ITER or facilities related to ITER.

(2) The [Secretary] *International Fusion Negotiator* shall seek to enter into agreements with other countries to share in the cost of the facilities and components of the [ITER] program that contribute to the design, construction or operation of ITER or to the development of a fusion demonstration reactor.

(e) REPORT ON ITER NEGOTIATIONS.—The [Secretary] *International Fusion Negotiator* shall submit an annual report to the Congress on the status of negotiations with other countries regarding ITER. The report shall—

(1) identify the issues to be negotiated with other countries involved in the [ITER] program;

(2) identify impediments to reaching agreement on a host site for ITER, or on issues related to the construction or operation of ITER;

(3) identify the steps needed to reach agreement on a host site for ITER or on issues related to the construction or operation of ITER;

(4) establish the timetable for agreement related to the siting, operation and construction of ITER; *and*

(5) assess the likelihood of reaching agreement on a host site for ITER and on issues related to the construction or operation of [ITER]; and *ITER.*

[(6) set forth the Secretary's recommendation on whether a special negotiator should be appointed to carry out negotiations on behalf of the United States with the countries involved in the ITER program.]

(f) CERTIFICATION.—Prior to seeking funds for construction of ITER, the Secretary,

after consultation with the International Fusion Negotiator, shall certify to the Congress that there is agreement in place or there is a substantial likelihood agreement will be reached with the countries involved in ITER on the siting, construction and operation of ITER.

(g) TERMINATION.—(1) The Secretary shall report to Congress if the Secretary determines that—

(A) ITER is no longer essential to the development of a fusion demonstration reactor;

(B) no agreement can be reached on the final host site for ITER;

(C) no agreement can be reached on the final design of ITER or on issues related to construction of ITER; or

(D) there is an insufficient commitment to the final ITER design by United States industry and utilities.

(2) Within thirty days of submission of the report under paragraph (1), the Secretary shall initiate the termination of the [ITER] program.

(3) In the event the Secretary terminates the [ITER] program, the Secretary may continue to carry out research in magnetic fusion, but only at the levels authorized in section 4(b)(2).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON APPROPRIATIONS.—No more funds may be appropriated to carry out the purposes of this Act than the amounts set forth in subsection (b). This Act shall be the exclusive source of authorization of appropriations to support any activities of the Secretary relating to magnetic fusion energy.

(b) APPROPRIATIONS.—(1) There is authorized to be appropriated to the Secretary for carrying out the purposes of this Act [$350,000,000 for fiscal year 1994, $390,000,000 for fiscal year 1995,] *$380,000,000 for fiscal year 1994, $425,000,000 for fiscal year 1995,* $475,000,000 for fiscal year 1996, and such sums as may be necessary thereafter.

(2) In the event the Secretary terminates the [ITER] program, there is authorized to be appropriated to the Secretary $50,000,000 for 1994, $50,000,000 for 1995 and $50,000,000 for 1996 for activities relating to magnetic fusion energy.

So the bill (S. 646) was deemed read three times and passed.

ORDER FOR STAR PRINT—REPORT NO. 103-66

Mr. MITCHELL. Madam President, I ask unanimous consent that Report No. 103-66, the report to accompany S. 1003, a bill to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations, be star printed to reflect the changes I now send to the desk.

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

SPRING MOUNTAINS NATIONAL RECREATION AREA ACT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 101, H.R. 63, a bill relating to the Spring Mountain National Recreation Area in Nevada, that the committee amendments be agreed to, en bloc, that the bills be deemed read three times, passed and the motion to reconsider laid upon the table, en bloc; that any statements relative to these measures appear in the RECORD at the appropriate place.

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

So the bill (H.R. 63) was deemed read three times and passed.

RESOLVING THE STATUS OF CERTAIN LANDS

Mr. MITCHELL. Madam President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 765, relating to relinquishment of certain lands to the United States; that the Senate proceed to its immediate consideration; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

So the bill (H.R. 765) was deemed read three times and passed.

Mr. MITCHELL. Madam President, I further ask unanimous consent that Calendar No. 103 the Senate companion be indefinitely postponed.

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

ORDER TO PRINT THE BUDGET RECONCILIATION BILL—H.R. 2264

Mr. MITCHELL. Madam President, I ask unanimous consent that H.R. 2264, the budget reconciliation bill, be printed as passed by the Senate.

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

ORDER FOR STAR PRINT—SENATE RESOLUTION 124

Mr. MITCHELL. Madam President, I ask unanimous consent that there be a star print of Senate Resolution 124 to reflect the changes I now send to the desk.

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

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR WEDNESDAY, JUNE 30, 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Wednesday, June 30; that when the Senate reconvenes on Wednesday, June 30, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired and the time for the two leaders reserved for their use later in the day; that there then be a period of time for the transaction of routine morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each, with the following Senators recognized for the time limits specified: Senator GRAMM of Texas for up to 10 minutes, Senator GRASSLEY for up to 35 minutes, Senator FEINSTEIN for up to 30 minutes, and during the period from 10 a.m. to 10:30 a.m., Senators BUMPERS and BOREN be recognized for up to 15 minutes each; and that at 10:30 a.m., the Senate return to executive session to resume consideration of the Frampton nomination.

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

ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 9 a.m. on Wednesday, June 30, 1993.

The motion was agreed to; and at 7:19 p.m., the Senate adjourned until Wednesday, June 30, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 29, 1993:

DEPARTMENT OF COMMERCE

LORETTA L. DUNN, OF KENTUCKY, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE MARY JO JACOBI, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES PATRICK CONNELLY, OF WASHINGTON, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS VICE WILLIAM D. HYSLOP, RESIGNED.

JOHN THOMAS SCHNEIDER, OF NORTH DAKOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS VICE STEPHEN D. EASTON, RESIGNED.

DEPARTMENT OF STATE

ALAN H. FLANIGAN, OF VIRGINIA, A CAREER MEMBER FOR 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.

ROBERT GORDON HOUDEK, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ERITREA.

JOHN T. SPROTT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

ROLAND KARL KUCHEL, OF FLORIDA, 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 ZAMBIA.

DEPARTMENT OF THE TREASURY

RICHARD SCOTT CARNELL, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JOHN CUNNINGHAM DUGAN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GARY H. MEARS [redacted] U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

JOHN D ANDERSON [redacted]
KATHRYN L BOEHNKE [redacted]
DEXTER D DEWITT [redacted]
STEPHEN M GARRAMONE [redacted]
FELIPE E VIZCARRONDO [redacted]
LAWRENCE R WHITEHURST [redacted]
PERCEY P C YU [redacted]

To be lieutenant colonel

CHARLES W COTTA [redacted]
LEO M HATTRUP [redacted]
DAVID E HRNCIR [redacted]
RICHARD A PETERS [redacted]
RUTH A ROBINSON [redacted]

To be major

DAVID P ASCHER [redacted]
LAURA A TORRESREYES [redacted]
RUSSELL A TURNER [redacted]

To be captain

DOUGLAS J SWANK [redacted]

DENTAL CORPS

To be colonel

MICHAEL T POTTER [redacted]

To be lieutenant colonel

HENRY S BOYARS [redacted]
GERALD R CRANE [redacted]
WILLIAM C FISHER [redacted]
CHARLES W HENDERSON [redacted]
CRAIG A LOUDENSLAGER [redacted]
JOHN P RAMER [redacted]
LARRY D SHEETRUM [redacted]

To be major

JOEL B ALEXANDER, II [redacted]
DIANE M BEECHER [redacted]
BARBARA G BISANZ [redacted]
EDWARD O ERKES [redacted]
DENNIS C FUREY [redacted]
THOMAS J GRIMM [redacted]
GRANT R HARTUP [redacted]
DENNIS W KELLY, JR [redacted]
JAY C SMITH [redacted]
WILLIAM F TROLENBERG, IV [redacted]
KRAIG S VANDEWALLE [redacted]
RICHARD P VIDUNAS, JR [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

STEVEN L ARNOLD [redacted]
STEPHEN T BATTHANY [redacted]
KARL A BERNHARD [redacted]
GREGORY S BIRSE [redacted]
WILLIAM D CLARK [redacted]
JOHN F FACINOLI [redacted]
DANIEL N KULUND [redacted]
JOHN M MCNAMARA [redacted]
JOHN G MEYER [redacted]
MICHAEL E NISHITANI [redacted]
MICHAEL E SOLIN [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

BIOMEDICAL SCIENCES CORPS

To be major

WANDA P. C. ADKINS [redacted]
SUSAN K. ANDREWS [redacted]
KRISHENDATT BAIJNAUTH [redacted]*
JAMES B. BALDWIN [redacted]
MICHAEL D. BARNETT [redacted]*
JOHN S. BELL [redacted]
STEVEN L. BENTS [redacted]
STEVEN F. BERGONZONI [redacted]*
ALAN L. BRANKLINE [redacted]
REBECCA L. BROWN [redacted]
JEFFREY L. BRYANT [redacted]
FRANK C. BUDD [redacted]*
ROBERT C. BUSWELL, JR [redacted]*
RANDAL V. CARLSON [redacted]
HENRY L. CASHEN [redacted]
MICHAEL D. CLAWSON [redacted]*
JOHN W. COHO [redacted]
YVONNE D. CORPPETTE [redacted]*
FRANCIS CROSBY, JR [redacted]
STEVEN G. DAVIS [redacted]
DONALD A. DIESEL [redacted]
GUY A. DIETELS [redacted]*
ALAN W. DOOLEY [redacted]
JESSE W. EMERSON [redacted]
KALI K. FESSENDEN [redacted]
JAMES F. FORREST [redacted]
KAREN S. FOSTER [redacted]
CHARLES D. FROST [redacted]
DEBORAH A. GALASKA [redacted]
MICHAEL G. GAUVIN [redacted]
KELLY H. GIESBRECHT [redacted]
DONALD E. GODDARD [redacted]
DOUGLAS E. GRAHAM [redacted]
CHERYL E. GREGORIO [redacted]
JOSEPH K. HADDAD [redacted]
RICHARD D. HANDLEY [redacted]*
ROBERT C. HAROLDSON [redacted]
ALAN J. HELYER [redacted]
EDWARD C. HEYSE [redacted]*
GREGORY S. HOUSTON [redacted]
JOHN D. JAMES [redacted]
ALAN E. JESSEE [redacted]*
DONNA M. JOHNSON [redacted]*
MARK D. JOHNSON [redacted]
DONNA M. KEFFER [redacted]*
LARRY T. KIMM [redacted]
WILLIAM E. KINKADE, III [redacted]
KENNETH C. KOMYATHY [redacted]*
WAYNE K. KORN [redacted]
EDWARD L. KRUMANAKER [redacted]*
RICHARD F. LAMACCHIA [redacted]*
MARIA R. LAMAGNAREITER [redacted]
NANCY D. LAWSON [redacted]*
JOHN G. LONG [redacted]
JOSEPH F. LONGOFONI [redacted]*
ROBERT M. LUCANIA [redacted]
ANDREW T. MACCABE [redacted]*
MICHELLE M. MARSHALL [redacted]
MICHAEL S. MCCONNELL [redacted]*
RICHARD P. MCCOY [redacted]
VIRGINIA M. MCKINLEY [redacted]*
JAMES M. MEREDITH [redacted]
PHILEMON R. MERRILL, JR [redacted]
DEAN L. MESSELHEISER [redacted]
GARY D. MEYER [redacted]
ALICE L. MILLER [redacted]*
IRA D. MILLER [redacted]
MICHAEL D. MILLER [redacted]
ARTHUR G. MILLS [redacted]
THOMAS L. MILLS [redacted]
DALE C. MOSS [redacted]
JOSEPH T. NELSON [redacted]*
DONALD L. NOAH [redacted]
REBECCA L. OCHKIE [redacted]
BURL M. OLSON [redacted]
ALAN L. PETERSON [redacted]
RIC D. PETERSON [redacted]
MONEE P. PIKE [redacted]
JOHN W. PITTNER [redacted]
GARY N. POTEAT [redacted]
PATRICIA A. REILLY [redacted]*
BERT R. REITSMA [redacted]
WILLIAM M. ROGERS [redacted]*
CARL R. ROHBOCK [redacted]
GEORGE W. ROOSE, II [redacted]
DONALD E. RUSHER, JR [redacted]
GREGORY W. RUSSIE [redacted]
PHIL L. SAMPLES [redacted]
FABRIZIO SARACENI [redacted]
JOSEPH A. SCHURHAMMER [redacted]*
ERIC J. SCOTT [redacted]
ROBERT A. SEEGMILLER [redacted]*
DAVID A. SELF [redacted]
TIMOTHY J. SHEEHAN [redacted]*
CHRISTOPHER P. C. SHERMAN [redacted]*
BILLY W. SIGREST [redacted]
MICHAEL K. SIMPSON [redacted]
KERRY L. SITLER [redacted]
RICHARD P. SKIDMORE [redacted]
HEATHER M. SLIMON [redacted]
MARK H. SMITH [redacted]
JOANNE M. SPAHN [redacted]
JOHNNY J. SPLAWN [redacted]
RONALD G. STEELE [redacted]
ANTHONY V. STOCKUS [redacted]
HOMER D. STOUT [redacted]
ALLAN D. STOWERS [redacted]
JOHN M. STROH [redacted]
KRISTIN N. SWENSON [redacted]
RUTH D. SYLVESTER [redacted]
MICHAEL B. TALBURT [redacted]*
VICKI S. TANNER [redacted]
MICHAEL A. TAYLOR [redacted]
EARL R. THOMPSON [redacted]
MARK G. TIEDEMANN [redacted]
DONALD R. TOCCO [redacted]
JO ELLEN TOMLINSON [redacted]
STEVEN D. TONEY [redacted]*
DARI R. TRITT [redacted]
DANIEL R. TURES [redacted]*
RICHARD E. VAN ARSDEL [redacted]*
DANIEL L. WELCH [redacted]
DONALD J. WHITE [redacted]
DAWN E. WILSON [redacted]
THOMAS L. ZIEMANN [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate June 29, 1993:

DEPARTMENT OF DEFENSE

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, June 29, 1993*

The House met at 11 a.m.

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

We pray, O God, that we will not have to learn the pain of living in order to see the glory; that we will not have to experience the darkness in order to see the light; that we will not have to hurt in order to have healing. Gracious God, from whom comes every good gift and from whom we receive the promises of faith, and hope, and love, be with us in all our days that we will gain hearts of wisdom and understanding. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio [Ms. PRYCE] come forward and lead the House in the Pledge of Allegiance.

Ms. PRYCE of Ohio led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that he will not receive routine requests for 1-minute speeches.

ANNOUNCEMENT OF BIRTH OF JAMES GEREMIA BLUTE

(Mr. QUINN asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, it is a distinct pleasure and honor for me to announce to the Members the birth of James Geremia Blute, born 3:42 a.m., today, weighing in at 8 pounds, 4½ ounces. The proud parents, Congressman PETER BLUTE from Massachusetts, Third District of Worcester, MA, and Mrs. Robi Blute are doing just fine.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

The SPEAKER. Pursuant to the order of the House of June 28, 1993, the previous question is ordered on the bill, H.R. 2491.

Is a separate vote demanded on any amendment?

Mr. STOKES. Mr. Speaker, I demand separate votes on several amendments agreed to in the Committee of the Whole. The amendments are the Penny amendment regarding HUD's community development block grants account; the Grams amendment regarding HUD's research and technology account; and the Kolbe amendment regarding HUD's research and technology and HOPE accounts.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. SOLOMON. Mr. Speaker, I demand separate votes on the Hefley amendment to cut the Office of Science and Technology Policy by $970,000; and the Klug amendment to eliminate funding for the Advanced Solid Rocket Motor Program.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. MURPHY. Mr. Speaker, I demand a separate vote on the Roemer amendment.

The SPEAKER. The Chair will inform the gentleman from Pennsylvania that the Roemer amendment was not adopted in the Committee of the Whole and, therefore, it is not subject to a separate vote request.

Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 31, strike lines 9 through 20.

The SPEAKER. The question is on the amendment.

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

So the amendment was agreed to.

The SPEAKER. The Clerk will report the second amendment on which a separate vote has been demanded.

PARLIAMENTARY INQUIRIES

Mr. ABERCROMBIE. Mr. Speaker, I was on my feet. On the Penny amendment on page 31, was it the ruling that that amendment passed?

The SPEAKER. The Chair announced that the amendment had been adopted by a voice vote. Does the gentleman have a request to make to the Chair?

Mr. ABERCROMBIE. The amendment was to remove that, is that correct?

The SPEAKER. The amendment was adopted yesterday by a vote of 202 to 194, and a demand for a separate vote was made by the gentleman from Ohio [Mr. STOKES], the chairman of the subcommittee. The Chair put the question. The question was put, and the Members present in the Chamber, in the Chair's opinion, adopted the amendment again on a separate vote.

Mr. ABERCROMBIE. Mr. Speaker, I was on my feet. I object that the amendment passed.

The SPEAKER. Does the gentleman object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present?

Mr. ABERCROMBIE. Mr. Speaker, if that is necessary, yes. It would be my understanding that Mr. PENNY, Mr. STOKES, and others had agreed that this amendment would not have to be put to a vote and would be withdrawn. But if it is not going to be, I am going to be forced to request a vote.

The SPEAKER. The Chair will tell the gentleman that if he objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present, the Chair may be obliged to find that a quorum is not present and the yeas and nays will be ordered.

Does the gentleman from Hawaii make such a point of order?

Mr. ABERCROMBIE. Yes, Mr. Speaker, reluctantly I do.

Mr. MURPHY. Mr. Speaker, a point of order. Could we reduce to 5 minutes by unanimous consent request any other demand for votes on separate amendments?

The SPEAKER. The Chair, under rule XV, may do that on succeeding amendments, but not on the first amendment put to the House.

Mr. MURPHY. That was my unanimous consent request, Mr. Speaker.

The SPEAKER. The gentleman from Hawaii [Mr. ABERCROMBIE] objects to the vote on the grounds that a quorum is not present and makes the point of order that a quorum is not present.

Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair will reduce to 5 minutes votes on the remaining amendments on which a recorded vote or the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 170, nays 244, not voting 20, as follows:

[Roll No. 284]

YEAS—170

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bliley
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Crane
Crapo
Cunningham
Deal
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Lehman
Levin
Levy
Linder
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
Meyers
Michel
Minge
Molinari
Moorhead
Moran
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Roemer
Rohrabacher
Roth
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shepherd
Shuster
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stenholm
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Wolf
Wyden
Zeliff
Zimmer

NAYS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Bentley
Berman
Bevill
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gingrich
Gonzalez
Gordon
Goss
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McDade
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Mica
Miller (FL)
Mineta
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—20

Blute
Borski
Collins (MI)
Conyers
Cox
Engel
Ford (TN)
Henry
Johnston
Lowey
McMillan
Meehan
Miller (CA)
Owens
Ridge
Skeen
Tucker
Valentine
Wilson
Young (FL)

□ 1129

Mrs. VUCANOVICH and Messrs. BARLOW, SUNDQUIST, DERRICK, and PAYNE of Virginia changed their vote from "yea" to "nay."

Mr. HYDE and Mr. SLATTERY changed their vote from "nay" to "yea."

So the amendment was rejected

The result of the vote was announced as above recorded.

□ 1030

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 32, line 11, insert after the period the following new sentence:

The amount otherwise provided under this heading is hereby further reduced by $48,000,000.

The SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 214, not voting 22, as follows:

[Roll No. 285]

AYES—198

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Crane
Crapo
Cunningham
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skaggs
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wise
Wolf
Young (AK)
Zeliff
Zimmer

NOES—214

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Chapman
Clay
Clayton
Clement
Clyburn

Coleman
Collins (IL)
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Skelton
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Woolsey
Wyden
Wynn
Yates

NOT VOTING—22

Barlow
Blute
Borski
Carr
Collins (MI)
Conyers
Cox
Engel
Ford (TN)
Henry
Hunter
Johnston
Lowey
McHale
McMillan
Meehan
Meek
Ridge
Skeen
Tucker
Wilson
Young (FL)

□ 1138

So the amendment was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

S. 1167. An act to amend the Rural Electrification Act of 1936 to restructure the electric and telephone loan programs, and for other purposes.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

The SPEAKER pro tempore. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 34, after line 6, insert the following:

REVISION OF AMOUNTS FOR HUD

The amounts otherwise provided by this title are revised by reducing the amount made available for "Policy Development and Research—Research and Technology", and increasing the amount made available for "Housing Programs—Homeownership and Opportunity for People Everywhere Grants (HOPE Grants)", by $10,000,000.

The SPEAKER pro tempore. The question is on the amendment.

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

Mr. KOLBE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 204, not voting 14, as follows:

[Roll No. 286]

YEAS—216

Abercrombie
Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonilla
Borski
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (AZ)
English (OK)
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manton
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Scott
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Washington
Weldon
Wolf
Zeliff
Zimmer

NAYS—204

Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Cooper
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—14

Blute	Henry	Torricelli
Carr	Lowey	Tucker
Collins (MI)	McMillan	Wilson
Cox	Ridge	Young (FL)
Engel	Skeen	

□ 1148

Mr. HEFNER changed his vote from "yea" to "nay."

Mr. MONTGOMERY changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 44, line 10, strike "$5,170,000" and insert "$4,200,000".

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair reminds Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 171, not voting 12, as follows:

[Roll No. 287]

AYES—251

Allard	DeLay	Herger
Andrews (NJ)	Derrick	Hoagland
Andrews (TX)	Deutsch	Hobson
Applegate	Diaz-Balart	Hoekstra
Archer	Dickey	Hoke
Armey	Dicks	Holden
Bachus (AL)	Dooley	Huffington
Baker (CA)	Doolittle	Hunter
Baker (LA)	Dornan	Hutchinson
Ballenger	Dreier	Hutto
Barca	Duncan	Hyde
Barrett (NE)	Dunn	Inglis
Barrett (WI)	Edwards (TX)	Inhofe
Bartlett	Emerson	Istook
Barton	English (OK)	Jacobs
Bateman	Everett	Johnson (CT)
Bentley	Ewing	Johnson (GA)
Bereuter	Fawell	Johnson, Sam
Bilbray	Fields (TX)	Johnston
Bilirakis	Fish	Kasich
Bliley	Fowler	Kennelly
Boehner	Franks (CT)	Kim
Borski	Franks (NJ)	King
Browder	Frost	Kingston
Brown (OH)	Gallegly	Kleczka
Bunning	Gallo	Klink
Burton	Gekas	Klug
Buyer	Geren	Knollenberg
Callahan	Gilchrest	Kolbe
Calvert	Gillmor	Kyl
Camp	Gilman	Lancaster
Canady	Gingrich	Lantos
Cantwell	Glickman	LaRocco
Castle	Goodlatte	Lazio
Clement	Goodling	Leach
Clinger	Gordon	Lehman
Coble	Goss	Levin
Collins (GA)	Grams	Levy
Combest	Grandy	Lewis (FL)
Condit	Greenwood	Lightfoot
Coppersmith	Gunderson	Linder
Costello	Gutierrez	Lipinski
Crane	Hall (OH)	Livingston
Crapo	Hamilton	Long
Cunningham	Hancock	Machtley
Danner	Hansen	Maloney
Deal	Hastert	Manton
DeFazio	Hefley	Manzullo
Margolies-Mezvinsky	Penny	Skelton
Martinez	Peterson (FL)	Slattery
McCandless	Peterson (MN)	Smith (MI)
McCloskey	Petri	Smith (NJ)
McCollum	Pombo	Smith (OR)
McCrery	Pomeroy	Smith (TX)
McCurdy	Porter	Snowe
McDade	Portman	Solomon
McHale	Poshard	Spence
McHugh	Pryce (OH)	Spratt
McInnis	Quillen	Stark
McKeon	Quinn	Stearns
Meehan	Rahall	Stenholm
Menendez	Ramstad	Stump
Meyers	Ravenel	Sundquist
Mica	Regula	Swett
Michel	Roberts	Talent
Miller (FL)	Roemer	Tanner
Minge	Rogers	Tauzin
Molinari	Rohrabacher	Taylor (MS)
Montgomery	Ros-Lehtinen	Taylor (NC)
Moorhead	Roth	Thomas (CA)
Morella	Roukema	Thomas (WY)
Murphy	Rowland	Thurman
Myers	Royce	Torkildsen
Neal (MA)	Sangmeister	Upton
Neal (NC)	Santorum	Vento
Nussle	Saxton	Vucanovich
Ortiz	Schaefer	Walker
Orton	Schiff	Walsh
Oxley	Schumer	Weldon
Packard	Sensenbrenner	Wolf
Pallone	Shaw	Wyden
Parker	Shays	Young (AK)
Paxon	Shuster	Zeliff
	Sisisky	Zimmer

NOES—171

Abercrombie	Gejdenson	Pastor
Ackerman	Gephardt	Payne (NJ)
Andrews (ME)	Gibbons	Payne (VA)
Bacchus (FL)	Gonzalez	Pelosi
Baesler	Green	Pickett
Barcia	Hall (TX)	Pickle
Barlow	Hamburg	Price (NC)
Becerra	Harman	Rangel
Beilenson	Hastings	Reed
Berman	Hayes	Reynolds
Bevill	Hefner	Richardson
Bishop	Hilliard	Rose
Blackwell	Hinchey	Rostenkowski
Boehlert	Hochbrueckner	Roybal-Allard
Bonior	Horn	Rush
Boucher	Houghton	Sabo
Brewster	Hoyer	Sanders
Brooks	Hughes	Sarpalius
Brown (CA)	Inslee	Sawyer
Brown (FL)	Jefferson	Schenk
Bryant	Johnson (SD)	Schroeder
Byrne	Johnson, E. B.	Scott
Cardin	Kanjorski	Serrano
Carr	Kaptur	Sharp
Chapman	Kennedy	Shepherd
Clay	Kildee	Skaggs
Clayton	Klein	Slaughter
Clyburn	Kopetski	Smith (IA)
Coleman	Kreidler	Stokes
Collins (IL)	LaFalce	Strickland
Collins (MI)	Lambert	Studds
Conyers	Laughlin	Stupak
Cooper	Lewis (CA)	Swift
Coyne	Lewis (GA)	Synar
Cramer	Lloyd	Tejeda
Darden	Mann	Thompson
de la Garza	Markey	Thornton
DeLauro	Matsui	Torres
Dellums	Mazzoli	Torricelli
Dingell	McDermott	Towns
Dixon	McKinney	Traficant
Durbin	McNulty	Unsoeld
Edwards (CA)	Meek	Valentine
English (AZ)	Mfume	Velazquez
Eshoo	Miller (CA)	Visclosky
Evans	Mineta	Volkmer
Farr	Mink	Washington
Fazio	Moakley	Waters
Fields (LA)	Mollohan	Watt
Filner	Moran	Waxman
Fingerhut	Murtha	Wheat
Flake	Nadler	Whitten
Foglietta	Natcher	Williams
Ford (MI)	Oberstar	Wise
Ford (TN)	Obey	Woolsey
Frank (MA)	Olver	Wynn
Furse	Owens	Yates

NOT VOTING—12

Blute	Henry	Skeen
Bonilla	Lowey	Tucker
Cox	McMillan	Wilson
Engel	Ridge	Young (FL)

□ 1156

Mr. GLICKMAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the final amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 51, line 12, strike "$4,882,900,000" and insert "$4,778,400,000".

Page 51, line 21, strike "$545,300,000" and insert "$512,700,000".

The SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 379, noes 43, not voting 12, as follows:

[Roll No. 288]

AYES—379

Abercrombie	Clayton	Fingerhut
Ackerman	Clement	Fish
Allard	Clinger	Flake
Andrews (ME)	Clyburn	Foglietta
Andrews (NJ)	Coble	Ford (MI)
Andrews (TX)	Coleman	Ford (TN)
Applegate	Collins (GA)	Fowler
Archer	Collins (IL)	Frank (MA)
Armey	Collins (MI)	Franks (CT)
Baesler	Combest	Franks (NJ)
Baker (CA)	Condit	Frost
Baker (LA)	Conyers	Furse
Ballenger	Coppersmith	Gallegly
Barca	Costello	Gallo
Barcia	Coyne	Gejdenson
Barlow	Crane	Gekas
Barrett (NE)	Crapo	Gibbons
Barrett (WI)	Cunningham	Gilchrest
Bartlett	Danner	Gillmor
Barton	Darden	Gilman
Bateman	de la Garza	Gingrich
Becerra	Deal	Glickman
Beilenson	DeFazio	Goodlatte
Bentley	DeLauro	Goodling
Bereuter	DeLay	Gordon
Berman	Dellums	Goss
Bilirakis	Deutsch	Grams
Bishop	Diaz-Balart	Grandy
Blackwell	Dickey	Green
Bliley	Dicks	Greenwood
Boehlert	Dingell	Gunderson
Boehner	Dixon	Gutierrez
Bonilla	Dooley	Hall (OH)
Bonior	Doolittle	Hamburg
Borski	Dornan	Hamilton
Brewster	Dreier	Hancock
Brown (FL)	Duncan	Hansen
Brown (OH)	Dunn	Harman
Bryant	Durbin	Hastert
Bunning	Edwards (CA)	Hayes
Burton	Edwards (TX)	Hefley
Buyer	Emerson	Hefner
Byrne	English (AZ)	Herger
Calvert	English (OK)	Hilliard
Camp	Eshoo	Hinchey
Canady	Evans	Hoagland
Cantwell	Ewing	Hobson
Cardin	Farr	Hoekstra
Carr	Fawell	Hoke
Castle	Fields (TX)	Holden
Clay	Filner	Horn

Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Long
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—43

Bacchus (FL)
Bachus (AL)
Bevill
Bilbray
Boucher
Brooks
Browder
Brown (CA)
Callahan
Chapman
Cooper
Cramer
Derrick
Everett
Fazio
Fields (LA)
Gephardt
Geren
Gonzalez
Hall (TX)
Hastings
Hochbrueckner
Jefferson
Kopetski
Lewis (CA)
Lightfoot
Livingston
Matsui
McCloskey
McNulty
Mineta
Mollohan
Montgomery
Murtha
Natcher
Parker
Pickett
Stokes
Tanner
Taylor (MS)
Traficant
Vucanovich
Whitten

NOT VOTING—12

Blute
Cox
Engel
Henry
Johnson, E. B.
Lowey
McMillan
Ridge
Skeen
Tucker
Wilson
Young (FL)

□ 1205

Mr. THOMPSON of Mississippi changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

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

Mr. MYERS of Indiana. In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the bill H.R. 2491, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:

On page 69, after line 2, insert the following new section:

"SEC. . Notwithstanding any other provision of this Act, except for Title I, Department of Veterans Affairs, each amount appropriated or otherwise made available that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 6 percent.";

And on page 58, line 16, strike "$5,000,000" and insert in lieu thereof "$25,000,000".

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

Mr. MYERS of Indiana. Mr. Speaker, this is an effort to bring the bill down to just about last year's level, with the exception of title I, for the Bureau of Veterans Affairs. This motion to recommit would not touch that. It stays in the same.

The bill in its present form is a little over $2 billion more than last year. This is an attempt to bring it down to last year's level.

It provides one other thing. It does put the $20 million back in to reestablish the Selective Service System.

This bill, if we do not touch it, will add more than $2 billion to the national debt above what we had last year. The American people are crying for reduction in expenditures.

Over the past 2 weeks, I had three town meetings in my district. Several hundred people attended these meetings. I had only three people tell me they supported increased spending. Everyone is saying the same thing: Hold the line.

There are 110 new Members here this year, many of whom were elected last year on the premise of "change the way Congress is running."

I know there are a lot of good programs here. We would all like to see some of these programs have more money, but we just simply do not have it.

□ 1210

I regret that we must do this. But if we are ever going to meet President Clinton's request of reducing spending, we have got to start now and not wait for 5 years from now when he pledges to have a balanced budget.

So Mr. Speaker, I urge that we have a vote on this, and I urge that we have a positive vote, a vote hopefully to support this motion to recommit.

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

Mr. MYERS of Indiana. I yield to the gentleman from New York.

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

I will speak just briefly. Members know that the Solomon amendment which would have restored 90 percent of the funding for the Selective Service System lost yesterday by a vote of 202 to 207. There were 31 Members missing from the Chamber at the time, and a number of Democrats have come to me wanting a separate vote whereby they could vote for that amendment. A number of Republicans want to change their votes, too. I just want to make a commitment to Members that if this motion to recommit passes, which cuts 6 percent across the board except for veterans' affairs and which reinstates $20 million for the Selective Service System, I intend, out of fairness, to ask for a separate vote on the Solomon amendment after the motion to recommit passes so that the House can work its will fairly.

Of course, any Member can also ask for a separate vote on the 6-percent across-the-board cut.

I ask Members to vote for the motion to recommit and to vote for my amendment which would reinstate 90 percent of the funding for the Selective Service System.

Again I thank the gentleman for his time.

Mr. MYERS of Indiana. I thank the gentleman for his comments.

Mr. Speaker, I want to close by saying this does cut 6 percent from all of the titles with the exception of the title for veterans. We have a commitment, we have an obligation, we have a responsibility to take care of the veterans of this country. This bill then after the recommittal still provides slightly more than a $1 billion increase from last year's level for veterans.

Mr. Speaker, I ask for support for this amendment.

Mr. STOKES. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding and rise in opposition to the motion, not-withstanding the fact, as the distinguished gentleman from New York knows, that I supported his amendment on the floor, and as I have in the past, in terms of the continuation of the Selective Service.

However, I believe again we have had a process here where we had an opportunity to review this bill, go through it title by title, subject by subject, make such cuts as we deemed appropriate and proper, which I think is the appropriate way to do this. Notwithstanding the exemptions which the gentleman from Indiana has spoken to, this is still an across-the-board cut. I think that is inappropriate, and particularly I believe it is inappropriate when we have the opportunity to take these bills title by title, object by object, and either include them or cut them out or restore them or add to them.

I think the across-the-board cut is not the way we ought to set the policy, and would speak against the motion and urge that the motion be defeated.

Mr. STOKES. Mr. Speaker, reclaiming my time, I appreciate the gentleman's response on this amendment.

Mr. Speaker, the motion to recommit would reduce all accounts except those in the Department of Veterans Affairs by 6 percent.

I would like for the Members to know what a 6 percent cut would do. It takes $3 billion from the bill, nearly $400 million for the Environmental Protection Agency, more than $850 million from NASA. This would be a cut of $600 million below last year's level of $14.3 billion. It would be a cut of more than $180 million from the National Science Foundation. It would reduce approximately 3,900 assisted housing units, including 680 for the elderly and the disabled. It would take $250 million from the community development block grants program.

This bill, Mr. Speaker, is within the 602(b) allocation for both budget authority and outlays. I think it is important for the House to understand a 6 percent reduction here will not change the allocation totals. It will have no impact on deficit reduction. Let me repeat that. It will have no impact on deficit reduction.

Mr. Speaker, this bill is already approximately $1.3 billion in budget authority and $900 million in outlays below the President's request.

I would urge all Members to vote against the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I would just propound the question, if the motion to recommit is adopted, is it not then in order for a demand for a division of the question under the rules of the House?

The SPEAKER pro tempore. If the motion to recommit is adopted, the amendment in the form presented could be divided when reported back to the House forthwith.

Mr. SOLOMON. I thank the Chair.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 178, noes 244, not voting 12, as follows:

[Roll No. 289]

AYES—178

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOES—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Bellenson
Berman
Bevill
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Hall (OH)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Whitten

Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Becerra
Blute
Green
Gutierrez
Henry
McMillan
Pelosi
Skeen
Velazquez
Wheat
Wilson
Young (FL)

□ 1232

Mr. QUILLEN changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the passage of the bill.

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

Mr. STOKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 313, nays 110, not voting 11, as follows:

[Roll No. 290]

YEAS—313

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hutchinson
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—110

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barca
Bartlett
Barton
Beilenson
Boehner
Bunning
Burton
Callahan
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeFazio
Doolittle
Dornan
Dreier
Duncan
Everett
Ewing
Fawell
Fields (TX)
Franks (NJ)
Gekas
Gillmor
Gingrich
Goodlatte
Goss
Grams
Grandy
Hancock
Hansen
Hastert
Hoekstra
Huffington
Hughes
Hunter
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Johnston
Kasich
Kingston
Klug
Knollenberg
Kolbe
Leach
Lewis (FL)
Linder
Long
Manzullo
McInnis
McKeon
Mica
Michel
Miller (FL)
Minge
Moorhead
Myers
Nussle
Orton
Oxley
Parker
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Ramstad
Roberts
Roemer
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (OR)
Solomon
Stark
Stump
Swett
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Blute
Dicks
Edwards (CA)
Henry
Horn
McMillan
Pelosi
Serrano
Skeen
Wilson
Young (FL)

□ 1241

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLARIFICATION OF LEGISLATION

(By unanimous consent, Mr. KLUG was allowed to speak out of order for 1 minute.)

Mr. KLUG. Mr. Chairman, a point of clarification.

On the amendment we just voted on the ASRM program there was apparently a mistake made in terms of which amendment was actually recorded. It should have been amendment No. 6 which would have stricken $4.5 million from the ASRM program, and in addition eliminated the new construction costs on the facility which to the best of my memory as I remember is about $35 million; so if we would put that in the RECORD to make it clear to the conference committee that was both my intention and the intention of my cosponsors and also the intention of the House.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, during the vote on the Myers amendment to H.R. 2491, rollcall 289, I was unavoidably detained due to a previously scheduled meeting with a constituent. Had I been present I would have voted "no".

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was unavoidably detained on rollcall votes 284, 285, 286, 287, and 288. Had I been present, I would have voted "yea" on rollcall No. 288. Additionally, I would have voted "nay" on rollcall votes 284, 285, 286, 287.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, on this last vote, rollcall No. 290, I was unavoidably detained and I missed the vote. It was a 5-minute vote.

Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill, H.R. 2493, which will be considered today, and that I be permitted to include extraneous matter.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. DURBIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2493) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

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

There was no objection.

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

The motion was agreed to.

□ 1245

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2493, with Mr. SPRATT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. By unanimous consent, the bill is considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

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

Mr. Chairman, I am glad to be on the floor today with this important piece of legislation. My only regret is that my colleague, the gentleman from New Mexico [Mr. SKEEN], the ranking minority member on this committee, is recuperating at home from recent surgery and is unable to join us, but I know he is here in spirit. I also want everyone to know at the outset that the gentleman from New Mexico [Mr. SKEEN] and all the members and the staff worked exceptionally hard to make this a good bill. We have had a strong bipartisan effort to craft this bill.

I am honored today to be joined on the floor by my colleague, the gentleman from Indiana [Mr. MYERS] who has been my steady right hand as we have come through the closing days of preparing this bill for floor consideration.

Most people who are listening to this debate do not understand the work that goes into the preparation of a bill of this magnitude. This bill will appropriate some $70 billion to be spent. That, of course, is larger than the appropriation for the entire State of California. It is almost three times the appropriation for my home State of Illinois.

The committee work schedule preparing this bill included 22 days of hearings over an 8-week period, 282 witnesses, 27 Members of Congress who testified, 473 letters from Members, 6,526 pages of hearing record, and 7 volumes of hearings.

The $70.6 billion which is appropriated in this bill, is $5.9 billion less than the administration's request. It is $9.8 billion above the amount that was appropriated last year.

I will concede for all who are listening that that is a very significant increase, $9.8 billion, but I believe that Members should understand why this increase is taking place.

Of the $70.6 billion which we appropriate, almost $56 billion of that amount is mandatory spending, which means that this subcommittee in fact appropriates the money without any control as to how it is spent. It is for programs such as food stamps, other feeding programs, and the Commodity Credit Corporation.

The two primary reasons for the increase in spending in this bill are for items totally beyond the control of the subcommittee.

The $9.8 billion increase over last year's appropriation is accounted for by an $8.8 billion increase for the Commodity Credit Corporation. These are, of course, deficiency payments made to farmers over the last several years. Our subcommittee is required by law to replenish the Commodity Credit Corporation account. Replenishing that account has added $8.8 billion in spending. We have another $670 million for an increase in the child nutrition programs. This increase is primarily for the school lunch programs where the cost of the program has gone up because of inflation and the increased cost of food and participation. Again, this is mandatory spending over which we have no direct control.

The amount of increase in spending over last year's appropriation is primarily embodied in the two amounts which I have just noted.

Now, within this bill is some $14.3 billion in discretionary spending, which is spending within the control of this subcommittee. I am happy to tell you that this subcommittee has worked hard to make sure that the bill we now present to the floor today is $248 million in budget authority below the allocation given us by the budget resolution and about $90 million below the allocation given to us for outlays.

In other words, this subcommittee has not spent all the money it was allocated to spend. We are doing this in an effort to be fiscally responsible in these difficult times.

We are also some $160 million below the President's budget request for discretionary spending.

In various ways we have disagreed with the administration and agreed with them. We will describe those as we go into the bill.

At the outset, let me also say that the people working for the agencies that we appropriate money for are by and large very hard-working career-minded individuals who are doing a fine job. We regret to inform them that we were unable to include an increase for a pay raise next year.

□ 1250

We, instead, have annualized the pay increase from this year, but there will be no pay raise funding under this legislation.

We have also been very careful when it comes to special research grants, which I am sure will be discussed at great length by the Members on the floor of the House. We have asked Members, universities, and other entities asking for special research grants to provide specific information on how this money is going to be spent, what their research hopes to find and what benefit it ultimately will add to the production of food and fiber in America. We have 71 special research grants in this bill as opposed to 133 in last year's bill.

Now let me tell my colleagues where the major increases in spending are.

First, I am proud to tell my colleagues that this subcommittee has joined with the Clinton administration in pledging to fully fund the WIC program in 3 years. The women, infants, and children supplemental feeding program may be the most successful single program administered by the USDA, or perhaps the Federal Government. This program gives nutrition assistance, information, and guidance to pregnant mothers and to their infants, and children. The net results of it are dramatic. We are seeing healthier children, we are seeing children carried to full-term in pregnancy, and we are seeing mothers who are doing the right things during their pregnancies to make sure that their kids are healthy. I cannot think of a better investment in the future of this country than the birth of a healthy baby. The WIC program has made that happen so many times over that I could not begin to guess how many. But I will tell my colleagues the $350 million we add to the WIC program this year is the largest single increase in WIC funding in the history of the program.

We have also put additional funds in for loans and grants for water and sewer construction. Those of us from medium sized and smaller communities know that it is very difficult for these

communities to build the infrastructure they need to provide clean and safe drinking water and to make certain that they meet EPA requirements. We now have a backlog of about $1.5 billion in approved applications for water and sewer grants. We put additional funds in this bill so that these communities can make certain that the people living within their bounds have no threat to the public health.

There is additional money in the bill for rural housing which, unfortunately, has been overlooked in the past few years. There is money for direct loans, as well as guaranteed loans, for rural housing, and some of these programs again, I think, are as good an investment of Federal tax dollars as we could ask.

For example, on the guaranteed loan program, for an investment of $12.2 million in Federal funds we are going to build $750 million worth of homes in rural America. That will mean for a lot of families the first opportunity in their lives to own a home, and that program, I think, is really going to inure to the long-term benefit of our country.

One aspect often overlooked when we talk about the agriculture appropriations bill is the fact that we appropriate money for the Food and Drug Administration. I will tell my colleagues that dollar for dollar we get more from this agency than virtually any agency of the Federal Government.

Consider a few weeks ago when the Pepsi Cola Co. faced the tampering scare and wanted to restore consumer confidence in their product. There was only one place to turn. It was not to the corporate giants that also are in the industry, and it was not to the corporate lawyers. It was to the Food and Drug Administration, and, when Dr. Kessler came forward and said that he believed this was largely a hoax, it restored the public confidence like no other statement could have from the Federal Government. It says a lot about this agency and its reputation, it says a lot about Dr. Kessler, and I am happy that we have the responsibility of funding this important agency.

Mr. Chairman, we have added $121 million to the FDA. We put $10 million in for the inspection of mammography clinics, something most Members of Congress voted for, and now we are facing the responsibility to fund. By doing so women across America, who go in for mammography screening to avoid the incidence of breast cancer, will know that the equipment and the people using it are certified by the Food and Drug Administration to be professional and to be accurate.

We also eliminate some spending in the Food and Drug Administration. I am happy to report to my colleagues that a group of people who have been sipping tea on the international board of experts on tea are frankly going to be paid from sources other than the Federal Treasury if they are going to continue their job. This is an anachronism, almost a hundred years old, where we, in fact, inspect and sip tea imported into the United States. It is time for us to take a look at these programs, large and small, and decide whether they should be continued. In the wisdom of this subcommittee it was decided to discontinue that particular project.

The Federal meat inspection program increase that is asked for by Secretary Espy in light of the E. coli outbreak has been responded to by this subcommittee by not only funding the 160 meat inspectors hired by the Secretary this year, but also providing funding to hire another 40. I might add that we put $8 million into the bill for the pathogen reduction program. What that means, of course, is that we will go beyond visual inspection of meat to microbial inspection, giving more confidence to American consumers.

We also propose in this bill some agency streamlining. We are going to try to make some pretty significant changes in the Rural Development Administration.

We are going to combine some smaller agencies with larger agencies. We hope to save over $3 million in the process.

One of the more contentious aspects of this bill relates to the question of crop insurance. This is a program which , frankly, I have been very critical of for many years. It does serve a valid purpose in protecting producers across America from the vagaries of nature, but unfortunately, after 10 or 12 years experience, we have found that the program is not working well. In fact, the crop insurance program has cost American taxpayers $2.6 billion over the last 10 years. That is $2.6 billion more paid out in losses than collected in premiums.

In fact, it is not a crop insurance program. It is a crop loss subsidy program.

Our bill states this basic premise:

> If you grow a crop on your farm or in your county that has failed by crop insurance standards 70 percent of the time or more, we are not going to write crop insurance for you next year.

Now I do not think that is an outrageous suggestion, and I say, "If your crop has failed 70 percent of the time or more, perhaps God is trying to tell you something. Perhaps that crop is never going to grow on that farm or in that county." We think it is unreasonable to ask the Federal taxpayers to continue to provide crop insurance in that circumstance.

Mr. Chairman, we have also put in a user fee in the Agricultural Marketing Service. Many people who are watching this debate probably saw the news accounts or the television specials relating to USDA personnel who are measuring the flow of catsup, measuring the length of pickle stems and determining the standards for pistachio nuts. I want to say to my colleagues that is another aspect of USDA activity which should be paid for by private industry. We have reached a point where these standards grease the wheels of commerce and the people who benefit from that should be paying for it. So, we are suggesting a user fee of $4.5 million, which the Clinton administration has requested.

The Yearbook of Agriculture is one of the real venerable institutions of the U.S. Department of Agriculture. For a 101 years we have published this yearbook, given it to farmers and rural America alike. It is a wonderful institution. It is an institution, though, that has outlived its usefulness.

As an example, we printed 232,000 of this yearbook and distributed them to Members of Congress last year. We then turned around to the Government Printing Office and said, "We would like you to see how many people in the general population in America would like to buy this same yearbook." Mr. Chairman, about 2,000 people responded. This suggests to me that the Agriculture yearbook is not a best-seller, and its also suggests that today's farmer does not turn to an Agriculture yearbook for information. That farmer is going to turn to the television, to his radio, to his fax machine, to the uplink on his satellite dish. That is what today's farmers have to do to be current with changes. So the Agriculture yearbook, according to this subcommittee's efforts, will go away, saving the taxpayers about a half a million dollars.

We expand the wetlands reserve program to another eight States and 50,000 critical acres. We have said there will be no new signups in the conservation reserve program, hoping that in the next farm bill we can talk about permanent solutions. We have conformed to the House Committee on Agriculture loan levels set for the Rural Electrification Administration.

We have provided that the children who are served in WIC clinics will not be exposed to smoking, which we all know is a danger, not only to them, but to the people who work there. We have said that no funds will be used in this bill to promote tobacco exports through the market promotion program, the Foreign Agricultural Service or the General Sales Manager. We have kept last year's provision on restricting the use of market promotion funds for the sale of tobacco overseas.

We are also taking on a contentious item here saying that we want to remove the requirement that school districts must provide fluid whole milk to children in schools. My colleagues will hear more about this during the course of the debate. We want kids to drink milk, but we think it is important the schools follow the dietary guidelines and try to reduce the fat intake by reducing the amount of fluid whole milk.

I want to especially thank the members of the subcommittee who have worked so hard to make this bill a reality. I could not have done it without the fine assistance and the legacy of the former chairman, the gentleman from Mississippi [Mr. WHITTEN], my colleague, the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Arkansas [Mr. THORNTON], the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Florida [Mr. PETERSON], the gentleman from Iowa [Mr. SMITH], and of course our Chairman, the gentleman from Kentucky [Mr. NATCHER]. The gentleman from New Mexico [Mr. SKEEN] I mentioned earlier. The gentleman from Indiana [Mr. MYERS] will be speaking in a minute. And there is the gentlewoman from Nevada [Mrs. VUCANOVICH], the gentleman from New York [Mr. WALSH] and the gentleman from Pennsylvania [Mr. MCDADE] who have also made this possible.

I will tell my colleagues at the outset that this is my first time trying to pass an appropriations bill. I am learning a lot. I know that there is going to be a lot of debate here, a lot of differences of opinion. We think, in fact, there are many issues in agriculture which deserve a fresh look, and that is what we have tried to do.

I would suggest that there are some groups in this town who are not happy with this bill. They would like to see some of the provisions changed or removed. During the course of debate on this appropriations bill, Mr. Chairman, I hope all that are listening and all the Members who follow it will have a better understanding of the importance of these appropriations.

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

□ 1300

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Chairman DURBIN of the subcommittee has certainly spoken almost line by line in describing what is in this bill. He has given credit to the fine staff under the able leadership of Bob Foster and the new members of the committee this year, including the gentleman from Arkansas [Mr. THORNTON], the gentleman from Florida [Mr. PETERSON], the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Arizona [Mr. PASTOR], and the gentleman from New York [Mr. WALSH], all new members. But we always had the old head himself, Chairman WHITTEN, who had been chairman of this committee for a good many years. Always we had that sage advice that was available from the gentleman from Mississippi [Mr. WHITTEN], who is here with us.

I am a substitute today for the Member who should be here. This has already been described. The gentleman from New Mexico [Mr. SKEEN] had surgery last Wednesday. It was difficult surgery. Thursday he was up walking after having spinal surgery just the day before. Friday I visited him in the hospital. Sunday he went home. Yesterday he was out walking. This morning I tried to call him. He was out walking someplace. But his doctor said he could not be here. He told me just before we came to the floor, "I'll be watching you every moment, every move you make." So I am sure he will be calling us if he thinks we made a mistake. We do miss him. I will try to fill in as a substitute.

This is a good bill. It touches all of us, and it touches every district in the country. The only thing wrong is that it is too much money. It is almost $10 billion above last year.

As the chairman of the subcommittee said, 80 percent of this bill is mandatory spending, for which the Appropriations Committee has little discretion but to appropriate the money. I do not know how we can even freeze this year when we look at the obligations we find ourselves in because of the mandatory spending.

That indicates to me that Congress must do something about mandatory spending in the future, but we cannot do it today on the floor. But somehow during the debate today we are going to look at how we might make some changes.

As an example, back just 2 years ago, in the fiscal year of 1992, there was $34.3 billion of mandatory spending in the agriculture appropriation bill. Last year the mandatory spending was $37.4 billion. This year there is $56.2 billion of mandatory, nondiscretionary spending. So about 20 percent of this bill is discretionary, when we as a committee have any choice as to what we might do.

As to that $14.3 billion of discretionary spending, which is a slight increase from last year, it is about $507 million above last year's level. As the chairman of the subcommittee said, $350 million is kind of a catch up for the WIC Program, the Women, Infants, and Children's Program to provide for families, particularly women and children who are suffering from malnutrition.

The Commodity Credit Corporation, as the subcommittee chairman has said, is the large culprit this year. The fact is that what we have had to appropriate, out of the $9.8 billion increase above last year in spending, $8.8 billion comes from the Commodity Credit Corporation. I just looked at the facts here as the chairman of the subcommittee was speaking. These are to replace actual and anticipated losses to the Commodity Credit Corporation.

For those Members who do not understand, the Commodity Credit Corporation pays deficiencies on crops where the price and what is estimated to produce a crop is deficient, what the price averages during a certain period of time. So farmers, if they are in the program, get paid a figure out of this Commodity Credit Corporation. If there are losses in crop production because of drought or inclement weather or for whatever reason, farmers are also eligible for disaster payments.

In the last 2 years we have had huge losses in citrus both in California and Florida. We have had drought in the South, and we have had drought in areas of the Midwest. This year we had some wet crops both in the South and in the Midwest. So it is anticipated the losses again this year will take most of the $18 billion that we will provide in the makeup of the Commodity Credit Corporation.

But looking back, the actual 1991 losses were $5.917 billion. In 1992 the actual losses that this committee had to make up in money were $11.776 billion. As to the 1993 estimates, we have no way of estimating that at this time, but we estimated it will take most of the $18 billion that we will provide.

The subcommittee chairman has already spoken about the Federal crop insurance. I am sure we are going to hear some discussion from the authorizing committee about this. We all recognize it is a real problem, but whether it is the responsibility of the Appropriations Committee or of the authorizing committee, there is no question that it is the authorizing committee's responsibility.

In closing, Mr. Chairman, I am sure there are going to be some strong disagreements about this bill. I have already heard it from both sides. Some Members say they just cannot support an agriculture appropriation bill that increases the national debt to this extent.

There is a question about the Commodity Credit Corporation. Is it actually an outlay? It is a commitment, but it is not an outlay until it is actually spent. So hopefully this year there will be no disaster payments that amount to much. If we can hold the price up to the point where we would not have to make it up, we would not need the entire amount of money.

But today we do have to meet our obligation, and there is some discussion on our side right now as to whether we will do it now or later when we actually have the losses.

In any event, this committee has done a good job. Maybe not quite as good in trimming some of it out that we could. But I do congratulate the chairman of our subcommittee. He did have open hearings this year. We had a discussion on several occasions. It was not a partisan discussion. We all pitched in and did what we could, trying to make this bill as good a bill as we possibly could to meet our obligations. But, as the chairman of the subcommittee said, this is a huge bill.

In closing, Mr. Chairman, the gentleman from New Mexico [Mr. SKEEN] wanted me to say that he gives his appreciation for the spirit of cooperation that the new chairman of the subcommittee, the gentleman from Illinois [Mr. DURBIN], extended not only to all of us on both sides of the aisle but especially to himself. So he says to the subcommittee chairman, "Thank you very much."

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

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to my colleague, the gentlewoman from Ohio [Ms. KAPTUR], a great member of this subcommittee.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time, and I am privileged to rise as a member of the subcommittee on this important bill dealing with agriculture in this, the most productive agricultural land on the face of the Earth. We sometimes take that for granted.

I want to congratulate our new chairman of the subcommittee from the great State of Illinois, who had a tremendous job on his hands in filling the shoes of the gentleman from Mississippi [Mr. WHITTEN]. I think he has established in his first bill that he brought to the floor, with the cooperation of the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Indiana [Mr. MYERS], tremendous bipartisan cooperation on the part of our committee. There was an openness during the time we met as a committee that was unusual. I think in all respects, as we serve on committees here in the Congress, we could say that it was a real roll-up-your-sleeves work session every time we met. And what was impressive to me was the close scrutiny of programs that occurred for the first time in my service here, with a line-by-line evaluation of every single item in this bill that is proposed.

This bill also held out hope for the future, with a provision that we incorporated in the bill this time to have tough performance evaluation standards that will be set up and that we require by law that the Department of Agriculture evaluate every single program against others that may exist, and that we begin to prioritize and eliminate those programs that no longer are necessary. Let's put our attention where it is needed. In fact, the bill reads that we ask the Department to be even more committed than in the past to trying to streamline and meet the needs of the taxpayer for a more efficient Government, that they concentrate their evaluation during this next fiscal year on rural housing insurance funds or the food and nutrition feeding programs as a first step.

We expect a lot of this administration. We expect a lot of ourselves. I think the chairman of the subcommittee has set a good pace with the type of rigor and bipartisanship and hard work that went into this bill.

Mr. Chairman, I am proud to support this bill.

□ 1310

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

Mr. Chairman, I rise in support of H.R. 2493. I would like to commend my chairman, Mr. DURBIN and my ranking member, Mr. SKEEN, who unfortunately cannot be with us today and Mr. MYERS for so ably taking Mr. SKEEN's place. I commend them for crafting a very fair and balanced bill.

The bill provides roughly $56.2 billion for mandatory domestic food programs such as food stamps and farm program crop subsidies.

In addition, it provides roughly $14.4 billion in spending authority for discretionary programs. This amount represents a $303 million increase over fiscal 1993 funding, but it remains $248 million less than the subcommittee's 602(b) allocation and $160 million less than the amount the President requested.

I am very pleased that the subcommittee has placed priority on the WIC Program and rural water and sewer programs. Under this bill WIC is increased by $350 million and rural water and sewers by $200 million.

I have always been a strong supporter of the WIC Program. This special supplemental food program for women, infants, and children provides critical nutrition and health benefits to low-income pregnant women and young children. These benefits reduce infant mortality, avert premature births and help our needy children reach their full potential.

To those of us who represent rural areas, the increase for rural water and sewers is very important. These programs help improve the quality of life of those who live and work in rural areas.

I am also glad that the bill includes funding for full time equivalents for the Food and Drug Administration. I am hopeful that the Commissioner will use this funding to support at least 65 FTE's for the implementation of the Mammography Screening Act as he recommended earlier. As a breast cancer survivor, I know the importance of accurate testing for this devastating disease. Because there is no cure for breast cancer, we must do all we can to provide an accurate and responsible method of diagnosing this disease. I look forward to working with Chairman DURBIN and Commissioner Kessler to ensure the expedient implementation of this act.

Mr. Chairman, again, I voice my support for this bill and urge my colleagues to cast their votes in favor of the bill.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO], who has just joined the subcommittee and has made an extraordinary contribution in her first year.

Ms. DELAURO. Mr. Chairman, I would like to express my respect and gratitude for the work done by Chairman DURBIN, Mr. SKEEN, and the subcommittee staff on this bill. Thanks to Chairman DURBIN's leadership, this bill comes to the floor $248 million under the budget target. Yet through careful balancing of available resources and thorough consideration of the needs of this country, Chairman DURBIN has made every dollar count.

Few people realize how many people's lives are improved by the provisions in this bill. It is not simply an agriculture bill—in it are provisions that fund vital health research; help protect and conserve natural resources; improve nutrition for children, mothers, and the elderly; provide housing for the rural poor; help high risk kids in the inner city; make possible research for safer food and drugs; and protect consumers.

As someone who has a longstanding interest in health care, I was impressed during this—my first year on the committee—to find out the degree to which this bill improves the health of people across this country.

Through its initiatives, additional research will be done on the commercial cultivation of taxol—a promising cancer-fighting drug. Research on drugs being developed to fight rare diseases will be increased $3 million to more than $15 million. And women will have access to better breast cancer screening because this bill provides increased funds for the inspection and certification of mammography clinics nationwide.

Through the nutrition programs in this bill, we have an extremely effective means of providing preventative health care at a time when we are more concerned than ever about rising health care costs. Our children will be healthier because of the school hot lunch and breakfast programs and the special milk program contained in this bill. The disadvantaged elderly—17,000 of whom this program serves in my State of Connecticut alone—will get decent meals because this bill increases funding by $8 million for that program. And through the WIC Program—which provides food as well education on nutrition and childhood immunization to 67,000 people in Connecticut each month and millions more across the country—babies will be born healthier and mothers will be better able to care for their children. Funds for WIC have been increased by $350 million.

Mr. Chairman, with its health research, food and drug inspection, and nutrition programs this is an extremely important bill especially as we consider how to keep health care costs

low. Chairman DURBIN has done an outstanding job of providing the funds necessary to keep these important programs strong, and I urge your support for this bill.

Mrs. VUCANOVICH. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentlewoman for yielding, and would like to associate myself with the remarks of our chairman, the gentleman from Illinois [Mr. DURBIN], the gentleman from Indiana [Mr. MYERS], and, more especially, with their reference to and remarks about the gentleman from New Mexico [Mr. SKEEN].

As has been described on the floor today, the gentleman from New Mexico [Mr. SKEEN] is not able to be with us, having come through surgery on his back. I know of nobody in the Congress who has worked more tirelessly on behalf of the Committee on Agriculture, farmers and ranchers all throughout America, than the gentleman from New Mexico. He is a former member of the Committee on Agriculture. He is a rancher in his own right in his State of New Mexico, and we want to thank him for his leadership and work.

Mr. Chairman, this subcommittee's efforts I think have been on the mark. I would say to the chairman and to all of my colleagues that through their efforts in the past and with the present bill, they really provide the lifeblood for agriculture as we look at our agriculture program policy.

I know there is always an interest in farm programs on the floor of the House. I would like to repeat the advice and counsel of the esteemed chairman of the Committee on Agriculture, my good friend and colleague, the gentleman from Texas [Mr. DE LA GARZA], who points out that in terms of farm programs and expenditures, which I know are a real hot topic in this body, that we have been cut 9 percent a year for the past 4 years. We have reduced outlays $57 billion over 10 years.

Most Members do not understand that. Most Members think agriculture is a target. Hopefully we can educate them to the extent of what we have been able to do in regard to reduced outlays.

Mr. Chairman, let me also point out that in farm country things are not good in terms of the economic situation. In my home State of Kansas and my home community the price of wheat at the country elevator has gone from $3.60 6 months ago down to $2.40. That is more than a 25-percent drop in personal income. I know of no segment in our American economy that has suffered this kind of price decline. But we are enduring hard times, and we have to at least fund the farm programs to the extent we can under budget restrictions.

Let me say this with regard to a personal concern that I have. If you go down the authorizations contained in the agriculture appropriation bill user fees with the Agriculture Marketing Service, changes in the Federal Crop Insurance Program, changes in the Rural Development Administration, changes in the School Lunch Program, significant changes in the WIC program, changes in the CCC, changes in the Rural Development Administration, changes in the market promotion program, changes in the wetlands reserve program, and changes in the CRP, which is the conservation reserve program—some of us would say on the House Committee on Agriculture that this just might be legislating on an appropriation bill, more especially in regard to practical effect.

Now, the Parliamentarian of the House may or may not rule that this would be legislating in an appropriation committee, and goodness knows the chairman of the full committee and myself as the ranking Republican on the Committee on Agriculture want to work with the new chairman as best we can to determine what is best for agriculture.

I would simply say to the new chairman, welcome aboard. I know that the gentleman has exhibited past strong leadership as a former member of the Committee on Agriculture. The gentleman is aggressive. He believes in reform.

I would just remind everybody that we need to look under the banner of reform to prevent the law of unintended effects. We do that on the authorizing committee. We are trying to make the farm program more cost effective.

When the gentleman from Illinois [Mr. DURBIN] and the appropriators ride over the fence into our pasture, I would harken back to the days of the country that I am from. Some would say that that would be homesteading; others would say that that would be a squatter. I think perhaps, since we used to burn out squatters and we are not going to do that, that we will welcome the gentleman as a homesteader, and we will try to work it out.

Mr. DURBIN. Mr. Chairman, I might tell my colleague, the gentleman from Kansas [Mr. ROBERTS], that I come from a family of sodbusters, and we are happy to team up with the gentleman where we can.

Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture, who is my new partner in this effort on the Democrat side.

□ 1320

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished chairman for yielding time to me.

Let me say that I share the sentiments expressed by the previous Members regarding our desires for a very successful first venture in handling legislation for the Committee on Appropriations to the distinguished chairman of the subcommittee.

To our friend, the gentleman from New Mexico, Aliviate pronto mi hermano, get well soon, brother, to the gentleman from New Mexico [Mr. SKEEN], and to the gentleman from Indiana [Mr. MYERS] and all who have worked on the other side.

Let me say that there is a generic historical discussion every time we have one of these bills in that the authorizing committee feels that the appropriating committee overstepped their bounds. The Committee on Appropriations feels that they acted legitimately. We always expect that discussion.

Let me say that on this occasion, the distinguished chairman did not disappoint us. We had the usual disagreements. Fortunately, I think the major areas of concern, we have been able to address. And amendments will be offered later in order that we might achieve the intent of both the authorizing committee and the appropriations subcommittee. For that we are grateful for the cooperation.

The gentlewoman from Ohio [Ms. KAPTUR] mentioned oversight. We will do the same from our end. And together, we will have strong, positive oversight over all of the programs.

There will be areas, there are a few still unenlightened persons who perceive what this Committee on Appropriations and this bill does, what we do in the authorizing, because of 30-second sound bites and one-liners that Members hear in the media, unenlightened programs on the television and on the radio. Those, we can assure our colleagues, are legitimate programs that we can defend on the facts and not with sound bites.

Now, to put it all together, as far as the fiscal responsibility, this we have done together, the authorizing committee and the Committee on Appropriations. All of the talk that Members have heard, I think I can more graphically describe to my colleagues what the chairman mentioned about how much is discretionary, how much is mandated.

Here is a chart which shows the division of how the funds go to the Department of Agriculture. Almost 60 cents out of every dollar goes to nutrition, food stamps, feeding the elderly, school lunch, and only 18 cents goes to the farm programs that might be attacked today. So when we talk about agriculture, there is some great confusion that everything goes to the farm programs. Only 18 cents out of every dollar. Sixty cents goes to nutrition.

Now, let me show my colleagues what we have done. In the future, the projections are, in the entitlements, Social Security, it is proposed that all of the entitlements show an increase up to 1997. The only thing showing a

decrease is agriculture. That is what we are doing today. Only thing showing a decrease up to 1997 is agriculture.

In the past, from 1985 to 1991, everything grew, as high as 15 percent. The only thing showing a decline was agriculture. So how can anyone say that agriculture is responsible for overspending? We are the only ones projecting a reduction. We are the only ones showing a reduction.

And then the so-called top entitlements, I am going to let my colleagues in on a secret that very few Members know, venturing into another area, many say we need to cut the entitlements, we need to cut the entitlements, we need to cut the entitlements.

The No. 1 entitlement is Social Security, $267 billion. No. 2 is Medicare, $114 billion. No. 3, guess what No. 3 is, deposit insurance for banks and savings and loans. That is the No. 3 entitlement, then Medicare, then civilian retirement, then unemployment, then military retirement, then food stamps, then supplemental security, then family support, then veterans benefits.

Then we come to agriculture. It is at the bottom of the pyramid where agriculture is. And then, my friends, let me show what do we get for our investment?

The only thing bringing money back from abroad is agriculture. Everything else is in deficit. All nonagriculture is in deficit. Only agriculture is bringing money back from abroad.

The part of GNP, 18 percent comes from agriculture.

And then finally, my colleagues, let me add, we drew a chart. I said, put the total budget, the $1.4 trillion, superimpose on it what we spend for agriculture. They did. And we cannot see the little line, seven-tenths of 1 percent. That is what we are going to be, some Members are going to be arguing today here over seven-tenths of 1 percent, for 18 percent of GNP, for the only thing bringing money back from abroad.

I commend the gentleman for this frugality in many areas. It will hurt in some areas, but in 12 years, agriculture has reduced $57 billion. Had every other committee done this, we would not be worried about a deficit or a balanced budget. Fifty-seven billion dollars were cut by agriculture.

Mrs. VUCANOVICH. Mr. Chairman, I yield 4 minutes and 30 seconds to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Chairman, I rise today in strong support of H.R. 2493 and its accompanying report that provides funding for Agriculture, Rural Development, Food and Drug Administration and related agencies programs for fiscal year 1994. I commend the distinguished chairman of the Agricultural Subcommittee, Mr. DURBIN, and the ranking minority member, Mr. SKEEN, and their leadership and their fine work in crafting this complicated bill and in a very open fashion. As a new member of the subcommittee I would also like to thank the subcommittee staff for their diligence and expertise and I enjoyed working with my fellow subcommittee colleagues in developing a strong bipartisan bill.

In this bill we had to make some difficult choices. The $70.6 billion provided in the bill includes $56.2 billion for mandatory spending programs. These mandatory programs will provide additional money for food stamps, for child nutrition programs, and for popular feeding programs such as Meals-on-Wheels which benefit low-income senior citizens. We have also increased spending on the high priority WIC Program by $350 million to $3.21 billion. This increase is the largest in our bill and it will enable WIC to enroll over 5.9 million low-income women and children into this cost-effective program.

This bill takes a significant step toward reforming the Federal Crop Insurance Program by phasing in an area yield concept. Since its inception in 1980, the Federal Crop Insurance Corporation [FCIC] has lost hundreds of millions of dollars while private insurance companies, who have borne little of the programs risks, have profited handsomely. Furthermore, the availability of crop insurance has not succeeded in eliminating other forms of disaster assistance. Congress has always been and will continue to be sympathetic to pleas from our constituents for relief from natural disasters. This is just human nature.

I am also glad to report that this bill provides $2.9 billion for conservation programs. Conserving, improving, and sustaining our natural resources and environment has to be one of our country's top priorities. Agriculture today is facing greater challenges than ever in meeting public demands for environmental protection. Agriculture has been identified as a major contributor to nonpoint source water pollution. In fact, water quality is the most rapidly emerging issue impacting agriculture today.

In this bill we are also able to expand the Wetlands Reserve Program by providing funding for an additional 50,000 acres of wetlands. Last year, the committee was not able to provide any funding for this program. While I would have liked to have seen more land set-aside for wetlands protection, this committee has added eight new States to the Wetlands Reserve Program and enrolled, protect and restore our wetlands habitat while staying within the tight budgetary constraints under which the committee was forced to operate.

Our committee has agreed to restructure the Rural Electrification Administration loan programs. This fundamental change to REA programs will eliminate the current 2-percent loan program for rural telephone and electrical cooperatives, thereby cutting back the Federal subsidies that phone companies and rural cooperatives have been receiving.

While many Members, including myself, have argued in the past that the REA has outlived its usefulness, I believe that REA has seen the light and has belatedly responded by increasing its interest rates and revamping the agency's mission. Our committee's appropriation supports this reduction in REA subsidy rates and our action has resulted in a savings of $97 million.

This bill also significantly increases spending for both direct and guaranteed singly-family rural housing loans. These programs will help provide low-income residents with affordable housing. The bill also provides much needed research for farm safety programs and it provides for a $27 million increase for the food safety inspection service. Given the recent outbreak of E coli bacteria in Washington State it is imperative that we accelerate our efforts to develop an improved science-based approach in inspection service to enhance the continued public safety or our meat and poultry supply.

Finally, the committee provides $813 million for Food and Drug Administration programs. The FDA sets food and product standards, evaluates the safety and efficacy of new drugs and medical devices and protects and promotes the health of virtually every American by regulating the activities and uses of food and drug products. While I have continuing concerns about the notoriously slow drug and products approval process, I am hopeful that this $200 million increase over President Clinton's request will assist the FDA in expediting the drug approval process.

There are numerous other beneficial programs which I could cite in support of this bill. I commend again the work of the distinguished subcommittee chairman, Mr. DURBIN and I urge Members to support this important legislation.

□ 1330

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON], a colleague from the Subcommittee on General Farm Commodities of the Committee on Agriculture.

Mr. JOHNSON of South Dakota, Mr. Chairman, I thank the chairman and the ranking member of the committee for their hard work and their excellent diligence on the agricultural appropriations bill. Inevitably, there will always be some differences between the authorizing committee and the Appropriations Committee, and those differences I am confident we can work through, but the basic thrust of what the Committee on Appropriations has done is consistent with the budget resolution, consistent with the action of

the committee on agriculture, and I think will move this committee forward as well as making significant progress on our Federal budget deficit.

As the chairman of the House Committee on Agriculture's Subcommittee on General Farm Commodities, I want to draw special attention to the contributions that American farm workers and ranchers are making towards deficit reduction in the context of this appropriations bill and the overall budget resolution.

While the overall agricultural appropriations bill will increase spending for food programs in particular, which are now the lion's share of the agricultural budget, the Food Stamp Program going up in excess of $7 billion, consistent with the Mickey Leland Child and Hunger Relief Act, WIC funding going up, other nutrition programs going up, but in fact that share of the budget that goes to farmers in the form of farm program payments of every kind is going to be going down by $2.95 billion, a huge decrease, over the next 5 years.

I think we need to keep in mind the context, as well, that this comes on the heels of a 13 plus reduction in farm program spending mandated by the 1990 budget agreement. Over the last number of years that share of the agricultural budget, always relatively small compared to the entire budget, has been on a rapid decline, and continues to be so. It is important that our colleagues understand that and give full credit to the farm and ranch community for the contributions they are making.

Obviously, our first priority is to find savings that have the least impact on direct farm income. That is difficult to do. We have crafted cuts that minimize the hit to farm income, but nonetheless there are consequences.

Mrs. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I appreciate the good faith in which the chairman of our Committee on Agriculture and the gentleman from Kansas [Mr. ROBERTS] have come forth today in speaking with the new chairman of the committee. I think there is always a proper place for protocol, and they have properly done their role, but I have to tell the Member that, as a member of the authorizing committee, I am not sure if we pass this bill in its present form that we need to have an authorizing committee any more. We might just want to tell the Congressional Reform Commission that they might just as well eliminate our committee, because all of the decisions we make are either going to be reversed, changed, or modified by the appropriators.

I think that is why we see the kind of frustration we do in America, and why we see the debate in this Congress over whether we ought to have both authorizing and appropriating committees because it is clear that one of them is unnecessary or certainly interfering with the other.

Mr. Chairman, I thought the Members would all be interested, because I think this is that important, that I take just a second of the Members' time to go through some of the authorizations that are included in this appropriation bill.

First of all, the bill authorizes user fees for the Agriculture Marketing Service to fund the cost of standardization activities of the Agriculture Marketing Service, clearly a decision of the Agriculture Committee, not the appropriators.

Second, it makes crop insurance unavailable to farmers in counties where crops have a loss ratio in excess of 1.10 in 7 of the last 10 years, despite the existence of an authorization to the contrary.

Third, it provides that all the Rural Development Administration activities ought to be moved back into the Farmers Home Administration. If we are going to get into reorganization of the USDA, which we will this year, and if we are going to eliminate the Rural Development Administration which was created on a bipartisan basis, the authorizing committee ought to be involved in that.

The bill then interferes with the jurisdiction of the Committee on Education and Labor over the school lunch program, which will be up for reauthorization in the second session of this Congress. We will get into this more in the amendment process later, but to preempt us from considering these changes in this area, in my opinion, is just not right.

Then the bill decides that we do not have enough to do at the Federal level, so we are going to get involved in literally prohibiting reimbursement of administrative expenses of WIC clinics that do not have announced policies prohibiting smoking. Can you imagine Washington running around to every county WIC office in this country trying to determine whether or not they have a smoking policy?

The bill then prohibits the Commodity Credit Corporation from using funds to promote the sale or export of tobacco or tobacco products, even though no authorization language permits such a limitation.

The bill then prohibits any funding for the several regional offices of the Rural Development Administration. Then it prohibits the expenditure of market promotion program funds on any kind of a tobacco promotion in foreign countries. It then puts limits on the Wetlands Reserve Program, even though we, in reconciliation, just got done saying we would cap the conservation reserve in exchange for a commitment to do more on the wetlands conservation program.

Finally, the bill prohibits the enrollment of new acres in CRP, despite the existence of specific authorizations requiring certain enrollments for fiscal year 1994.

I bring these authorizations to the attention of the Members not because I want to pick a war with the appropriators in any way, shape, or form, but because I think these are points that legitimately ought to be debated in the authorizing committees. Indeed, I think we ought to tell every Member of this Congress, urban or rural, if we are going to do this, we do not need both committees, and we ought to decide right now which one we are going to eliminate.

Mr. DURBIN. Mr. Chairman, will the Chair please advise me how much time remains on each side?

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] has 3 minutes remaining, and the gentleman from Indiana [Mr. MYERS] has 8½ minutes remaining.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

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

Mr. Chairman, I also commend my colleague, the gentleman from Illinois [Mr. DURBIN] for the hard work and leadership that he has certainly put into this bill. While I do not support all parts of the bill, I recognize that it represents a tremendous amount of work and leadership on his part.

Mr. Chairman, I will be offering two amendments today to the agricultural appropriation bill, the first with the gentleman from Minnesota [Mr. PENNY] on behalf of the porkbusters coalition to eliminate funding for 100 specifically unauthorized cooperative State research service projects totaling about $87 million.

The second amendment requires that specific earmarks for all projects in the committee report be specifically authorized by law. This amendment goes to the heart of what porkbusters believe is what we are all about. Most of the earmarked projects cited by the porkbusters coalition are those included in reports of the Committee on Appropriations or conference reports for which there is no specific authorization.

I should add that this later amendment does not cut one dollar from the appropriation bill. I want to emphasize that. It simply does not allow money appropriated to be earmarked for a specific project without a specific authorization.

□ 1340

Without the earmarking, the funds would still be available for obligation as provided for under law. When I attempt to offer this amendment, the gentleman from Illinois [Mr. DURBIN], of course, chairman of the Agriculture

Subcommittee, has the right to move to have the Committee rise. If this motion to rise passes, I will not be able to offer my amendment and, therefore, I ask that the Members consider the defeat of the motion to rise so that indeed I will have the right to be able to offer the second amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member would also like to direct commendations to the distinguished gentleman from Illinois [Mr. DURBIN], the chairman of the subcommittee, and the distinguished gentleman from New Mexico [Mr. SKEEN], the ranking member of the subcommittee, and to all the members of the subcommittee for their exceptional work in bringing this bill to the floor.

This measure includes $750 million in loan authority for the Farmers Home Section 502 Middle Income Loan Guarantee Program. This Member originally proposed this housing program and ultimately steered it through the House Banking Committee. After a very successful 20-State demonstration program in 1991, the 502 Unsubsidized Loan Guarantee Program was expanded to all 50 States in 1992. Once the program was in place, this Member successfully pushed in the authorizing committee for the income limits of the program to be expanded from a top limit of 100 percent of median area income to a top income of 115 percent of median area income to match existing HUD programs for urban areas.

The $329.5 million in loan authority appropriated in fiscal 1993 was completely allocated in the first 6 months of this fiscal year. Congress recently passed a supplemental bill to provide another $250 million in loan authority for the program.

This Member is, as you might expect, very supportive of additional appropriations for this program. The Clinton administration is equally supportive, requesting $681.768 million in loan authority for fiscal 1994. The committee members are to be commended for recognizing the value of this unsubsidized program and providing funding levels which are more in line with the demand for the program from lenders, borrowers, and future low-middle and middle-income homeowners.

Mr. Chairman, I want to reiterate my compliments to the distinguished gentleman from Illinois [Mr. DURBIN], chairman of the subcommittee, and the distinguished ranking member, the gentleman from New Mexico [Mr. SKEEN], and all of the members of the subcommittee for the outstanding effort they have made in analyzing the variety of programs in this appropriation measure. I have already commented favorably on the subcommittee's recognition of the need for additional appropriations for nine Farmers Home Administration unsubsidized direct home loan mortgage programs, the 502 program, which is growing dramatically. It is helping to meet the needs of low- and middle-income Americans in small rural communities and rural areas.

Beyond that, this Member would say he thinks the subcommittee has taken the right step in effectively eliminating the district offices of the Rural Development Administration and returning those responsibilities to the Farmers Home Administration—hopefully, for the most part to the State directors of FmHA.

Second, this Member appreciates the restoration of $10 million to the cooperators program. Third, this Member thinks it is the appropriate step to appropriate at current levels for the market promotion program.

However, I would say I have great reservations and concerns about the way the subcommittee is proposing legislative language in the area of Federal crop insurance programs. But I realize that the Federal Crop Insurance Program is a program crying out for reform and richly deserving such reform.

Let me conclude by saying that my State, generally ranked fourth in agricultural production with a preeminent land grant institution, the University of Nebraska—Lincoln, had important research projects requests advanced by this Member before the subcommittee that were not included in this legislation. I regret that fact. I suspect that the subcommittee is looking ahead to the good efforts of the junior Senator from Nebraska [Mr. KERREY], a Member on the Appropriations Committee in the other body to advance the UN–L proposals, but I would say that the chinch bug research conducted by Kansas State University and the University of Nebraska—Lincoln, which this Member requested for continuation is a unique problem in parts of Kansas and Nebraska. A solution is extraordinarily important to our States. I hope it continues to be funded by the other body and sustained in the conference.

The variety of programs related to a food processing center, a research program emphasizing nonfarm industrial user for agricultural products, and continued research in the area of sustainable agriculture at UN–L are very important to the agricultural industry in my State and to farmer and agricultural processing, around our Nation. Yet, these applied research projects were not recommended by the subcommittee. I regret that fact and ask the House conferees to support initiatives from the other body on these specific proposals or programs.

Finally, I would make a point which I believe would be appreciated by all members of the Agriculture and the Appropriations Subcommittee. If you take a look at the total appropriation considered here, it is approximately $70.6 billion. Our urban colleagues and rural colleagues should remember that, incredibly, nearly four-sevenths of this total budget goes for the domestic and food programs at $39.4 billion. On the other hand, if you take a look at those appropriations directly related to agriculture, instead of $39.4 billion we are talking about a total of $22.4 billion. So the agricultural processing, production, and marketing programs today at $22.4 billion of the total $70.6 billion is a minority part of the dollars spent by USDA. This is a point of concern which is frequently advanced at the town hall meetings I hold. Farmers and agricultural processors want the critiques of USDA expenditures and all Americans to know that only a small part goes for what are directly considered to be the farm programs, while about four-sevenths of $39.4 billion of the total $70.6 billion appropriated in this bill goes to the Food Stamp Program and other domestic food assistance programs for Americans eligible for food assistance.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK], a new member of the Committee on Appropriations.

Mrs. MEEK. Mr. Chairman, I would like to thank Chairman DURBIN and the Agriculture Committee for the kind of bill that they have brought to the floor today.

Mr. Chairman, I rise to express my strong support for H.R. 2493, and in particular for the funding provided in the bill for the Special Supplemental Food Program for Women, Infants, and Children.

A recent study suggests that, in my own State of Florida, 114 more infant deaths would have occurred had the WIC Program not been in place. It is clear that WIC saves lives and gets babies off to a healthier start. This is a Federal program that works.

It should be our goal to reach as many WIC-eligible women as possible, and H.R. 2493 marks an important step toward full funding of WIC. Mothers or mothers-to-be should not go without help because of a lack of funds. I am pleased that the President has given this program a high priority, and I commend the committee for increasing WIC funding by $350 million. I urge all my colleagues to save more lives by supporting this bill. Vote for healthier mothers and babies.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I thank the gentleman for yielding the time. I want to add my congratulations to the chairman of the committee, my colleague, the gentleman from Illinois [Mr. DURBIN], and the ranking member, the gentleman from New Mexico [Mr. SKEEN], for the work they have done.

I would like to just point out the importance of agriculture. Too often we take our agricultural industry for granted. We have a great need to cooperate and to work together between the authorizing committee and the appropriating committee to do what is best for agriculture. We need to come together on a nonpartisan basis, and we

can do that, and have proven we can do that in the area of agriculture.

Agriculture is our basic industry in this country. We take it for granted because it is so strong and so productive. But we need to do things to make agriculture more productive, and I think this bill does that. We have to protect our agricultural industry so that we bring new, young members into it. And by the research and some of the programs involved in this appropriation committee we will be able to do that.

American agriculture is the best in the world. What we have to do is to be sure that we keep it that way, and we keep it strong and competitive with our competitors around this world.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to my colleague on the subcommittee, the gentleman from Florida [Mr. PETERSON]. He sat through all of the meetings in preparation for this bill, and he said when they were all over that he had never been more relieved, except the day that he was liberated from a POW camp.

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in strong support of this agriculture appropriation bill. This is a strong, bipartisan effort under the leadership of Chairman DURBIN and ranking member JOE SKEEN, and with the help of the committee's very able staff.

With the new leadership and several new members on the committee, there is a new direction, a direction driven by the new realities we find in the agricultural communities in America. The committee sought efficiency, productivity, and compassion in this bill. We want our farmers to be profitable as well as productive. We want the Agriculture Department to be efficient as well as instructive, and we want American families to be healthy and confident of the safety of the Nation's food supply and its medication.

This is a good bill, fiscally responsible with the mandatory programs driving the appropriations in past years.

I ask my colleagues to support this legislation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I just wish to advise the members of the subcommittee and also the Members of the House that later on when we get to title IV I will be offering an amendment that would strike the provision relating to the school lunch program.

Presently the law permits its use. Under the provisions in the bill, the school district would not have to provide whole milk for their children.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself 1 minute to respond to our colleague who is not here, the gentleman from New Mexico [Mr. SKEEN]. I just got word from him that he has been watching and has been satisfied so far. But I want to warn him that it has taken two of us today to fill his shoes as capably as we could, myself and the gentlewoman from Nevada [Mrs. VUCANOVICH]. If he thinks he is just going to lay off the job and we are going to do it, we will do it today, but not in the future.

In closing, we want to wish him a happy birthday tomorrow. He reaches that big age, and he catches up with me for a few months.

Mr. DURBIN. Mr. Chairman, I yield myself our final 1 minute.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, allow me to close this debate by just saying two things. First, I want to thank all of the staff who have been involved in preparing this bill. Many people who listen to the likes of Rush Limbaugh and other commentators believe we have armies of staff people working on these bills.

This is a $70 billion appropriation bill that was crafted by five professional staff people in our appropriations office. As I said before, it is almost three times the budget of my home State of Illinois, and five people working day and night for 5 months have put it together.

I want to thank Bob Foster, Tim Sanders, Carol Murphy, Denise Riley, and Toni Savia for their work as well as those on the Republican side, which I am sure the gentleman from Indiana [Mr. MYERS] will mention and acknowledge.

Let me say in closing that we have tried to make this process as open as is humanly possible, from the hearings on through to the markup, and we have done everything we can to give every Member an opportunity.

□ 1350

We have come to the floor without a rule so the minority has their chance to make any offerings they would like to make. But I would also like to implore all of my colleagues on both sides of the aisle to be reasonable in limiting the time for debate so that we can finish this bill at a reasonable hour and move on to other appropriation bills. In that spirit of cooperation, I think we can have the deliberation we need on this bill and really debate the important issues contained in it.

I would just say to the gentleman from Indiana that I know we have discussed this yesterday, but I think if we can have reasonable limitations on debate, each side will have a chance to state their position, and we can move on and allow the Members to vote.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Could we have an agreement before we get into the amendment process so that we have no misunderstanding about someone saying, "My amendment is more important that the one that you disallowed?"

Mr. DURBIN. Of course, as I understand it, I will have to ask for unanimous consent, or the gentleman from Indiana will, but I would like to try to at least limit to 30 minutes each amendment, 15 per side. I would also like to suggest some amendments may take less time and would like to encourage the Members to try to be as concise as possible.

Mr. MYERS of Indiana. Can we just have a lady's and gentleman's agreement that we will hold each one to 30 minutes, without having a unanimous-consent, and see how it works for a while?

Mr. DURBIN. Well, let us try that. I will be happy to. I hope that works.

Mr. MYERS of Indiana. Equally between the pro's and con's, maybe not because of Democrats and Republicans, but equally between those for and opposed?

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

Mr. DURBIN. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, my only concern is that if we have the gentleman's agreement about the allocation of time, we also have a gentleman's agreement about the allocation of that time between proponents and opponents of the amendment.

Mr. DURBIN. Certainly.

Mr. GUNDERSON. We do not want to give the committee all the time.

Mr. MYERS of Indiana. No.

Mr. DURBIN. No. That is understood.

Mr. McDADE. Mr. Chairman, I rise to speak in support of the amendment offered by the distinguished gentleman from Kansas.

The seven RDA regional offices were established to assist rural areas and small towns throughout the Nation in rural economic development and infrastructure. The offices were established with widespread support and much hard work and effort by members of the Agriculture authorizing committee, including strong support from our former colleague in the House, now Secretary of USDA Mike Espy, from both political parties and both House and Senate Members.

RDA is mandated in the 1990 farm bill. The seven regional offices authorized by law have only been operational for less than 1 year, certainly not enough time has passed to make a judgment on whether they should be suddenly closed before they are given a chance to work. We should avoid the mistake of suddenly closing all of the RDA regional offices improperly and without a careful evaluation by the authorizing committee, the Secretary of USDA, and most importantly by the public who need and use the services provided by RDA. This is clearly not the time and certainly not the right process or place to shut down the RDA. No congressional or public oversight

hearings were ever held by any of the committees of jurisdiction.

So far we have invested more than $20 million of the taxpayers' hard-earned money and transferred more than 246 dedicated Federal career employees to pay for and staff these offices. Action proposed in this appropriations bill will cause great hardship, dislocation, and cost burdens to people and small towns where the offices are located. It makes no sense either to be forced to pay extra dollars, estimated by the USDA budget office to be as high as $4 to $6 million in extra termination and relocation costs to do something which has not been properly evaluated.

The administration, including Secretary Espy, strongly opposes termination of RDA in this bill. The legislative provision which kills RDA funding to support the existing regional offices also preempts the authorization committee and the Secretary's right to determine how USDA is to be managed and organized.

These new regional offices if closed by this bill will set improved regional planning and better quality rural economic development projects now underway and in the pipeline back, and as well increase costs and redtape burden.

The RDA was established with significant public support to help close the economic disparity between the Nation's rural and urban areas and to incentivize economic and job development opportunities and to stem the tide of steady and devastating migration of rural population to the cities. It is just now starting to work in improving the rural economy by creating jobs, maintain and attract businesses, and provide services comparable to those available in urban areas. RDA regional offices are helping small towns and rural remote villages to stabilize their economies, and we very much need to support and maintain that commitment and effort.

I strongly seek the support of all of my colleagues to vote "yea" on the amendment to strike section 722 offered by the distinguished ranking minority member of the authorizing committee and to give RDA a fair chance.

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 2493, the Agriculture and Related Agencies Appropriations Act for fiscal year 1994. I support this bill because it provides much needed funding for several programs important to my district. For example, the committee provides report language to assist the Southern Kentucky Rural Economic Development Center in receiving a grant for a telecommunications facility to provide education and training services to my district. In addition, the bill includes $39.5 billion for domestic feeding programs, including a 12 percent increase in funding for the Women, Infants, and Children (WIC) program. A 15 percent increase is also provided for rural water programs critically needed to bring clean water to my area.

Mr. Chairman, while I will support the bill because of these and other important programs, I strongly object to anti-tobacco provisions included in the bill. These provisions amount to nothing less than an all out assault against the over 100,000 family farmers in Kentucky which rely on tobacco for their livelihood.

H.R. 2493 prohibits employees of the Department from taking any action to aid in the sale of tobacco abroad. This is grossly unfair Mr. Chairman. My farmers pay the taxes which fund the Department of Agriculture, and they rightfully expect the same treatment that other farmers receive. To deny them the services their tax dollars pay for is an injustice.

In addition, H.R. 2498 prohibits tobacco growers from using the Market Promotion Program. Let me clear up the misunderstanding many of my colleagues have about tobacco and the Market Promotion Program. This is a program to build U.S. exports in areas where the United States has suffered from unfair competition in foreign markets.

Proponents of these prohibitions want you to believe this is a health issue, but it is not. It is solely a competitiveness issue. Eliminating tobacco from the Market Promotion Program and prohibiting USDA to offer services to tobacco farmers will not decrease tobacco consumption abroad. The fact is the United States grows less than 10 percent of the world's tobacco. These prohibitions will only undercut U.S. farmers in international markets and allow our foreign competitors, such as the European Community which subsidizes tobacco by almost $1 billion, to grab the international market. Once again, the United States will lose its position in the international market for a critical commodity which contributes almost $6 billion surplus to our balance of trade.

These provisions help no one, but hurt hundreds of thousands of American farmers and workers, numerous States which depend on this important revenue, and the Nation as a whole which benefits from the trade surplus tobacco generates. The impact on my State would be tremendous—over 160,000 families derive income from tobacco and tobacco contributes over $2 billion to Kentucky's economy. My State and our Nation, cannot afford to lose this important revenue.

My colleagues, American jobs and American competitiveness are at stake, and I am deeply disappointed that my colleagues voted to include these provisions in this bill. However, I will continue my fight to stop the anti-tobacco forces in Congress from taking away money and jobs from my constituents.

Mr. KYL. Mr. Chairman, there are some good things in the fiscal year 1994 agriculture appropriations bill: funding for child nutrition programs; the Women, Infants, and Children (WIC) program; food donation programs; and the Emergency Food Assistance Program.

These are the kinds of programs that are targeted to those who are most in need. They are the kinds of programs we ought to be supporting.

I want to commend the committee, too, for recognizing that such food and nutrition programs can provide a vital link in educating low-income families about the importance of immunizing their children. The committee calls for making immunization education part of nutrition education and health counseling.

Funding is also included in the bill for the extension service, which provides instruction and practical demonstrations in agricultural and home economics and related subjects. The service provides nutrition training in impoverished areas.

The problem, however, is not only that the good in the bill is outweighed by the bad, but that the good is actually overwhelmed by the bad.

Domestic food programs, for example, are slated for a net increase in funding of about $1 billion, or just 2.7 percent over fiscal year 1993. The extension service gets just a $5 million increase, or 1 percent over fiscal year 1993. While these good programs squeak by with increases not even large enough to compensate for inflation, farm subsidies and pork get generous treatment.

Funding for the Commodity Credit Corporation will jump nearly $9 billion. That is an extra $9 billion just to pay for losses sustained as a result of supporting certain crop prices.

Taxpayers take a double hit. First, when they pay their tax bills; then a second time when they go to the grocery store to feed their families. For the needy, food stamps do not go as far when grocery prices are inflated by Government price support programs.

The price of peanuts and peanut products is a good example, and one that is dealt with specifically in the Appropriations Committee's report. The Government has to buy peanut products for its food assistance programs at the Government-set, quota support price rather than at the lower world market price.

According to the General Accounting Office [GAO], that cost taxpayers an extra $14.4 million in 1990 alone—just for peanuts; just for Federal food assistance programs.

But, that's nothing compared to what consumers across the country pay as a result of the Federal Government's peanut program. The GAO estimates that consumers pay half a billion dollars extra—that is an additional $500 million—in Government-inflated peanut prices when they do their grocery shopping. And, that is only for peanut products. Prices of rice, sugar, honey, wool, and wheat are also inflated by the Government.

The committee calls on the USDA to submit legislation to allow it to buy peanut products for domestic feeding programs at lower world prices. But, if the Federal Government needs the relief, what about the rest of the American people? Why the disparate treatment?

Mr. Chairman, the bill earmarks nearly $90 million for special research grants, and buildings and facilities of the Cooperative State Research Service. There is funding for fairy goat research, cranberry research, and blueberry research to name a few. These are all programs which are not specifically authorized. Even President Clinton, in his "Vision of Change for America," criticized such earmarks, suggesting that many of these research projects should be undertaken and financed by the agribusinesses that directly benefit from them.

The bill includes $147 million for the Market Promotion Program [MPP], a program which helps promote agricultural exports abroad. Promoting exports is a good thing. The question is, do the taxpayers really need to subsidize the activity?

According to the State Regional Trade Groups, a coalition of private, non-profit international trade development organizations, the exports of companies participating in its branded programs jumped $219 million, or 25 times the total amount of MPP funds those companies received. Proponents argue that that is the very reason to support MPP funding.

But, that is the very reason I question whether the taxpayers need to be involved at all. Can anyone tell me that if the Government stopped funding the program, that any company would not still jump at the chance for a $25 return on every dollar of advertising or promotion spending? I can't believe the industry would forego that kind of return.

Mr. Chairman, if we can't even cut spending on programs like these—the special research grants, the price supports, the Market Promotion Program—we'll never be able to make a significant dent in the budget deficit.

We have got to begin distinguishing between our needs and our wants. We need to help the hungry; we have to do our best. But in a time of $300 billion budget deficits, I don't think it's asking too much for the agricultural industry to bear its own costs.

Moreover, Mr. Chairman, we can't continue to inflate food prices, and then try to compensate with modest increases in funding for food programs for the needy. It is a cycle that just can't be sustained, and it's one that hurts people in the process.

I intend to vote against this bill.

Mr. KILDEE. Mr. Chairman, H.R. 2493, the Agricultural appropriations bill, contains funding for a program which is essential to our efforts to combat hunger among our Nation's children. The Special Supplemental Food Program for Women, Infants, and Children, or WIC, has proven itself as an effective weapon in fighting malnutrition in pregnant and postpartum women and their infants and children.

At a time when every fifth child in America lives in poverty, and nearly half of all minority children are poor, expanding WIC's reach is not just a good idea—it is a necessity. For the past 2 years I have sponsored legislation entitled the "Every Fifth Child Appropriations Act" which is designed, in part, to provide full funding for WIC by the end of fiscal year 1996. H.R. 2493 includes a $350 million increase for WIC. If we commit ourselves to addressing the needs of hungry infants and children at this level over the next 3 years, we will indeed achieve full funding by the end of 1996.

This level of funding reaffirms the President's commitment to this program and is consistent with the budget resolution and the discretionary caps and is within the Agriculture Subcommittee's allocation.

The value of WIC is well documented. As the first line of defense against low birthweight, it plays a vital role in preventing infant mortality. A new study released this past May by the U.S. Department of Agriculture found that in 1988, WIC averted 114 infant deaths in Florida and 320 in South Carolina. These are not just numbers; they are lives saved.

Good nutrition provided through WIC is also very important for ensuring that children's cognitive development is not interrupted and that they enter school ready to learn. A study released by the Food Research and Action Center [FRAC] in collaboration with the National Center for Chronic Disease Prevention and Health Promotion found that WIC participation reduces anemia among preschool children. The negative affects an anemia on a child's ability to learn include shortened attention span, irritability, fatigue, delayed motor development, decreased ability to concentrate, impaired memory, and the ability to combat infection is decreased. The FRAC study found that WIC participation among 3-year olds reduces the anemia rate by 17 percent and 20 percent among four-year olds.

WIC is also proven to be very cost effective. Every dollar spent on a pregnant woman under WIC saves between $1.92 and $4.21 in Medicaid costs. The problem with WIC is that it currently serves only 60 percent of those eligible.

This program is a sound financial investment for this country in terms of money saved and human potential realized, but for a Government whose role is to promote, protect, defend and enhance human dignity, it is also a moral obligation, and I strongly support the funding level contained in H.R. 2493.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 2493, the Agricultural Appropriations bill for fiscal year 1994. I want to thank my colleague, subcommittee Chairman DICK DURBIN, for putting together a good bill which recognizes some very important needs in my district.

The Appropriations Committee has included report language instructing the Department of Agriculture to give high priority to a number of water projects, including one in my district to use water from Lake Shelbyville to serve farming communities across several counties across central Illinois. In just a matter of months, and with the committee's assistance, there has been tremendous progress toward developing a water system which will alleviate severe supply and distribution problems for farmers and other rural residents in this area. The directions in this report will help move the process forward and make a dramatic improvement in the quality of life in that part of my district.

The committee also looked favorably upon a request for an investment in canola oil research. This is an investment in developing a domestic resource which is in growing demand from consumers. Canola oil production works well as a rotation crop with soybeans and as an alternative to winter wheat. With this investment, we can provide additional income for farmers and health benefits for all Americans.

Coming from a rural, farming district, I could go on at length about other important provisions of the bill, but I believe the committee members have done that sufficiently. Suffice to say that I believe this bill moves our agriculture and rural development programs in the right direction, and I wish to thank all the committee members who took time to meet with me to discuss the concerns of the 19th District.

I urge adoption of the bill.

Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 2493, a bill providing appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies for fiscal year 1994.

I want to commend and thank Chairman DURBIN and the Agriculture Subcommittee's ranking minority member, Mr. SKEEN, for their steadfast support of our Federal Nutrition programs for our Nation's children and elderly.

In particular, I was pleased to learn that the bill recommends current law level funding for the child nutrition account's schoolbased feeding programs and modest increases for the account's educational and training activities.

We are all well aware that the subcommittee has always assigned funding for the Special Supplemental Food Program for Women, Infants, and Children [WIC] its highest priority. I was very satisfied to note that while the Subcommittee responded to our common desire to see the program extend its benefits to a greater number of participants, it did not do so by throwing money at the program and jeopardizing the administrative stability that has characterized it.

In closing, I again extend my thanks to our Appropriations Committee for its continued support of our nutrition programs.

Mr. FRANKS. Mr. Chairman, I rise today to oppose H.R. 2493 the fiscal year 1994 Agriculture appropriations bill. I feel that in these tough fiscal times, I cannot support legislation that will augment the deficit.

Mr. Chairman, before I begin my criticism of this bill, I would like to state that I do support the child nutrition programs and the WIC [Women, Infants and Children] Program. I believe that these are valuable programs and that the funding in title IV of the bill adequately meets its goals while not overburdening the deficit.

However, I cannot say the same for the rest of H.R. 2493. I was absolutely appalled to learn this bill will provide $17.7 million to continue funding the National Agricultural Library in Beltsville, MD. With a $4 trillion deficit, do we really need a $17.1 million agriculture library? Unfortunately the pork doesn't stop here. We will spend another $12.2 million on something called the Packers and Stockyard Administration, that's a real fancy name for bringing home the bacon.

Mr. Chairman, these are just prime examples of wasted Federal resources. Too many programs and agencies that served there purpose or fulfilled their mission years ago continue to burden the budget. The Rural Electrification Administration certainly comes to mind. The new deal certainly helped us out of the Great Depression, but its archaic programs are going to continue to keep us in recession and in debt.

I believe it is time for the Congress to recognize that we have limited Government resources, and we must learn to appropriate these scarce resources in a way that best helps the American people. The American public is tired of business as usual, we need to put an end to it.

Mr. Chairman, in closing I believe a vote for this bill is a vote for bigger deficits, for bigger spending, and for bigger government. I urge my colleagues to vote in favor of the Myers motion to recommit this legislation with instructions to reduce expenditures by 5 percent. This motion would save the American taxpayers approximately $3.5 billion. Finally, Mr. Speaker, I recommend a "no" vote on final passage of the bill.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 2493, the fiscal year 1994 Agriculture, Rural Development, FDA, and Related Agencies appropriations bill. I commend Chairman DURBIN, the ranking member of the subcommittee, Mr. SKEEN, and the members of

the subcommittee as well as the subcommittee staff for the hard work and long hours that went into crafting this bill.

On the whole, H.R. 2493 is an excellent bill that provides funding for many critical programs in the U.S. Department of Agriculture. This year has been very difficult for all the appropriations subcommittees and the Agriculture Subcommittee was no different. Considering the shrinking budget and limited resources available to the subcommittee, H.R. 2493 is balanced and fair.

ALTERNATIVE PEST MANAGEMENT RESEARCH

I want to highlight certain provisions of the bill which benefit agriculture in northern California. H.R. 2493 continues efforts to construct two new alternative pest management research facilities in association with the University of California at Davis and at Riverside. These facilities are badly needed to develop alternatives to pesticides currently used to combat insects, plant diseases, and other organisms that harm production.

Phase I of the project will construct an 18,000-square-foot laboratory at University of California-Riverside to accelerate research leading to the development of biological and other natural pest controls. Phase II of the project will construct a 39,000 square foot facility on the University of California-Davis campus to support research in environmentally compatible pest management strategies, parasitoids, bioengineering, genetically altered organisms, and other crops, fruits, nuts, and vegetables.

As you know, Mr. Chairman, the National Academy of Sciences just released a study which states that the health effects of pesticides on children is understated since risk studies are based on adult dosages. This study does not mean that the food supply is unsafe. Rather, it means that we can do better to make food safer. The alternative pest management research facilities being funded in this bill will be an integral part of the effort to develop a safer food supply.

METHYL BROMIDE

This bill also enhances the country's efforts to find an alternative to methyl bromide, a pesticide which is used extensively by the agriculture industry. Methyl bromide is perhaps the most effective and important chemical available to protect a variety of crops from viruses, fungi, insects, nematodes and weeds. Methyl bromide is scheduled to be eliminated from the marketplace by the year 2000 as it has been designated as an ozone depleting chemical. Unfortunately, viable alternatives are just not available. Enhanced research into methyl bromide alternatives is urgently needed to find a replacement for this important and pervasive tool of the agriculture industry. The bill provides $8 million toward this end.

GRAPE PHYLLOXERA RESEARCH

Mr. Chairman, I also support the $200,000 provided for grape phylloxera research. With this funding, the committee has recognized the critical need to continue supporting research into phylloxera, which is a worm-like pest that is now devastating the California wine industry in Napa and Sonoma Counties. The committee has been very supportive of industry efforts to find a way to combat the phylloxera outbreak which threatens as much as 70 percent of grapevine production. I am greatly encouraged by this funding support and believe it will significantly help the California wine industry find an answer to the phylloxera outbreak.

MARKET PROMOTION PROGRAM

Mr. Chairman, the Market Promotion Program [MPP] has been extremely successful in enhancing agricultural exports overseas and increasing farm incomes here at home. American agricultural exports account for about $40 billion in annual sales. Agriculture provides a positive balance of payments in the U.S. trade account of approximately $17 billion. Future growth in U.S. agriculture will depend on export growth. Expansion of agricultural exports is critical for related sectors of the economy.

It is no secret that other countries have far more significant barriers to trade than the United States does. We should not ignore this fact. Our Government has a role to play in helping U.S. businesses compete and win in the international marketplace, and the MPP is a tool that has been used successfully for this purpose.

The House has already passed a permanent reduction of the MPP program as part of the budget reconciliation bill. The farm bill authorized level is $200 million. The House reconciliation bill reduced the authorized level to $147,734,000—a $53 million reduction. So MPP has given its share of cuts for deficit reduction.

I recognize that the MPP has generated a certain amount of controversy, and the committee has taken steps to address concerns about the program. MPP funds are matched on a 1-to-1 basis. Products supported must be predominantly grown or manufactured in the United States. In addition to these existing requirements, the committee has included report language steering the program to concentrate, to an even greater extent, on small and medium-sized businesses, and new-to-export participants. Further, the committee report supports requiring larger companies to provide matching funds in excess of 50 percent. I encourage my colleagues to support the MPP program at the level included in the bill.

WOMEN, INFANTS AND CHILDREN

Finally, Mr. Chairman, I want to congratulate the committee for their strong support of the Special Supplemental Food Program for Women, Infants, and Children [WIC]. This year, the committee increased WIC funding by $350 million. WIC provides critical nutrition and health benefits to low-income pregnant women and young children. These benefits reduce infant mortality, avert low weight births, and help ensure that our Nation's needy children can learn in school and reach their full potential. And, WIC saves money. Each dollar invested in WIC's prenatal component saved between a $1.77 and $3.13 in Medicaid costs.

Overall, Mr. Chairman, H.R. 2493 is a strong bill for America. It continues support for our largest domestic industry, while rearranging spending priorities to meet the dynamic needs of our society at large. It is a fair and balanced bill, and I urge my colleagues to give it their support.

Mr. GORDON. Mr. Chairman, I would like to call the House's attention to an amendment that I wished to offer to H.R. 2493, the Department of Agriculture appropriations bill today. I was not able to have my amendment considered because it would have been a limitation on spending that cannot be added to this bill at this time.

I trust that the Agriculture Committee and the administration will look at the issues that I have raised and take action quickly.

My amendment would stop the double subsidy that some farmers receive in the form of price support payments for crops grown on land they lease from the Federal Government.

Each year, the Federal Government leases over half a million acres of land to farmers, usually at bargain rates.

Some farmers are enrolling this land in Federal price support programs which guarantee a support price for surplus crops or pay these farmers not to grow crops on this land.

For example, one farmer in my district leases 221 acres of Federal land for approximately $1,600 per year. Meanwhile, he takes in $5,900 per year for enrolling in the crop subsidy program. He's making a net profit of $4,300 per year before he even lifts a finger.

What this farmer is doing is allowed under current law—but it simply does not make sense as a use of taxpayer dollars.

From 1956 until 1974, this type of double dipping was prohibited by Executive order of the President.

However, the policy was reversed in 1974, and the taxpayers continue to subsidize this waste of Federal dollars today.

It is simply not a sound investment for the Federal Government to pay farmers not to grow crops on its own land. It does not make sense to grow surplus crops on Federal land. It does not make sense to lease land for as little as $5 an acre and then pay 5 or 10 times as much not to have certain crops grown on that land.

My amendment would prohibit any funds appropriated in this bill to be used to make commodity program benefits payments to a producer for a commodity grown on land leased from the Federal Government.

This language would not affect crops already in the ground. Nor would the amendment affect land on Indian reservations.

The General Accounting Office found that taxpayers funded almost $4 million in similar double subsidies in the 1988 and 1989 crop years on land leased to farmers by 10 different Federal agencies.

By changing the management of price support programs and agency lease agreements, we can save at least $1.7 million per year.

Record yields are expected on program crops this year, forcing prices down and the cost of Federal subsidies up, meaning this double dipping will cost us even more than usual this year. We simply cannot afford this type of double subsidy.

In its report, the GAO pointed out that as land and crop conservation programs remove large amounts of private land from production, it makes no sense to produce income-supported crops on Government land.

In its own report 11 years ago, the Agriculture Department said this is not sound agricultural policy.

But nothing has been done to stop this squandering of taxpayer dollars.

The GAO study told about a farmer who leased 275 acres of Federal land for $1,400 in

1990 and then received $5,000 from the Government for not growing feed grains.

In another case, a farmer leased 375 acres for $50 a year, a pretty good rent. He planted 125 acres, but he got paid $23,000 for not planting feed grains on the rest.

Getting the Federal budget deficit under control calls for eliminating waste and cutting unnecessary programs. As we look for ways to cut spending and streamline Government, we must make sure a policy's benefits outweigh its costs.

My amendment simply says that if a farmer wishes to lease Federal land, that's fine—we hope he has a successful crop. But we just want to insist that this farmer not grow a crop that is in surplus and thus receives Government price supports. It only makes good sense.

I hope you will agree that it is time to stop this double subsidy that is wasting taxpayer dollars, and I look forward to working with my colleagues in the Congress and in the administration to stop this practice.

I ask that the text of my amendment be printed in the RECORD following my statement.

AMENDMENT TO H.R. 2493, AS REPORTED
OFFERED BY MR. GORDON OF TENNESSEE

Page 30, after line 22, insert the following new paragraph:

SEC. 727. None of the funds made available in this Act may be used to make any commodity program benefits under the Agricultural Act of 1949 available to any producer for a crop year for a commodity grown on land owned by and leased from the United States if the Secretary of Agriculture has announced an acreage reduction program for such commodity. This section shall not apply to any producer if the Secretary of Agriculture entered into a contract to make such benefits available for such commodity for such crop year under the Agricultural Act of 1949 before the date of the enactment of this Act. This section does not apply to lands held in trust for any Indian tribe or lands held by an Indian subject to a restriction by the United States against alienation.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of H.R. 2493, the Agriculture appropriations bill. I am particularly supportive of the Appropriations Committee's decision to provide increased funding for natural resource conservation programs. The bill increases funding to the Soil Conservation Service and the Agriculture Stabilization and Conservation Service which both administer valuable conservation programs. This bill allows the Department of Agriculture to continue to play an important role in preserving our precious lands and resources.

The district I represent, Marin and Sonoma Counties in California, is home to numerous farmers, ranchers, dairymen, and landowners, as well as many grapegrowers who contribute to the production of world-famous Sonoma wines. They are quick to praise the Soil Conservation Service for providing them with critical technical assistance, which enables them to use and conserve their land in ways that are in harmony with the land's capabilities. It is evident that the farmers in my district are interested in meeting their production goals in an environmentally responsible manner.

I would also like to commend the Appropriations Committee for continuing to fund natural resource programs and loan programs as they have in past years, instead of combining them under one agency. I agree with the farmers in my district who express great concern that the natural resource programs vital to their success would be lost in an agency that also operates loan programs. Although many farmers agree that the USDA is in need of reform, I believe it is of the utmost importance that the USDA maintains a strong conservation and environmental focus.

Mr. Chairman, I urge my colleagues to vote in favor of the Agriculture appropriations bill which allows landowners to protect the Nation's natural resources, while producing a safe and abundant supply of food and agriculture commodities.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, $2,320,000: *Provided*, That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the Secretary may transfer salaries and expenses funds in this Act sufficient to finance a total of not to exceed 35 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, $553,000: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,954,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $808,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $135,503,000, of which $30,804,000 shall be retained by the Department of Agriculture for the operation, maintenance, and repair of Agriculture buildings and for non-recurring repairs as determined by the Department of Agriculture, and an additional $19,700,000 shall be retained by the Department of Agriculture for renovation and repair of facilities at the Beltsville Agricultural Research Center: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 per centum of the funds made available for space rental and related costs to or from this account.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $940,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,802,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, Administrative Law Judges and Judicial Officer, and Emergency Programs, $26,301,000, for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, $1,333,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the

coordination of information, work and programs authorized by Congress in the Department, $8,629,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins: *Provided*, That none of the funds in this Act may be used to produce part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $478,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $65,932,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $26,149,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $589,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, $57,702,000; of which $500,000 shall be available for investigation, determination, and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, $82,069,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $2,582,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $569,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901-5908), $7,250,000 is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $688,805,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome, Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $29,387,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That facilities to house bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 13, line 15, strike "$29,387,000" and insert "$26,487,000".

Mr. GOSS. Mr. Chairman, This amendment would simply strike $2.9 million from the USDA agricultural research service's buildings and facilities account. This is the amount that is recommended on page 28 of the committee report for the relocation of the USDA/ARS lab currently situated in Orlando, FL. Even though this is a Florida project, I am offering this amendment because, as best I can tell, this change of location project is just not ready at this time. It's not ripe. Before we spend this money for this important research investment, we need to complete the investigation of the best site.

The issue here is quite simple: There is currently an ARS station in Orlando that, according to USDA, is no longer viable because the facility "is within the city limits, has urban encroachment, lacks adequate field plots * * * is antiquated, and lacks facilities needed for State-of-the-art research." I know some members of the Florida delegation would disagree with that finding. In seeking a new ARS site in Florida, the USDA stated that the mission of the new lab would be expanded beyond citrus research—the new lab would study winter vegetables, ornamental plants, and environmental issues of subtropical agriculture, all good worthy purposes as far as Florida is concerned.

So in good faith, farmers from all over Florida set out to proceed through a process of site selection with the USDA—until that process broke down to the point where today, this Member and the people he represents are still without detailed answers and specific response from top USDA officials as to just how their site selection decision has worked. There is a very strong feeling among some parties involved that they were not given an equal hearing to make their case for their proposed sites.

In fact, the consensus of farmers and growers in my district in southwest Florida is that the site tentatively selected will not be able to fulfill key research goals. Instead of being a valuable asset to Florida and other subtropical farming regions, this new facility will likely be limited by its location—in Fort Pierce—to citrus research and constrained by expected commercial and residential development in the area.

Questions to the Department of Agriculture concerning both the Fort Pierce site and the site selection process remain unanswered despite continued queries from local farmers, news media, and my office.

I am not here today to add to an intra-Florida dispute. I'm here to stop one. I raise this amendment as an urgent plea to those involved in determining locations of USDA facilities to be fair and to operate in the sunlight. We'd like some specific answers. Without answers and without a chance for an equal-time fair hearing, southwest farmers/growers have come to the unpleasant conclusion that the site selection for the new ARS lab was based on flawed information. And, given that conclusion, they believe the project would be better if left unfunded until the process can be re-evaluated. This amendment will not harm Florida. The current lab remains in Orlando. It will benefit our State, research, USDA, farmers, growers, and eventually consumers—by giving us a chance to analyze the best place to get the strongest return on our 2.9 million dollar investment.

Mr. Chairman, I think we ought to have a process of reconsideration, and to those concerned with this legislation, I would be happy to say that I would be very glad to withdraw this amendment if I could get some assurance that the USDA would be willing to have an opportunity for those who feel they have been left out to be included in the process to be sure a fair conclusion was reached.

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

Mr. GOSS. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, the gentleman's request is reasonable, and I think I would be willing to state on the record at this point that I will work with the minority leadership as well to set up meetings with the appropriate USDA officials so that people in the communities affected have a chance to understand the thinking behind this decision and to state their concerns and give that opportunity for a hearing.

Mr. GOSS. Mr. Chairman, I thank the gentleman for that assurance, because along with that assurance and the very kind help we have had from our colleagues from Florida who are on the appropriating and authorizing committees, the gentleman from Florida [Mr. LEWIS] and the gentleman from Florida [Mr. PETERSON], we have good assurances, but we have not gotten the action.

I think with that extra assurance I am satisfied we can go forward and provide a reasonable explanation.

I do not know how this is going to come out. That is not my job. I want to make sure that the equal opportunity hearing process is there, and the gentleman has assured me on that point.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $171,304,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $18,809,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $28,157,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; $50,070,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $114,000,000 for competitive research grants under section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)), including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; $2,168,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); $400,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $1,000,000 for a higher education minority scholar program under section 1471(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)), including administrative expenses; $4,000,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; $6,825,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; and $20,827,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $10,550,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for

employment under 5 U.S.C. 3109; in all, $428,586,000.

AMENDMENTS OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I will ask unanimous consent to offer en bloc amendments, which are at the desk, which combine the separate amendments pertaining to the special research grants on page 14 and the building and facilities on page 17.

□ 1400

Mr. Chairman, I have two separate amendments which I could proceed with, but it would be much easier for all of us if I simply combined the two.

Mr. Chairman, I ask unanimous consent in that regard.

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

Mr. DURBIN. Mr. Chairman, reserving the right to object, I reserve that right only in an effort to have the gentleman agree with us on a limitation of time of debate. We had talked about 30 minutes, total, 15 minutes to each side. If the gentleman would agree with that limitation, I would remove my reservation of objection.

Mr. FAWELL. Mr. Chairman, if the gentleman will yield, I think that is a reasonable request.

Mr. DURBIN. Mr. Chairman, I withdraw my reservation of objection.

Mr. Chairman, is my unanimous-consent request in order to limit the time of debate on these amendments offered en bloc, and all amendments thereto, to 30 minutes, 15 minutes for the gentleman from Illinois [Mr. FAWELL] and 15 minutes in opposition?

The CHAIRMAN. The Chair would inquire first: Is there objection to the request of the gentleman from Illinois [Mr. FAWELL] to consider the amendments en bloc?

There was no objection.

The CHAIRMAN. Next, is there objection to the request of the gentleman from Illinois [Mr. DURBIN] to limit the time for debate on these amendments to 30 minutes?

There was no objection.

The CHAIRMAN. Without objection, the amendments offered en bloc are considered as read.

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. FAWELL: Page 14, strike line 25 and all that follows through the semicolon on page 15, line 2.

Page 16, line 24, strike "$428,586,000" and insert "$378,516,000".

Page 17, strike lines 1 through 9.

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Illinois [Mr. FAWELL] is recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

Mr. FAWELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I am offering this amendment, along with the gentleman from Minnesota [Mr. PENNY], on behalf of the porkbusters coalition to eliminate earmarked funding in the agricultural appropriations for 100 cooperative State research service projects totalling approximately $88 million.

The porkbusters have sought elimination of these grants before. As in previous years, we primarily object to the fact that none of these projects are specifically authorized by law. This year we have a new porkbuster trying to cut these projects, and we welcome him; he is the President of the United States.

Please let me read to my colleagues what President Clinton said about these grants earlier this year in his budget, in the section about "Programs that Should be Eliminated."

I quote:

USDA/Cooperative State Research Service earmarked research grants. Congressional earmarking of CSRS research funding has increased in recent years. These grants were not peer-reviewed, competitively awarded or specifically authorized. And many of the research projects funded could be financed by agribusinesses that benefit from the research.

The President goes on, and I quote:

The USDA/CSRS earmarked facilities construction. The CSRS buildings and facilities account has become a main example of congressional earmarking of scarce Federal research dollars. The projects funded are often not high national priorities and would be better funded by States or agribusinesses that directly benefit from them.

Mr. Chairman, I could not have said it any better.

Our amendment eliminates 71 earmarked special research grants totalling over $50 million, including: $250,000 for wool research; $750,000 for potato research; $187,000 for small-fruit research; $185,000 for low-bush blueberry research.

We also eliminate all 29 buildings and facilities earmarked, totaling $37 million, including $2.3 million for the Center for Food Marketing at St. Joseph's University.

None of these earmarks, to the best of our knowledge, has been requested by the administration; none has, I can say that definitely, none has been requested by the administration.

If the Committee on Appropriations, Mr. Chairman, is going to earmark specific projects, then we believe they should be specifically earmarked, earmarked for funding by the authorizing committee, the agriculture authorizing committee.

These rules assure that projects will be carefully considered by Congress and taxpayers' funds will not be wasted. None of these 100 projects has a specific authorization.

Mr. Chairman, opponents of this amendment will try to argue that these grants are authorized. In fact, the 1990 farm bill gives the Secretary of Agriculture, the authority to make grants. The bill does not specifically authorize any grants at any location. The Secretary of Agriculture, not Congress, not the Committee on Appropriations, is given the authority to select what grants are made.

Further raising our suspicions about these projects is that they are all earmarked in the committee report for specific locations. The porkbusters coalition is a bipartisan group of 72 Members of Congress and 11 taxpayer organizations. I cannot stress the following point enough: We do not question the merits of these projects. We are questioning the way in which they are being funded in violation of established procedures.

Opponents of our amendment will argue that we do not need to cut $87 million from the bill because the bill is already under the President's request. But as has been pointed out, this bill is $10 billion more in budgetary authority over the 1993 appropriated level.

Mr. Chairman, I know that a cut like this is hard for all of us when there is a project affecting our area or our State. But if we cannot cut earmarked spending in an appropriations bill such as this $87 million or $88 million that has not been authorized, we shall never, I think, begin to win back the confidence of the people of this country.

Mr. DURBIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized for 15 minutes.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment offered by the gentleman from Illinois.

The gentleman usually comes to the floor to oppose this spending, under the guise that it is unauthorized. He cannot do that today. All of the spending which the gentleman seeks to strike with his amendment is authorized spending.

So the gentleman has now changed his approach. He is saying it is not specifically authorized. In other words, there is not a specific dollar amount authorized in law.

I will concede in most cases that is true. What we have done, through the Agriculture Appropriations Subcommittee, is to work with the universities and affected entities to make certain that the dollar amounts put into research are reasonable amounts of money. I think the gentleman's approach is extremely, extremely shortsighted. If you picked up the morning newspaper, yesterday or this morning, you will find headlines suggesting this: "Pesticide risk may be higher in children," in the Washington Post. In the Wall Street Journal, "Pesticide Use Would Be Cut Under the U.S. Plan."

Ladies and gentlemen of the House, the largest single area of agriculture research that will be cut by the gentleman's amendment is on the use of agricultural chemicals. We are trying,

through the subcommittee, to take very seriously the health risks being imposed on American citizens, particularly on children, from agricultural chemicals.

What the gentleman is attempting to do is to cut that research. He suggests we have not done it his way. I would suggest to him we have followed the law, we have followed the authorization language. Over one-third of the research grants in this package were requested by the U.S. Department of Agriculture. All of the grants are authorized. The funding level of $50 million on the actual research is more than $23 million below last year's appropriation.

If you go through these, as the gentleman has, you may find some funny names of agricultural research projects like pink bollworm. All of these sorts of things bring giggles to some people when they think about money being spent for these purposes. I would tell you that each and every one of these is deadly serious.

When we went after the pink bollworm problem that affected the cotton crop in California, we literally saved truckloads of agricultural chemicals from being applied in connection with this past.

□ 1410

The people in California can be grateful for that research effort. It was money well spent.

I would say at this point that all Members should take very seriously our responsibility to reduce the deficit, but I urge them to understand this is authorized. We are below last year's spending and we should defeat the gentleman's amendment.

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

Mr. DURBIN. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I rise in opposition to the amendment. I strongly oppose this cutting amendment of the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the Fawell amendment. This amendment strikes over $87 million in spending from the bill for 100 special research grants and buildings and facilities of the Cooperative State Research Service. These projects are not specifically authorized by law and in all but a few cases were not requested by the President. Our porkbusters legislation has for the last 3 years sought to rescind previously appropriated funding for these projects.

Mr. Chairman and colleagues, many of these projects are meritorious and deserve funding and others probably should not be funded. Since these funds are not awarded on a competitive basis after peer review we can not be entirely certain about the nature of the projects funded. Elsewhere in the bill funds are made for competitive grants and, I suggest, that these funds, if eliminated by this amendment, could be transferred to the competitive grants program when the bill is in conference.

The President himself included these earmarks in his spending reduction recommendations and suggested that they could be funded by agribusiness or others. And of the 71 special grants, only 9 were requested by the administration, and the administration requested no—zero—funding for the building and facilities account.

If these projects deserve funding, let them compete openly for funding. Today, by passing this amendment we can take a step to end earmarking of research grants and reduce the deficit at the same time.

Mr. Chairman, I urge support of the amendment.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the Fawell en bloc amendments.

First, I want to point out we are not trying to pull a fast one on the authorizers. This year the subcommittee instituted a performance evaluation criteria to gather more information about the need for the research, its estimated cost to the Federal Government, scientific endorsement, and to eliminate duplication if similar research is being done elsewhere.

Second, in his "Dear Colleague" the gentleman mentions that the President wants to eliminate many of the earmarked research grants. I would like to point out that the amount of funding for discretionary funding in this bill is $160 million less than the President requested.

The moneys in these accounts provide funding for important research projects such as water quality, climate change, low-water tolerance landscaping, and research in biochemistry and biology. Many of these projects are at smaller universities that otherwise could not compete with the resources at the larger, more prestigious schools. One of the effects of the gentleman's amendment would be to directly disadvantage smaller institutions.

The projects the gentleman is arbitrarily striking are very legitimate, needed projects. I urge my colleagues to defeat the amendment.

Mr. FAWELL. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois [Mr. FAWELL].

It is fairly early in the appropriations process, but to be honest we seem to be more ready to look at the prospect of cutting than I have seen in my short time here in the Congress.

In the energy and water bill, for instance, except for the super collider and some other things that we took care of, it appears to be a pretty good bill.

Virtually everything was authorized. Even those items that were questionable seem to have some good arguments backing them up.

I honestly thought we had turned a corner, but when you look at this bill, I see that I was probably wrong.

Most of these, maybe all of these 71 special research grants appear not to have undergone peer review. None of them seem to have been competed, neither have the 29 building and construction projects earmarked in this legislation.

We simply have to take the word of the appropriators that these are the best places for us to spend $87 million. Get that, $87 million. Now, that may not sound like much when we talk about billions around here, but it is quite a chunk of change.

Without saying anything for or against these grants, the idea of including 71 earmarks without any kind of review is simply the same old way of doing things. Let us see if we can change. One way to begin that change is to support the Fawell amendment.

Mr. DURBIN. Mr. Chairman, I yield 2½ minutes to my friend and colleague on the subcommittee, the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from Illinois [Mr. FAWELL] and in strong support of this fine measure brought forward by the subcommittee chairman, the gentleman from Illinois [Mr. DURBIN].

Mr. Chairman, not enough credit has been given the Cooperative State Research Service for the great strides we have made in the production of the abundant supply of high-quality food produced by America's farmers for domestic consumption and export.

There remains much to be done to increase production capacity and broaden our understanding of health as it relates to nutrition. Specifically, this bill contains $500,000 as a catalyst for nutrition research. Some of this research will be conducted at the Arkansas Children's Hospital, the fifth largest pediatric hospital in America, serving children in Arkansas, southern Missouri, east Texas, Oklahoma, Mississippi, Tennessee, and Louisiana. This research is accomplished through cooperation with the University of Arkansas for Medical Sciences, the National Center for Toxicological Research, and the John L. McClellan Veterans Hospital.

Researchers and investigators clustered at these institutions provide a critical mass to study the significant detrimental impacts of pesticides,

chemical substances, and environmental toxins on pregnant women and developing children and adolescents. This is a highly efficient use of limited resources.

We spend hundreds of millions of dollars researching cancer and how pesticides may induce tumors. Even though we know that pesticides kill bugs by attacking their nervous systems, we spend relatively little to study these neurological effects on humans.

This proposed research addresses two areas about which we know little, namely the effect of nutrition on development and the effect of toxins on developing nervous systems. It is not enough to keep children alive, we need to make sure their capacity to live a full and rewarding life is not impaired. Preventive health care saves money.

Who in this Chamber can look into the eyes of poorly nourished mothers and children and fail to understand the need for this research. Please vote against this crippling amendment, not just because it damages this program, but because it damages children.

Mr. FAWELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, in answer to several of the points that have been made, I think it is very important that we understand that the authorization which my esteemed colleague, the gentleman from Illinois, has referred to is authorization of some years back which made it very clear that it was not the Appropriations Committee that was supposed to be doing the earmarking, but the Secretary of Agriculture.

The same is true in regard to the facilities grants. So I think that is important, from a legal viewpoint, though I still believe that we ought not to have any Appropriations Committee simply adding earmarks without the benefit of a specific hearing and a specific authorization.

□ 1420

The arguments here are, also, I must point out, contrary to our own President. The President has made it very clear that, and I am using his words here: "These grants have not been peer reviewed. They have not been competitively awarded. They have not been specifically authorized."

Well, that is important to me, it is important to the taxpayers, it is important to the President of these United States. He went on to say that many of the research projects funded could be financed by agribusinesses that benefit from this research.

Now I do not quarrel though with the substance of these grants. As my colleagues know, we do have some very compelling scenes, as the previous speaker just referred to, but it must be understood that we are also talking about blueberry bushes and a lot of other things that need, I think, if they are going to be specifically authorized, the additional input of the authorizing committee. We should not give this kind of authority over to just the Appropriations Committee.

I want to also mention that the Citizens Against Government Waste are strongly supporting this particular amendment, and a number of the other of our taxpayer entities that watch what Congress is doing. But I think it is awfully important to realize that by arguing this case my colleagues must understand that there is a very broad blanket authorization.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I rise in opposition to the amendment. This amendment would drastically affect the Center for Southern Crop Improvement at Texas A&M University.

Mr. Chairman, these are the talking points for the Center for Southern Crop Improvement:

Mission of center is genetic improvement of commercial crops. Merges traditional crop breeding and molecular biology to exploit new tools of gene identification, manipulation, and transfer.

Breeding is one of the most important factors in increasing the quality and yield of U.S. crops.

Problem: The breeding process is slow and inefficient. Solution: Add molecular breeding to provide a more targeted approach and accelerate the process.

Engineered crops will have such traits as drought tolerance, disease resistance, cotton fiber quality, and food safety. This program is cost effective, proactive approach to our farming problems. If we are successful in designing crops that are drought resistant and so forth, the Federal Government will save millions of dollars in farm program expenses.

Crops targeted by research include cotton, sorghum, rice, wheat, peanuts, trees, grass, and vegetables.

No overlap—research does not cover any crops presently targeted by the USDA plant genome project.

The university is providing over half the funds for construction of this facility. This is a one-time expense for a long-term project.

Information exchange and technology transfer, accomplished through computer networks, visiting scientist, and symposia, will be shared in a fast, efficient manner.

Mr. LIVINGSTON. Mr. Chairman, in 1 minute, these research projects have already been cut by the subcommittee by $23 million. There is a general authorization for most of these projects that frequently are competitively awarded. Many Members have made the point that the super collider crowds out basic research. Well, this is basic research; this is basic research for farm products, to make them more competitive, to make them safer and cheaper, to develop agriculture, to provide for nutrition research on food facts, and which impacts on insulin levels, to help cure heart disease and chronic illnesses, with a direct impact on millions of diabetics who depend on insulin.

Finally, Mr. Chairman, these projects that are in Louisiana are matched with local funds, and they are not in my district.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, normally I would be standing and agreeing with my good friend, the gentleman from Illinois (Mr. FAWELL), regarding his efforts on pork busting, but today I find myself in a unique position being the chair of the appropriate subcommittee of the House Committee on Agriculture that is responsible for seeing that the problems that we are talking about here today do not occur, and we have had an excellent working relationship with the chairman of the Committee on Appropriations already this year. We have held hearings in our subcommittee and are beginning to look at this question, and the more I have looked at it, the more I find that the facts do not always bear out what we would like to believe were there.

There is no statement of research priorities in the 1990 farm bill, nor in any farm bill. Neither is there a statement within USDA as to overall research priorities. That is correct. There is the implication though that these special projects are not competitively awarded, nor peer reviewed. This is not entirely correct. Not only are these projects peer reviewed, but they are reviewed in an ongoing manner that surpasses the renew process of many of the so-called competitively awarded research grants. To eliminate all special grants would effectively kill several of the very useful projects.

Mr. Chairman, I wish that we had more time to talk about the specifics, but in this one case our subcommittee is looking, I say to the gentleman from Illinois, at this very question. I know the gentleman from Illinois will be very happy with the results, what the Committee on Agriculture does in arriving at the spirit of what the gentleman is trying to do here today.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the amendment. I, perhaps, can shed a little light on one project that would help in understanding the total thing.

First of all, earmarking. I do not understand how one can avoid some earmarking and get some continuity over time. The project I talk about is an environmental simulator at the University of Wyoming. It has been going on now for several years. It has passed a critical review of the Department of

Agriculture. It has been in there for 2 years in which they have done planning and design. This request is to do blueprinting and to continue construction.

We talk about pork barrel. I do not know quite what pork barrel means. It depends on one's point of view, I suppose, but in this case 50 percent of the funding is to come from the Federal Government and 25 percent from the State and 25 percent from the private sector. It is matching funds. The State legislature has considered the State's share and is involved in that, and the foundation is raising the money.

My point is that of course we think it is a useful project, but the fact is it is joint funding, the fact is it has gone on for several years. I do not see how we can continue to have continuity unless there is some direct appropriation to propositions of this kind.

I am a little surprised that my friend, the gentleman from Illinois [Mr. FAWELL] is as interested in the President's remarks. He always does not put quite as much credence into what the President says as we are today.

Mr. FAWELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I do want to reiterate that nobody is questioning the substance of these research grants. I want to make that perfectly clear.

What we are saying is that they have not gone through the process. To simply give carte blanche authority to the Appropriations Committee to simply pass out these earmarks as they see fit is just an open invitation to more and more waste. What that means is that there may be a whole bunch of other projects that are better than what we have here, but they just maybe do not have the knowledge or the wherewithal to be able to have their day in court. The authorizing committee is there for a purpose, and I am glad to hear that the gentleman from Texas [Mr. STENHOLM] has pointed out that the authorizing committee is going to take a look at this.

But I do want to point out that of all the cuts that the President has suggested, he zeroed in on these grants and he did have rather strong language that the record in this area on these particular grants and building facilities have not been very good and that they ought to be discontinued, and it has been one of the clear areas where President Clinton asked for a repeal of those kinds of spending programs. We certainly, I think, should listen to what the President does have to say on this subject.

We certainly are reminded every day of all of the points that he is making, and certainly, when it comes to specific cuts like this, I do not think he would have written that language if he did not feel, upon evaluation, that with all due respect that this part of the grants program should be questioned.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

□ 1430

Mr. OBEY. Mr. Chairman, I would point out that this bill is already further below the President's budget than any appropriation bill produced by any appropriation subcommittee this year.

One study that would be eliminated by this amendment is the study of the National Cheese Exchange. It is the study of the manipulation going on of pricing at that cheese exchange right now which is estimated to have cost farmers across this country more than $1 billion because of the monopolistic manipulation by one of the agribusiness giants in this country. I should not name him until the study is complete.

But it seems to me that if you want to satisfy the giants of agribusiness, you will vote to eliminate that study. If you want to protect small farmers throughout this country who are trying to get fair markets without manipulation, you will not savage the study of the cheese exchange.

If I were a farmer today, I would want to know who was really behind the decision to eliminate the study.

Mr. FAWELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, once again, I repeat, these projects would be better funded by the States or the agribusinesses that directly benefit from them. That is President Clinton's statement.

I have had many townhall meetings as of late. One person asked a very compelling question. He said, "Congressman FAWELL, you went into office in 1985, and there have been all kinds of promises of trillions of dollars of deficit reduction. And all we got since 1985 are trillions of dollars of new debt."

That constituent was absolutely right. He pointed out also, "Why is it, Mr. FAWELL, that you cannot balance budgets? Aren't there programs there questionable enough that you can do something about them?"

Of course, we all know he is right. If we could rise to the occasion and take a superconducting super collider and evaluate it and believe that even though it has been fully authorized and peer reviewed and scientifically studied that we can eliminate it, why, oh why, oh why can we not cut these grants. I know how important they are to your districts. I have suffered where my district does not get something I would like to have, and it hurts. But the people back home would like to see a signal on our part that we can do some cutting, where it might be some pain for us, yes, in our States or our district, but just once be able to say yes, we can cut something like this.

When we can join hands with the President and work with him on something like this, on both sides of the aisle, I think we would send a very nice signal to the people back home.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, Congressman FAWELL's amendment to cut the agricultural research, building, and facilities budget by $88 million has merit. But it also has faults. I am voting "no" on the amendment because agriculture needs new research information as much or more than any other sector of this country's industrial complex.

In general, the pork in H.R. 2493 is most often not the funding for research, but the naming of the States and congressional districts where the research will be conducted. Also, it is poor public policy to direct $37.7 million for buildings and facility improvements to a State or a congressional district just because that Congressperson has influence. Also, in this bill taxpayer's dollars are obviously spent on some research projects because of selfish interests and special interest lobbyists' pressures.

As a farmer concerned about a strong and viable agricultural industry, I will continue to urge that we prioritize research needs by credible evaluation. Decisions to make research grants to a university or unit should take into account the costs of competing bids, availability of research facilities, local contributions to the project, and performance evaluations to ensure credible research. This particular vote on the Fawell amendment was difficult for me because I do object to the pork barrelling, and I do object to the Appropriations Committee taking over the authorizing functions of the standing committee on Agriculture. Writing law in an appropriation bill too often shortchanges the thorough evaluation and an opportunity for public comment in a standing committee.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I rise today to oppose the Penny-Fawell amendment to the Agriculture appropriations bill. This amendment is once again misdirected by those representing the so-called porkbusters coalition.

It is interesting that one of the examples of the research grants mentioned in a recent "Dear Colleague" and touted as a waste of money is $25,000 for wool research. Let me explain to my colleagues the purpose of this money and its importance to our wool producers. This is money that is shared by Montana State University, the University of Wyoming, and Texas A&M.

The research is directed at providing standardized information on the quality of U.S. wool clips. This research is working with technology developed in Australia which allows for the electronic measurement of wool fibers. Our international competitors routinely provide this information to buyers and as a result get higher prices and build more buyer confidence in

their wool. Until recently our producers have been doing fiber measurements by hand, or frankly not at all which leaves the buyers to guess about the quality of the wool clips. The loss of the Federal money will bring the instrument testing to a halt and it will certainly foreclose U.S. efforts to make our wool more marketable at home and abroad.

By the way, I might remind my colleagues that the appropriation of these research dollars came about as a result of the decision by the previous administration to close a Federal wool research laboratory in California. It was determined that a more cost effective way to get information would be to provide research grants to the selected universities. We are now in the third year of that effort.

I urge my colleagues to defeat this amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in opposition to the amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise in opposition to the amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in opposition to this amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of H.R. 2493, the agriculture and rural development appropriations bill for fiscal year 1994 and in opposition to the Fawell amendment.

First, let me commend my good friend Chairman DURBIN for his leadership in his first term as chairman of the Agriculture Subcommittee. He faced a real challenge putting this bill together in light of difficult budget constraints.

I thank him for his consideration and the funding provided for the Center for Food Marketing at my alma mater, St. Joseph's University in Philadelphia. For three decades, Saint Joseph's has played an important role in food marketing education.

St. Joseph's has made a unique contribution to the advancement of our agricultural economy by concentrating on the marketing of commodities and products.

Today, the Center for Food Marketing at Saint Joseph's is the only industry-supported endeavor of its kind in the Nation.

It helps food growers and producers remain aware of consumer demands, market patterns and enable them to coordinate production decisions with marketing decisions. This is vital.

The Center for Food Marketing is just one good and vital project targeted by the Fawell amendment. I urge my colleagues to defeat the Fawell amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Chairman, I rise in opposition to the amendment, and in support of H.R. 2493, the agriculture and rural development appropriations bill for fiscal year 1994.

I also wish to express my satisfaction that the subcommittee included funds, for the fourth consecutive year, for the Center for Food Marketing at St. Joseph's University, in Philadelphia.

Located near the port of Philadelphia, one of the Nation's more important points of commerce for agricultural and other products, St. Joseph's University has long been considered the academic home of the U.S. food industry.

The importance of this resource to the industry itself is evidenced by the private sector participation and support that St. Joseph's food marketing department has enjoyed over its three decades of operation.

I am firmly convinced that the Center for Food Marketing will further assist the U.S. Department of Agriculture in meeting its mission in the food marketing area by helping farmers, farm cooperatives, and others in the food industry to be more responsive to market trends and more competitive nationally and internationally. St. Joseph's University's proposal to establish the center has been reviewed favorably by USDA, and it has met the subcommittee's criteria for funding.

I commend the subcommittee for its support of this worthy project, and the new chairman's careful efforts to ensure that all research grants included in the bill are important to the mission of the USDA.

I urge defeat of the Fawell/Penny amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois [Mr. FAWELL].

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to comment on the value of what we are talking about here. The author of the amendment has said several times he does not argue with the value, but he wants it done a different way. I want to point out that the project that I know the most about has been authorized. This kind of research on human nutrition has been authorized because it was recognized that there is this incredibly important link between nutrition and health.

Mr. Chairman, I am against pork, as I know the gentleman is. But everything we spend money on is not pork. What we are talking about here is something that will save hundreds of millions of dollars of American money. It will save incredible amounts of human suffering. I know that to be true of the other projects that are in this bill.

Mr. Chairman, this project is advised by a distinguished panel of scientists, and I oppose the amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I rise in opposition to this amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

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

Mr. Chairman, generally I am with my dear colleague, the gentleman from Illinois [Mr. FAWELL]. But, the gentleman does not have his heart obviously in this particular amendment. He cannot. Because these projects are meritorious projects, and they are generic in many instances. The IR–4 project is an interregional project. I think $10 million was requested. It was shaved down to a little over $6 million.

Mr. Chairman, you cannot have it both ways. We want pesticides for minor crops that are safe, or we do not. What the gentleman would do would be to knock out the $6 million in there for the IR–4. Frankly, we have 1,200 applications right now that we cannot reach at the Environmental Protection Agency. That means every year farmers have to go through the same routine. They often use pesticides after going through a lengthy process that we do not know very much about on minor crops.

In addition to that, there is a planned bioscience facility project at Rutgers University that I am very familiar with. It is an ongoing project that has been tested, proven, is wanted, and it deals with the very thing we are all talking about, making pesticides safe.

Mr. DURBIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me close by saying this: The gentleman from New Jersey [Mr. HUGHES] has hit the nail on the head. The research we are talking about here is critically important for the safety and health of the American people. To suggest that it is somehow politically oriented I think does a great disservice.

We have three pages of authorizing legislation behind the projects that the gentleman seeks to strike with his amendment.

Let me put it in this context as well: We are talking about $50 million in agricultural research. The total amount spent by the Department of Agriculture this year is $1.1 billion for agricultural research. That research serves an industry which accounts for 17 percent of the gross domestic product of America. This is money well invested.

Mr. Chairman, I would suggest the gentleman from Illinois [Mr. FAWELL] does understand that these projects are authorized, that we are below last year's level of spending, that we are in fact addressing serious concerns about pesticides and public health, and I hope that all of my colleagues would join me in resisting the gentleman's amendment.

Ms. SNOWE. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I understand the gentleman's desire to reduce spending. I agree with him that we must focus on spending reductions as the primary tool for deficit reduction. But I would point out to the gentleman that funding for special research grants in this bill has been cut by nearly a third, from $73 million in fiscal year 1993 to $50 million in fiscal year 1994. I wonder how many programs in the 13 appropriations bills that we will vote on have received cuts in excess of 30 percent.

The amendment would eliminate all funding for the special research grants program. Such a move implies that there is no significant value in agricultural research. As those of us who represent agricultural districts know, however, research has played a critical role in making the United States the world's leader in agricultural production. The complete elimination of special agricultural research grants would undermine one of the most successful and competitive sectors of our economy.

I would like to assure my colleagues that at least one item in the amendment, $185,000 for lowbush blueberry research, merits the funding that it has received. This research proposal was peer reviewed by the interdisciplinary research council at the University of Maine, and by the Maine Blueberry Advisory Committee, which was established by Maine law and includes many members with extensive scientific and engineering expertise.

Lowbush blueberries account for 50 percent of the total blueberry crop in all of North America, clearly indicating that the research will be conducted on a crop of national importance. Lowbush blueberries are unique in that they are essentially wild blueberry plants—they are not hybrids created in a lab. Thus, any other blueberry research will not provide much useful information to help ensure the continued productivity of this unique domestic crop.

The centerpiece of this research proposal is the reduction of pesticide, fungicide, and herbicide use in the lowbush blueberry industry. It therefore seeks to make lowbush blueberry cultivation more environmentally sustainable. I would venture to guess that the overwhelming majority of my colleagues support additional research on sustainable agricultural techniques to reduce the impact of agriculture on the environment.

Perhaps most importantly, the lowbush blueberry industry and the State of Maine have already agreed, as they have in the past, to contribute $400,000 to the research effort. Indeed, the industry established an internal tax in 1945 to help fund research. In those days, research was funded solely by the industry. But as regulations and world competition increased, the industry recognized that it alone could not fully fund its research needs, and it sought the partnership of the State of Maine and the Federal Government. And I will note that in this partnership, the State and the private sector carry most of the load.

Mr. Chairman, I think the committee has done a good job of cutting spending for special research grants. If every program in every appropriations bill were cut by the same magnitude as this program, we would see dramatic reductions in Federal spending.

I ask my colleagues to defeat the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Fawell-Penny amendment to eliminate funding for special research grants and facilities in the Cooperative State Research Service.

During my service during the past 2 years on the Agriculture Appropriations Subcommittee, I listened to hours of testimony from Members of Congress and farmers from across our Nation. Virtually without exception, they presented convincing stories about the need for research in an area of special need to their State or region. As I examined these cases more closely, I found few frivolous requests—in fact, I generally discovered solid and worthwhile proposals.

Let me cite a case study, because one of these projects that the Fawell-Penny amendment seeks to eliminate is one that I sought and was pleased to have the committee provide.

Nearly 3 years ago, I was approached by pork producers from my congressional district. North Carolina has been very successful in recent years in increasing pork and poultry production. But current practices were simply inadequate for handling the estimated 24 million tons of manure and litter generated by these thriving industries each year.

Working with North Carolina State University, the pork and poultry industries worked out a 3-year research plan to develop innovative technologies for managing animal and poultry wastes to recover energy and nutrients, recycle wastes into useful products, and reduce environmental hazards.

A skeptic might ask: If this research is so important to North Carolina, why not let them pay for it? Well, North Carolina and the affected industries have indeed put up money—$400,000 from the North Carolina General Assembly, and $245,000 from the pork and poultry industries. But the Federal funding we are seeking plays an important role in leveraging the available funds and turning this into the full multidisciplinary research program envisioned—one that is likely to pay off with real techniques and solutions, which can be put to use by farmers and rural residents in North Carolina and other States.

This is the story of just one special grant, but I suggest that each of these grants has a similar story. Remember, the Clinton administration itself recommended $34 million in this special grant category, as did the Bush administration before it. But the subcommittee has acted responsibly to examine our commitment in this area and bring in a recommendation about 15 percent below the level in the House bill last year.

I would also remind those who criticize these projects as noncompetitive that the subcommittee has proposed more than a $16 million increase in competitive research grants under the National Research Initiative—to $114 million, more than twice the amount recommended in the special grant area—and has steadily increased funds for competitive research each of the last several years.

In short, I believe there is room as well as need for both competitive research, and research of a regional or State-specific need as reflected by these special research grants. I commend Chairman DURBIN and the other subcommittee members for the care and attention they have given to setting priorities in this area, and I urge my colleagues to defeat the Fawell-Penny amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 343, not voting 8, as follows:

[Roll No. 291]

AYES—88

Andrews (ME)	Hastert	Moorhead
Andrews (NJ)	Hefley	Murphy
Applegate	Herger	Nussle
Armey	Hoekstra	Packard
Baker (CA)	Hoke	Penny
Ballenger	Hunter	Petri
Bilirakis	Hyde	Porter
Bliley	Inglis	Quinn
Burton	Inhofe	Ramstad
Callahan	Jacobs	Rohrabacher
Castle	Johnson, Sam	Ros-Lehtinen
Coble	Kasich	Royce
Cox	King	Santorum
Crane	Klug	Schaefer
Cunningham	Knollenberg	Schenk
DeLay	Kyl	Sensenbrenner
Doolittle	Lazio	Shaw
Dornan	Levy	Shays
Dreier	Linder	Shuster
Dunn	Maloney	Solomon
Fawell	Mann	Stearns
Fingerhut	Manzullo	Stump
Fowler	Margolies-Mezvinsky	Talent
Frank (MA)	McCollum	Taylor (MS)
Gallegly	McInnis	Walker
Goodling	McKeon	Weldon
Goss	Mica	Young (FL)
Grams	Miller (FL)	Zeliff
Hancock	Molinari	Zimmer
Harman		

NOES—343

Abercrombie	Blackwell	Clayton
Ackerman	Boehlert	Clement
Allard	Boehner	Clinger
Andrews (TX)	Bonilla	Clyburn
Archer	Bonior	Coleman
Bacchus (FL)	Borski	Collins (GA)
Bachus (AL)	Boucher	Collins (IL)
Baesler	Brewster	Collins (MI)
Baker (LA)	Brooks	Combest
Barca	Browder	Condit
Barcia	Brown (CA)	Conyers
Barlow	Brown (FL)	Cooper
Barrett (NE)	Brown (OH)	Coppersmith
Barrett (WI)	Bryant	Costello
Bartlett	Bunning	Coyne
Barton	Buyer	Cramer
Bateman	Byrne	Crapo
Becerra	Calvert	Danner
Beilenson	Camp	Darden
Bentley	Canady	de la Garza
Bereuter	Cantwell	de Lugo (VI)
Berman	Cardin	Deal
Bevill	Carr	DeFazio
Bilbray	Chapman	DeLauro
Bishop	Clay	Dellums

Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Manton
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—8

Blute
Henry
McMillan
Reynolds
Skeen
Underwood (GU)
Waxman
Wilson

□ 1501

Messrs. SWETT, KIM, McHUGH, and PAXON changed their vote from "aye" to "no."

Messrs. ZIMMER, CUNNINGHAM, SHAW, McCOLLUM, and STEARNS changed their vote from "no" to "aye."

So the amendments were rejected.

The result the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture where not otherwise provided, $37,750,000, to remain available until expended (7 U.S.C. 2209b).

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

Mr. Chairman, recent testimony before the House Agriculture Subcommittee on Department Operations and Nutrition, which I chair, indicates that many of our Nation's agriculture research facilities are in severe disrepair.

I offer this discussion right after the previous vote in which we had discussions about whether or not these projects were authorized or not authorized. I am not sure that all of the Members understood all of what we were trying to say from the Agriculture Committee standpoint.

We have many facilities that are in disrepair, yet the dollars available to meet them are few and far between. Unfortunately, as their budget pie gets smaller, we do have the need to prioritize. This is a very difficult process that we must go through.

This problem has been pointed out repeatedly in reports by the National Academy of Sciences, the National Science Foundation, the Office of Technology Assessment, and the National Association of State Universities and Land Grant Colleges.

The House Committee on Science, Space, and Technology and the Senate Committee on Agriculture, Nutrition, and Forestry have also held hearings highlighting the magnitude of this problem.

The Department of Agriculture's Users Advisory Board has called for instituting a system linking the placement of facilities to a set of strategically developed consensus priorities. A 1989 User Advisory Board report called for the establishment of a bipartisan review panel similar to the Military Base Closing Commission, which we are all very familiar with, to determine national agricultural research facility needs and make recommendations for closing, consolidating, renovating, and building facilities.

Section 1674 of the 1990 farm bill authorized the formation of such a commission. However, this Commission has yet to be funded in the appropriations process.

The gentleman from California [Mr. BROWN] and myself wrote a letter to the chairman, asking that this be funded. It was not, and I yield to the chairman for a response as to why he chose not to fund this Commission.

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

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

Mr. DURBIN. I thank the gentleman for yielding. We do not question the importance of a review process to determine the highest priority in scientific research spending. Our subcommittee is working with Secretary Espy in an effort to reorganize the U.S. Department of Agriculture, as is the gentleman from Texas.

What I hope we can do is to come together at both the authorizing and appropriating level to establish a procedure for evaluating the current research capacity of the U.S. Department of Agriculture, and to set priorities for future agriculture research and construction.

I believe this is consistent with what the authorizing committee was seeking, and I look forward to working with the gentleman from Texas to achieve that end.

Mr. STENHOLM. I concur in that, and I also will not offer at this time the amendment that I had intended to offer, but will look forward to working with the chairman, with the Appropriations Subcommittee on Agriculture to achieve the intent that the gentleman has just stated. And I believe this will also meet the objectives as previously stated by our colleagues, the gentleman from Illinois [Mr. FAWELL] and the gentleman from Minnesota [Mr. PENNY].

I look forward to working with the gentleman on that, and we will be reporting legislation later this year along those lines, with the gentleman's cooperation.

Mr. DURBIN. I thank the gentleman from Texas.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXTENSION SERVICE

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $274,582,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $64,961,000; payments for the pest management program under section 3(d) of the Act, $8,459,000; payments for the farm safety and rural health programs under section 3(d) of

the Act, $2,698,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research and extension facilities as authorized by section 1447 of Public Law 95-113, as amended (7 U.S.C. 3222b), $7,901,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $938,000; payments for a groundwater quality program under section 3(d) of the Act, $11,234,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 101-624 (7 U.S.C. 5926), $1,206,000; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; payments for a food safety program under section 3(d) of the Act, $1,975,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,341,000; payments for Indian reservation agents under section 3(d) of the Act, $1,750,000; payments for sustainable agriculture programs under section 3(d) of the Act, $2,963,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, $25,414,000; in all, $420,785,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $8,380,000.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, $17,682,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Marketing Service, and Packers and Stockyards Administration, $691,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, $439,042,000, of which $91,460,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $4,938,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That if the demand for Agricultural Quarantine Inspection (AQI) user fee financed services is greater than expected and/or other uncontrollable events occur, the Agency may exceed the AQI User Fee limitation by up to 10 per centum, provided such funds are available in the Agricultural Quarantine Inspection User Fee Account, and with notification to the Appropriations Committees: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only. *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradiction of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $10,145,000, to remain available until expended (7 U.S.C. 2209b).

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $516,738,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $11,554,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, agricultural cooperatives, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $61,614,000; including $2,346,000 for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $55,953,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2)

transfers otherwise provided in this Act; and (3) not more than $10,309,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,735,000.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $12,194,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, and the Commodity Credit Corporation, $563,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized to title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3811 et. seq.); and laws pertaining to the Commodity Credit Corporation, $732,467,000; of which $730,842,000 is hereby appropriated, and $1,036,000 is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 9(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $290,116,000; *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): *Provided further*, That none of the funds in this Act may be used to offer a Federal crop insurance policy in counties on crops where a loss ratio, that has already been recalculated pursuant to law to reflect the premium rates issued by the Corporation for the 1993 crop year, is in excess of 1.10 more than 70 percent of the years that a policy has been offered since 1980: *Provided further*, That none of the funds in this Act may be used to pay operating and administrative costs that exceed 31 per centum of premium to insurers of policies on which the Corporation provides reinsurance, except to reimburse said insurers for excess loss adjustment expenses as provided for in the Standard Reinsurance Agreement issued by the Corporation.

POINT OF ORDER

Mr. ROBERTS. Mr. Chairman, I make a point of order against this paragraph for the reason that it legislates in a general appropriation bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROBERTS. Mr. Chairman, I make a point of order against this paragraph for the reason that it legislates in a general appropriations bill. The language against which this point of order is made is the last two provisos appearing on page 29, line 16 through page 30, line 4.

The first proviso is objected to in that it imposes a new duty on the Secretary that directs him how to manage the crop insurance program such that crop insurance coverage will be denied to all producers and farmers in a county where the loss ratio is in excess of that set by the Appropriations Committee. If a producer that farms in a county that is determined by the Secretary or the Federal Crop Insurance Corporation [FCIC] to have a loss ratio in excess of that set forth in this proviso by the Appropriations Committee, he or she is denied crop insurance coverage no matter whether their individual loss ratios are as good as in any county in the State that is eligible for crop insurance under this proviso. Thus, this language discriminates against some producers in certain counties who have perfectly good loss ratio records. Also, this first proviso is a legislative direction rather than a negative limitation on spending (Deschler's Precedents, chapter 26, section 36.19).

It is submitted that the above-quoted proviso is legislative language that interferes with an executive official's discretionary authority (CONGRESSIONAL RECORD, March 12, 1975, p. 6338). It is also submitted that this proviso which restricts executive authority to incur obligations in certain counties for Federal crop insurance is legislative in nature and not a limitation on funds. (See CONGRESSIONAL RECORD, July 13, 1987, p. 19507.)

Moreover, limitation language in a general appropriation may not be such as when fairly construed changes existing law (See Hind's Precedents IV, 3976-3983) and the legislative language may not be such as to justify an executive officer in assuming an intent to change existing law (Hind's IV, 3984; Cannon's VII, 1706).

In a letter dated June 23, 1993, the Office of Management and Budget urges the committee to "support (the President's) April 8th budget proposal* * *". It is submitted that the administration's statement may be recognized as an intent to restrict executive discretion to a degree that may be fairly termed a change in policy rather than matter of administrative detail (Cannon's VII, 1691).

It is submitted that the committee was legislating and setting policy as noted by the comments in its report accompanying the bill explaining its provisos (p. 59) where it indicates: "This approach only eliminates the most egregious policies and allows the Corporation the opportunity to revise or delete that county crop policy after fiscal year 1994." The Federal Crop Insurance Corporation may be said to be able to reclaim its discretion in fiscal year 1995 and possibly extricate itself from the legislative policy set in this proviso but in doing so it must assume certain duties.

As parliamentary precedents state, "the power of limitation is solely a negative power, capable of setting up a barrier, not a positive power, capable of creative functions" (Hind's IV, 3956). This proviso sets policy, is directive in nature and constitutes legislation on an appropriation bill.

The second proviso has the committee placing a cap of 31 percent on the base amount received by reinsurance companies for reimbursement of expenses.

Meanwhile, the Federal Crop Insurance Corporation on June 4, 1993, forwarded to its reinsured companies the revised 1994 sales and service contract that was to be returned by July 1, 1994. That contract provided 32¼ percent on the base amount received by reinsurance companies for reimbursement of expenses.

These 1994 contracts, some of which we are told have been returned to FCIC by the reinsured companies, have not yet been signed by a representative of the Corporation. However, we are told that they carry an effective date of July 1, 1993, and when, as and if they are signed by a Corporation representative after July 1 they will be retroactive to July 1, 1993.

No one knows which insurers will be willing to enter into such contracts if they are reduced for reimbursement of expenses from 32¼ to 31 percent. So that it is uncertain, but probable, that this proviso will directly interfere with executive discretion in establishing reinsurance agreements. In the event the ruling here were to rely on the abortion amendment to a general appropriations bill cited 126 CONGRESSIONAL RECORD, August 20, 1980, the interference here is more direct in the exercise of executive discretion than it was in that case.

It is also pointed out that the situation under this proviso must inevitably interfere with the contractual obligations of the Corporation and its insurers in that negotiations must occur over the changes necessary in agreements of reinsurance thus placing an additional duty on the Corporation.

Mr. Chairman, I urge you to sustain this point of order.

□ 1510

The CHAIRMAN. Does the gentleman from Illinois [Mr. DURBIN] desire to be heard on the point of order?

Mr. DURBIN. Mr. Chairman, I would ask the Chair to deny the gentleman's point of order.

The language in this bill was very carefully drawn to be a limitation on funds in the act and places no additional duties on the executive branch.

The CHAIRMAN. The Chair will rule on the point of order made by the gentleman from Kansas.

The gentleman from Kansas [Mr. ROBERTS] makes a point of order against the last two provisos in the paragraph appropriating administrative and operating expenses for the Federal Crop Insurance Corporation on the grounds that they constitute legislation on an appropriations bill. As for the argument that the first proviso imposes a new duty on the Secretary of Agriculture or the Corporation to manage the crop insurance program in counties that exceed a certain loss ratio, the text of the paragraph itself notes that this loss ratio has already been calculated. Further, the committee report indicates that these ratios are in documents provided to the Appropriations Committee. Therefore, no new duties are required of the executive branch to perform new calculations, nor is the proviso an affirmative direction to manage the program in a certain manner. Since the calculations have already been performed, it should be clear in which counties and for which crops are funds being limited. In the opinion of the Chair, the proviso interferes with executive discretion only to the extent of appropriating for part of an authorized purpose, which is a decision well within the perogative of the Appropriations Committee.

Turning to the second proviso, the gentleman from Kansas argues that limiting funds in the act to pay administrative costs in excess of 31 percent of premiums interferes with the contracting authority of the Corporation. Currently contracts negotiated by the Corporation permit a higher percentage amount for payment of administrative expenses.

The Chair cites the ruling carried at chapter 25, section 10.2 of Deschler's Procedure where an amendment denying the use of funds to pay administrative expenses in connection with any Federal employees health benefit plan that covered certain abortions was held not to constitute legislation since the amendment did not directly interfere with executive discretion in contracting to establish such plans. It is permissible by limitation to negatively deny the availability of funds although discretionary authority may be curtailed and contracts may be left unsatisfied. A similar contractual interference argument was made in the crop insurance context in the precedent carrie in volume 8 of Deschler's Precedents, chapter 26, section 67.11 where the Chair overruled a point of order limiting funds to formulate a crop insurance program that does not meet its operating expenses from premiums. This was held to be a proper limitation restricting the availability of funds and in order as a limitation.

Accordingly, the Chair overrules the point of order.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 30, lines 3 and 4, insert after "Corporation" the following: ": *Provided further*, That the second proviso shall not apply in any county affected if the Corporation has implemented a non-standard classification system in such county for those individual farms that have experienced excessive losses since 1980 under which the premium rates, notwithstanding the provision of section 508(d) of the Federal Crop Insurance Act, are increased over comparable rates effective for the 1993 crop, or the insured yields are decreased from comparable yields for the 1993 crop, or a combination of both, by an amount or amounts sufficient to ensure that an estimated loss ratio will not exceed 1.1 for the crop produced on such farms during the 1994 crop year".

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, this relates to the subject matter discussed in the point of order.

As reported by the Committee on Appropriations, the Federal Crop Insurance Corporation would be prohibited from offering crop insurance for purchase in counties with histories of excessive losses.

□ 1520

Unfortunately, the bill would penalize some good farmers based on the excessive insurance claims of some of their less fortunate neighbors. My amendment allows the Crop Insurance Corporation to continue to offer insurance policies in counties with excessive loss ratios if the corporation has established a program whereby individual farmers pay premiums for coverage more in line with their individual histories.

I believe this approach is more equitable to the individual producers, and this agreement has been worked out in cooperation with Members of the minority, with members of the subcommittee and the gracious cooperation of the Subcommittee on Appropriations.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Oklahoma [Mr. ENGLISH], chairman of the subcommittee with jurisdiction.

Mr. ENGLISH of Oklahoma. I thank the gentleman for yielding.

I would like to rise in very strong support of the amendment as offered by the chairman of the House Agriculture Committee in behalf of the Agriculture Committee.

Without question, we do have some problems in crop insurance of people who have been abusing the programs. We also have instances where, quite frankly, people have been attempting to grow some crops that probably should not be grown there. This really remedies the situation. It deals with it on a farm-by-farm basis. It takes into account and recognizes in those areas where we have had very high losses, unrealistically high losses, that under those circumstances that farm will be judged on that farm's experience. It takes into account and recognizes that the other body, when they insisted back in the 1990 farm bill that we place limitations as to how much of an increase can be made each year with regard to rates, was mistaken, and lifts

that and allows under these circumstances, in these cases where we have these extraordinary losses, that in fact the Federal crop insurance can raise those rates to meet the losses that are experienced.

Or, on the other hand, they have the ability to reduce yields. That, I think, is very logical and very fair, and one which I think without question the farmers of this country can live with and at the same one that is fair to the taxpayers as well.

I want to commend the chairman of the Agriculture Committee for bringing it forth.

Mr. DE LA GARZA. Mr. Chairman, this is a program that needed attention. This is a program we needed to revisit. We have done that.

I would have hoped that we could have had a more comprehensive approach to it, but under the circumstances this, hopefully, takes care, in the meantime, of the situation we find ourselves in.

The authorizing committee will continue oversight and will continue addressing this very serious matter because it is life or death for many of the producers who make us the best fed Nation in the world for the least amount of disposable income. And they certainly need this tool to manage their resources in order that we might continue to do that for the American people.

I would hope that my colleagues would support the amendment.

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

Mr. DE LA GARZA. I yield to the gentleman from Iowa.

Mr. GRANDY. I thank the gentleman for yielding.

Mr. Chairman, let me encourage my colleagues to support the chairman's amendment to the chairman of the Appropriations Subcommittee's language. I might say, Mr. Chairman, I originally intended to offer an amendment to strike this provision because I thought, although well-intended and probably correct from a policy point of view, it took a meat-tax approach to a problem that has plagued the Agriculture Committee and people who have worked in crop insurance for some time. It penalizes both bad producers and good producers. I think what the chairman has done has found a way to put the problem on the farm and not across the county where indeed there might be successful producers punished with unsuccessful producers.

But there was also a problem here that I think goes to our question of savings. CBO has scored the language that is in the committee print as a savings. The Office of Management and Budget disagrees. While they acknowledge there would probably be a $25 million savings from the crop insurance that would not be extended to those counties, there is under farm law a provision which mandates the Secretary of Agriculture to provide disaster payments to producers.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DE LA GARZA] has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. DE LA GARZA. I continue to yield to my friend.

Mr. GRANDY. I thank the chairman for his generosity.

To continue with this point, in the 1990 farm bill there is a provision that mandates the Secretary of Agriculture to provide disaster payments to producers who are prevented from planting because of drought, flood, or other natural disaster. OMB has concluded that this would result in a net payment of $75 million in disaster payments to those counties that would lose crop insurance, resulting in an increase in spending, between $40 and $50 million.

Of course, CBO will, obviously, determine the scoring here. But I think it bears the committee's attention that we may not be saving money.

Under the provisions altered by the chairman, we run much less of a risk of having this become a spending provision as opposed to a savings provision.

I might just say, as a former member of the Committee on Agriculture, Mr. Chairman, we have spent approximately $25 billion between 1980 and 1990 in disaster assistance either through crop insurance or disaster loans.

Seventy-six percent of that has been in disaster loans.

If we want real savings, we should find better ways to manage risk. I think the chairman has begun the process. I hope it will continue in the authorization committee.

I will not offer my amendment, and urge my colleagues to support the chairman of the Agriculture Committee and hope that the chairman of the Subcommittee on Appropriations will accept the amendment.

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

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

Mr. Chairman, I will not take the 5 minutes.

Mr. Chairman, this is precisely the thing I was referring to under general debate when we talked about the law of unintended effects. And when we get into the business of the appropriators legislating in regard to the pasture of the authorizing committee, they have put forth—"they" meaning the Appropriations Committee—with understandable concern with respect to the Federal Crop Insurance Program, a major change in crop insurance in this year's appropriations bill. This proposal reduced the insurance company's reimbursement from 32¼ percent to 31, even though existing contracts are out in the field with farmers with their insurance companies. And, too, they require the counties that had the higher than 1.1 loss ratio for a crop would be excluded from crop insurance for that crop. Nobody could argue against that.

But here is the problem: Individual farmers in the affected counties who have maintained their losses below the 1.1 level—no real problem—will lose their insurance along with the problem farmers. So it was unfair, it was very discriminatory.

Now, the amendments to the 1990 farm bill have already been ratcheting down the company reimbursements from their original level of 34 percent. The further arbitrary steep drop to 31 percent will throw some companies out of the program—when a more gradual decline might have been acceptable.

Also, many of the insurance agreements for 1990 have been signed, and as I indicated in my point of order and also during general debate. I would have supported Mr. GRANDY's amendment.

I think the chairman's amendment is a good amendment. It makes a reform measure that would have had unintended effects, that would have been very damaging, a little better.

What we have done here is we have allowed farmers under this program, farmers who do not have any egregious activity under this program, they have a bum deal instead of no deal. Hopefully, we can work it out with the Appropriations Committee, and with the Senate. For 12 years we have been trying to reform this program so it would work in high-risk farm country, as well as in Illinois, where the gentleman resides, and where, due to crop diversity and rainfall and climate, crop insurance works far better than on the Great Plains.

□ 1530

I have a little feeling about this, obviously, and would hope that we could work together as we try to improve the Crop Insurance Program.

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

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

Mr. Chairman, a moment ago a point of order was raised against the language provided by the Appropriations Committee on limitations on the amount of loss that crop insurance might pay. We all recognize we have a real problem. We have had that problem for quite some time.

The point of order was not sustained. The language was not legislation, but limitation; but Mr. Chairman, quite honestly without any question if the point of order was raised here, this would be legislation on an appropriations bill. Of course, it was offered by the chairman of the authorizing committee. I am not going to object to it,

but it clearly is legislation on an appropriations bill if you want to raise that technicality.

But what I am going to question, Mr. Chairman, and I will recognize the gentleman from Texas to answer my question, the concern was that we are penalizing good farmers in an area of a county that had sever losses under the language in the appropriations bill.

Now, it seems to me that my interpreting this language, this year right now we have had some farmers already who have suffered losses in the Midwest along the Mississippi River from floods that never had a loss before, or at least had not had a loss in a good many years.

There is a possibility that occurred just this last weekend in my area of farmers being wiped out from hail, hail the size of golf balls, that stripped corn, stripped beans in the field. They've got a loss. They have not usually had this hail loss, but they would be denied under the gentleman's amendment, as I interpret it, next year insurance because they had a 1-year loss. Now, we at least averaged it over a 10-year period.

Am I wrong about that? Am I misinterpreting this?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. DE LA GARZA. No, that is not accurate, I would inform my colleague. What this does it brings it back to the individual farm, rather than for the county.

Mr. MYERS of Indian. That is what I am speaking about, one farmer.

Mr. DE LA GARZA. But one that if they already have the insurance, they are grandfathered.

Second, that is the reason for the amendment, that the history will be on the individual farm, not in the county, because the gentleman has, as I am sure I have, counties where half the county is always in drought or flood and the other half not, so the history would be on the individual farmer.

Mr. MYERS of Indiana. That is what I was thinking about, too, on the individual farmers.

Mr. DE LA GARZA. The farmer who has historic losses.

Mr. MYERS of Indiana. Historic in 1 year. Are they increased over comparable rates effect for the 1993 crop or the insured deals are decreased for comparable yields for the 1993 crop? What does that mean? Are we talking about 1 crop-year?

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. I would point out to the gentleman, Mr. Chairman, this is a proviso that takes place in regard to the language of the appropriations bill. In other words, before this proviso even comes into play, we are talking about counties that in 10 out of the last 13 years have had a ratio of 1.1 to 1 or greater, so you have to have a period, you are taking all the language you have in the bill, 10 out of the 13 years, then of those counties that meet that criteria the 10 out of the 13, if the Secretary does not take action to adjust in the last year, adjust the rates up on those individual farms to where those ratios are; in other words, where you had the big losses within that big county, then this would take place.

What this is an effort to do is to try to target the actions by the Appropriations Committee to a farm-by-farm basis, instead of applying it to every farm in the county, but before it can be applied to any farm in any county, first of all they have to meet the criteria that was laid out by the Appropriations Committee.

Mr. MYERS of Indiana. So if I am correct in the interpretation here, a farmer within a county would also have to have severe loss, would have to meet that 70 percent, but a farmer after that is met in the county, then each farmer—the good farmers could be left out?

Mr. ENGLISH of Oklahoma. That is exactly the point.

Mr. MYERS of Indiana. Is that what the gentleman is attempting to do? If that is the attempt, then I have no objection.

Mr. ENGLISH of Oklahoma. And let me also say this. It also takes into account where you have a farmer who is a bad farmer, because it is going to jack up his ability to recover.

Mr. MYERS of Indiana. I should say an unlucky farmer instead of a bad farmer. I am sensitive about that.

Mr. ENGLISH of Oklahoma. Well, in Oklahoma we did not have any unlucky ones. I was not too sure about other areas of the country, but I think it is a very discriminating targeted approach to those people who have either abused the program, or quite frankly who have long histories of losses that need to be dealt with from a taxpayers' standpoint.

I think what it does, it singles those out and leaves the good farmers alone. It would not apply to the gentleman's farmers.

Mr. MYERS of Indiana. Well, to clarify this, I know a lot of good farmers who had bad luck because of weather, primarily. That is what we are trying to cover with insurance.

If that is what it does, then I have no objection.

Mr. ENGLISH of Oklahoma. Mr. Chairman, if the gentleman will continue to yield, just very quickly, one other point that I would make is many of the losses that we have had occurred in the last decade, but this bill takes that into account.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman.

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

Let me say at the outset that I support the amendment offered by the chairman of the Agriculture Committee.

I have heard expressions on the floor concerning the role of the Appropriations Committee as against the role of the authorizing committee.

I would hope that what we are doing today is evidence that both committees working together can improve a work product to the point where it achieves the end we are seeking.

This Appropriations subcommittee faces the responsibility of paying for authorized programs. I can tell you that, as members of this subcommittee reviewed the performance of the Federal Crop Insurance Corporation, we came to the conclusion that this was not an insurance program, this was a disaster, a disaster which had cost the American taxpayers $2.9 billion over the last 10 or 12 years.

Let me give you one year as an example. In 1991, we ended up paying to the companies that wrote the insurance $248 million for expenses. We then turned around and lost $965 million, and then declared a bonus to the insurance companies of another $42 million.

Now, I would suggest to you that no bonus under any normal business circumstances would have gone to any business or insurance operation with that kind of experience.

The reason we put a 70-percent threshold in this provision in the appropriations bill was to catch the most extreme cases, the habitual losers who year in and year out plant a crop in a county and it fails.

Now, I have to tell you in all candor that there are farmers who are gaming the system. They are not farming the land. They are farming the Federal Treasury. I have no sympathy for those individuals. They have found ways to plant follow-on crops, to plant program crops in counties where they will never grow, and the farmer knows it, the growing season is not long enough, there is not enough rain, but as long as Uncle Sam will write an insurance policy, they are in business.

We want to put an end to this abuse. It costs taxpayers hundreds of millions of dollars.

I believe what the chairman of the Agriculture Committee has done with this amendment is to focus on farms, rather than counties, and I accept that; but I would like the chairman to answer a question.

I want to make certain that it is our mutual understanding that we will not through this amendment create the shell game which we have had in many circumstances where farmers will start using their sons' names on programs or a wife's name or a corporation name and somehow evade the close scrutiny

which the gentleman is seeking with this amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, let me assure the gentleman that we have addressed that issue in the program crops. I do not know that it has been a major issue in crop insurance, but we will have very, very active vigilance over this program. We will join together with the gentleman to see that no program with this or any other program can be utilized by someone beyond the legislative intent and for the reason for which the legislation is in place.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. One further point. I think the Chairman makes a very good point on that.

I would again want to stress and make sure that everyone understands, in this case we are not talking about a farmer. We are talking about farms, so it is a specific piece of real estate. It does not matter who owns it. It does not matter who they sell it to. It does not matter who comes in and becomes a partner. It is that farm and the experience of that farm that we are going by.

Mr. DURBIN. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $235,794,000, to remain available until expended (7 U.S.C. 2209b); of which $47,072,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commissions and loss adjustment obligations incurred during prior years, but not previously reimbursed, as authorized by section 516(a) of the Act, as amended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1994, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $20,896,614,000 in the President's fiscal year 1994 Budget Request (H. Doc. 103-3)), but not to exceed $18,000,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1994, the Commodity Credit Corporation shall not expend more than $4,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, $578,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $588,262,000, to remain available until expended (7 U.S.C. 2209b); of which not less than $5,820,000 is for snow survey and water forecasting and not less than $8,214,000 is for operation and establishment of the plant materials centers: *Provided*, That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), $13,482,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), $9,721,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $228,915,000 to remain available until expended (7 U.S.C. 2209b), of which $40,386,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $22,881,000 shall be available for emergency measures as provided by section 403-405 of the Agriculture Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resources conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $32,945,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,658,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $194,650,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels; *Provided further*, That not to exceed $15,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,820,000, to remain available until expended, as authorized by the Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $18,620,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $13,783,000 to remain available until expended (7 U.S.C. 2209b), to be used for investigations and surveys for technical assistance in development conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, to local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,743,274,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Wetland Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $44,450,000, to remain available until expended: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purposes of carrying out the Wetlands Reserve Program.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

□ 1540

The CHAIRMAN. Are there any points of order against title II?

If not, are there any amendments to title II?

The Clerk will read.

The Clerk read as follows:

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, $583,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: $2,550,000,000 for loans to section 502 borrowers, as determined by the Secretary,

of which $750,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; $573,900,000 for section 515 rental housing; $600,000 for site loans; and $166,863,000 for credit sales of acquired property: *Provided*, That up to $50,664,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: low-income housing section 502 loans, $366,360,000, of which $12,225,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans; $13,671,000; section 514 farm labor housing, $8,394,000; section 515 rental housing, $311,972,000; and credit sales of acquired property, $25,397,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $396,161,000.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 42, after line 26, insert the following:

RURAL DEVELOPMENT ADMINISTRATION

Notwithstanding any other provision of this Act, except section 722, the Secretary may transfer funds from the Farmers Home Administration in this Act to fund the Rural Development Administration, as authorized by law.

On page 43, line 1, insert before "FARMERS HOME ADMINISTRATION": "RURAL DEVELOPMENT ADMINISTRATION AND".

Mr. DE LA GARZA. Mr. Chairman, this is another one of the amendments where we had to work out, hopefully, a viable alternative to that which was in the Appropriations Subcommittee's legislation. This amendment, which has been developed in consultation with the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. DURBIN], simply authorizes the Secretary of Agriculture to transfer funds necessary to fund the Rural Development Administration from funds appropriated to the Farmers Home Administration. This will provide funding for the agency for fiscal year 1994, and I believe that it is acceptable to the subcommittee leadership.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I move to strike the last word.

I would only like to say, Mr. Chairman, that I support the amendment offered by the gentleman from Texas [Mr. DE LA GARZA] as he presented it on behalf of the Committee on Agriculture. I think that the approach that we are taking here, as I understand it, is to, in effect, make certain that the Rural Development Administration continues, and the question remains with regard to regional offices, and this amendment will, in effect, allow the regional offices, the elimination of regional offices, to continue as was provided for under the appropriations bill. But it would leave standing the Rural Development Administration as it is and gives the authority to the Secretary to transfer funds from the Rural Development Administration and Farmers Home Administration to establish, after April 1, 1994, any other entity that may be created through the Secretary's reorganization plan, whatever that may be.

Mr. Chairman, I would simply like to say that I think that this deals with a concern that has been expressed pertaining to the regional offices, and I think that this in fact is a solution that we can all agree with and live with until we have the Secretary's reorganization proposal and that has been dealt with.

So, I strongly support the amendment as it stands, Mr. Chairman.

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

Mr. Chairman, I rise to conduct an inquiry with the gentleman from Oklahoma [Mr. ENGLISH] preferably because we have had some conversation with respect to another issue. I do not know if this is identical to the issue we have discussed previously or exactly what the impact that would have on the Farmers Home low, and moderate and assisted housing provisos, if any.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Chairman, this would have no impact with regard to that. The question that we have before us, as presented by the appropriations bill and what the chairman of the Committee on Agriculture is attempting to deal with, is the complete elimination of the Rural Development Administration as it stands. What this amendment does is it brings home and really targets the thrust of the appropriations bill's effort, namely, toward the regional Rural Development offices that were established. They were not a part of the original Rural Development legislation contained in the 1990 farm bill, and so this would in effect, on April 1, 1994, subject those offices to being closed unless the secretary, along with the Congress, should act to either reestablish them or establish some other format.

It also provides that the funds that are being appropriated would go to the Rural Development Administration and Farmers Home Administration from which the secretary could use those funds in establishing some other reorganized effort. But it has absolutely no bearing with regard to those entities that are contained in the Farmers Home Administration today.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. ENGLISH].

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

Mr. Chairman, let me say at the outset that I support this amendment, and I believe that the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], and the gentleman from Oklahoma [Mr. ENGLISH] are seeking to do with this amendment is to make certain that the concept of a Rural Development Administration survives.

I will say to my colleagues that there are some differences of opinion among members of the subcommittee as to the future and the efficacy of this agency. It has a lot to do with the fact that somewhere along the line we established some seven regional offices across the United States. Those regional offices became a new layer of approval, for those communities which are seeking water and sewer grants through the Farmers Home Administration. What we did, in fact, by creating those regional offices was to create a new level of bureaucracy, a new stage in the approval process and a great inconvenience to a lot of small communities that are seeking to improve their water and sewer facilities.

So, we tried through the Subcommittee on Appropriations to eliminate the RDA. We heard from the administration that their concept of a Rural Development Administration was being pursued as part of reorganization. That is why I have acceded to the request by the Committee on Agriculture to continue the work of the agency, but to eliminate the regional offices.

Mr. Chairman, the net impact of this, as I understand it, is that those who are working with RDA will be also working in the same offices with folks from the Farmers Home Administration, which means that State by State each community can still continue to work with the State Farmers Home Office and the representatives of RDA to get the job done.

Mr. Chairman, it will cut down on paperwork, it will cut down on the time for approval, and I think, in cutting this redtape, that we will, in fact, serve these communities better.

I commend the gentleman from Texas [Mr. DE LA GARZA]. I support the amendment.

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

Mr. Chairman, given the colloquy I have just heard and the comments from the distinguished gentleman from Illinois [Mr. DURBIN], the chairman of the Appropriations Subcommittee, I wonder if he could respond to a question from me regarding the duties that had been contemplated to be pursued by the district office director. If the district office is eliminated, will, for the most part, those decisions then be taken by the State director of the Farmers Home Administration in conjunction with the RDA, or will they be elevated to the national level?

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

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

Mr. DURBIN. Mr. Chairman, I would say to the gentleman from Nebraska [Mr. BEREUTER] that it is my understanding that the RDA employees who are working on those approvals will now be back in the State offices of Farmers Home so that the communities, as they come with their applications, will be coming to a familiar surrounding, meeting with people from Farmers Home, and finding people from RDA present to go ahead and approve their grants and loans and to move them forward.

□ 1550

I think I heard the gentleman earlier express similar concerns that we had really created some distance here and another step in the process. I think what the gentleman from Texas has done is to back up and go back to the State Farmers Home offices as the situs for that decision.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his comments. It is my judgment that is the right direction. I wanted to just assure that we were not elevating more decisions to the national level, but were indeed returning them to the State level.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I would be pleased to yield to the distinguished gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I think there is a very important point to be made, though. Each State today, we do have people from the Rural Development Administration, people who had formerly been a part of the Farmers Home Administration. They are still in the same offices, but they are people who are a part of the Rural Development Administration. So it should be understood that what this amendment does is not to change anything with regard to the divisions within the state of duties for the Rural Development Administration as opposed to the Farmers Home Administration from what they are today. What the distinction is that will be made is that there will be no regional office.

We would anticipate that the Secretary would have his proposals for reorganization in the very near future. I am hopeful that I can speak on behalf of the Committee on Agriculture, that I think you can expect that we will move expeditiously with regard to those recommendations, and this issue of reorganization is going to be solved before April 1, 1994, and we have finally eliminated the funding for these regional offices.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I thank the distinguished gentleman for his comments. I do understand, and thought I did understand correctly, the point the gentleman was making. But my point is that none of the decisions now being contemplated to be pursued by the regional or district office director would be elevated to Washington. Instead they would be returned to RDA personnel in the States, working in conjunction with the Farmers Home Administration. Is that the understanding of the gentleman from Oklahoma [Mr. ENGLISH]?

Mr. ENGLISH of Oklahoma. If the gentleman will yield further, I want to make sure the gentleman from Nebraska [Mr. BEREUTER] understands perfectly clear. The Washington office today and before the RDA, and with the Farmers Home Administration, makes decisions. Many of these decisions are elevated from the Farmers Home Administration today, and they have been in the past, to the Washington office to be made.

Now, if the gentleman is asking, is this going to change decisions that are made, say, as they were in the past at the Farmers Home office, or at the State personnel for the Rural Development Administration, I think that will continue as it is.

But all of these are subject to approval obviously to the Washington office, whether it is Farmers Home or Rural Development. It always has been.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I would say I had hoped that we might be moving toward a decentralized decisionmaking instead of elevating or moving toward more centralized decisionmaking. But I have some concerns on the basis of what I am hearing from the gentleman from Oklahoma [Mr. ENGLISH].

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

Mr. BEREUTER. I yield to the distinguished gentleman from Kansas [Mr. ROBERTS], the ranking member on the Committee on Agriculture.

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

Two years ago we decided that we would go forward with the RDA, the Rural Development Administration, and we put the rural development programs in that category, under that banner. Then, in keeping with that, in terms of the decentralized policy the gentleman is recommending, we established the regional offices in Massachusetts, South Carolina, West Virginia, Missouri, Pennsylvania, Texas, and Oregon. The gentleman knows that the regional office that serves us in Kansas and Nebraska is in St. Joseph, MO.

Now, 2 years later, we are saying whoops, we are not going to do that, after they are up and running, after we have a sign on the door, after we transferred Farmers Home employees over to the RDA and people moved from, say, Topeka to St. Joseph, all of a sudden we are now saying no, we are going to close down the regional offices.

Now we are going to wait, I do not know how many more months, maybe 3, 4, 5, or 6, for Secretary Espy, and he should have the green light to do what he wants to do in regard to rural development.

My question is, do we have the money to do this, to go back in and either keep the regional offices, if the Secretary wants that, or to move the regional office capacity to the State office of Farmers Home. I do not know.

But it seems to me that if we went down the road or, down the RDA road, and we established seven regional offices 2 years ago, and now they are just up and running, we should not be saying we are going to do away with them.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. I yield to the gentleman from Kansas [Mr. ROBERTS].

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

Mr. Chairman, it seems to me it could conceivably be that after we set them up 2 years ago, and now they are up and running, and then we close them down, the Secretary could say we are going to establish a new RDA office and we will have to do it again.

I just do not think this is the right way to run this operation. I think the Secretary should have the freedom to do whatever he would like, or the flexibility to do whatever he would like.

We should ask the chairman of the subcommittee what he expects will happen to the regional offices. I have an amendment that I can offer at the end of this bill that would simply strike line 7 through 10 that call for the defunding of the regional offices, and they would continue at least until the Secretary would make up his mind. I am undecided as to whether to offer the amendment or not.

Mr. BEREUTER. Did the gentleman say defunding the regional offices?

Mr. ROBERTS. Yes. It would strike the Appropriations Committee's decision to terminate the regional offices after they are up and running for 2 years.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I would hope we could have some clarification if we are going to have active regional offices or decentralized RDA decisionmaking at the State level.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of title III is as follows:

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $417,523,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,840,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $109,258,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That $297,211,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1994 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

RURAL HOUSING VOUCHER PROGRAM

For necessary expenses to operate a rural housing voucher program as authorized by section 542 of title V of the housing Act of 1949, as amended, $25,000,000, to be administered by the Secretary of Agriculture.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $622,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $23,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $14,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $634,624,000, of which $556,543,000 shall be for guaranteed loans; operating loans, $2,750,000,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $250,000,000 shall be for subsidized guaranteed loans; $4,909,000 for water development, use, and conservation loans, of which $2,012,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,163,000; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $147,566,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $34,080,000, of which $20,870,000 shall be for guaranteed loans; operating loans, $119,985,000, of which $9,360,000 shall be for unsubsidized guaranteed loans and $29,425,000 shall be for subsidized guaranteed loans; $506,000 for water development, use, and conservation loans, of which $43,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $229,000; for emergency insured loans, $26,060,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $22,405,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $275,392,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, $835,000,000, of which $35,000,000 shall be for guaranteed loans; community facility loans, $325,000,000, of which $75,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $298,762,000: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct water and sewer facility loans, $111,040,000; direct community facility loans, $24,125,000; guaranteed community facility loans, $3,803,000; and guaranteed industrial development loans, $2,778,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $58,194,000.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans $56,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $100,000,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,481,000.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106, $2,963,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to section 306(a)(2) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $450,000,000, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided*, That of this amount, $25,000,000 shall be available for water and waste disposal systems to benefit the Colonias along the U.S./Mexico border, including grants pursuant to section 306C: *Provided further*, That, with the exception of the foregoing $25,000,000, these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $25,000,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,750,000, to remain available until expended (7 U.S.C. 2209b).

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified or private nonprofit organization, $35,000,000: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932 of the Consolidated Farm and Rural Development Act, $3,000,000: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title III–A of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, $729,749,000; of which $35,552,000 is hereby appropriated, $374,255,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account in this Act and merged with this account, $261,158,000 shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account in this Act and merged with this account, $57,294,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, $1,476,000 shall be derived by transfer from the Rural Development Loan Fund Program Account in this Act and merged with this account, and $14,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account: *Provided*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $4,368,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telephone loans, $125,000,000; cost of money rural telephone loans, $198,000,000; municipal rate rural electric loans, $600,000,000; and loans made pursuant to section 306 of that Act, $933,000,000; to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $36,265,000; cost of municipal rate loans, $46,020,000; cost of money rural telephone loans, $40,000; cost of loans guaranteed pursuant to section 306, $11,184,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1994 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $199,847,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $40,000.

In addition, for administrative expenses necessary to carry out the loan programs, $8,794,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $10,000,000, to remain available until expended.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $13,025,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans, $3,381,000.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1994, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $38,776,000; of which $29,982,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account in this Act and $8,794,000 shall be derived by transfer from the Rural Telephone Bank Program Account in this Act: *Provided*, That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank: *Provided further*, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

The CHAIRMAN. Are there any points of order to the remainder of this title?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 50, line 19, strike "$35,000,000" and insert "$20,750,000".

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes, 15 minutes to be controlled by the gentleman from Indiana [Mr. BURTON] and 15 minutes in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. DURBIN]?

There was no objection.

The CHAIRMAN. On this amendment and all amendments thereto, time will be limited to 30 minutes, equally divided between the gentleman from Indiana [Mr. BURTON] and the gentleman from Illinois [Mr. DURBIN]

The Chair recognizes the gentleman from Indiana [Mr. BURTON]

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have listened to this debate with great interest, and I would just like to make a couple of points. This bill is almost $10 billion, or 16.2 percent, above fiscal year 1993. While I understand that about $8.8 billion of that is due to the shortfall in the Commodity Credit Corporation, there still is room to cut some of the spending in this bill.

There has also been an increase in entitlements, or what I believe is an entitlement, regarding the child nutrition programs, or about $671 million.

We as a country cannot sustain these kinds of increase in appropriation bills indefinitely. I mean, this is an increase of 16.2 percent in 1 year.

Last year the food stamp part of this bill went up by about 20 percent. Fortunately, the food stamp program did not increase to that extent this year.

But nevertheless, we have had quantum leaps in expenditures in this particular appropriation bill in the past. So we have to start making some economies.

The amendment that I have before the body right now would save only about $14.25 million. Granted, that is just a drop in the bucket, but it is a step in the right direction.

This amendment deals with rural development grants. Some of the examples of how the money would be spent are contained in the report language in this legislation. I cannot understand why we are spending money for Kentucky Public Television, some industrial parks in the country, and immigration counseling in Arizona.

We have about 2.2 to 2.3 million illegal aliens coming across the border per year right now. I was just in Mexico City and found that out last week. About half of them are being sent back. So we are having an increase of about 1.1 to 1.2 million illegal aliens coming into the country right now. And I cannot believe that the people of this country want us to be spending rural development money for immigration counseling in Arizona or any other State. They want to keep the illegal aliens and the illegal immigrants from coming into this country in the first place, and I doubt seriously if the amount of money appropriated in here would really be able to counsel many of those illegal aliens coming into the

country or deal much with the immigration problem.

□ 1600

So I would just like to say to my colleagues, the bill contains $35 million for rural development grants. Last year it was $20.75 million. All I am doing is reducing it to last year's spending level. This is not a cut below last year. It is just taking it back to last year's spending level.

That would reduce the spending in this bill by $14.25 million. I think it is a reasonable thing to do, and I urge my colleagues to take a hard look at this amendment and support it.

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

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

I rise in opposition to the amendment. I think it should be noted, for the record, that the Clinton administration has requested more funds for this program than the subcommittee has appropriated. The Clinton administration believes that as part of rural development that these grants are essential to put people back to work and to help small businesses.

I will concede the gentleman from Indiana has accurately described part of one of the grants. It is true that the Southern Kentucky Rural Economic Development Center is asking for help through a Rural Development Grant for the development of public television. What the gentleman did not mention is that this grant is being used as part of a rural technology facility. It is our understanding that the information which is going to be transmitted through this public television will not only provide education for people in rural areas but also job training, which is a very efficient and effective way of providing service in this day and age.

I represent an area which is by and large rural. My largest town, outside of my home town of Springfield, IL, is 22,000 population. There are not many like it. There are very small communities in very isolated counties.

They are desperate, absolutely desperate to find jobs to keep the high school kids graduating in those counties at home. Ask any Congressman representing a rural area, "What is the biggest heartache," and he will tell my colleagues, it is the fact that the kids are leaving the rural areas. There are no opportunities there. There is nowhere to turn.

What the President is trying to do and what this committee is trying to help him do is to provide some economic assistance.

Let me give an example of some areas that we have funded through the Rural Development Grants. Incubator projects in smaller communities, these, in fact, are buildings where small businesses, which otherwise would not have the wherewithal, can come together under one roof and get started, little mom-and-pop ventures that sometimes blossom into good businesses with a good payroll.

They need a helping hand. And in rural America, there are very few places to turn.

What we are trying to do with the Rural Development Grants is to give to those rural communities that otherwise would be out of business an opportunity to get started.

I have heard many things said about opportunities since I started in this Congress. The question is whether or not we are willing to provide some $14 million in seed money for this kind of opportunity.

If Members will read through the committee report on the Rural Development Grants, they will find communities like the Upper Peninsula of Michigan, which suffers from chronic economic distress, facing the potential closing of an Air Force base. It comes and asks for some help to establish a business incubator so they can get 20 loans in that community, 20 small businesses started.

I do not know how many will succeed. I guess the odds are basically against them. But we believe, as the Clinton administration does, that investing in training, in education, in economic development, and in helping small businesses, is money well invested.

That is why I would ask the Members of the Committee to think long and hard about cutting this amount of money. It may be appealing to cut $14 million, but a small amount of money given to a rural community may be all that it needs to really help and get the businesses moving, to provide jobs for the kids to stay in the communities to build their lives around these towns which have been so good to their parents and grandparents.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

I do not know how this country has survived for over 200 years without the Government, the Federal Government, providing money for projects sufficient as those just illuminated by my colleague.

I mean, it seems to me, when I listen to the other side argue on these issues anymore, that without Big Brother in Washington, DC, providing the money for these projects, the whole country is going to go down the tubes.

I think exactly the converse is true. We have a $4.35-trillion debt, quadrupled in the last 10 years. And it is because Government spending has gone completely out of control.

Every time we come up with an amendment to cut Government spending, I hear from my colleagues on the other side, Government has to spend more to provide more jobs.

Whatever happened to the free enterprise system? Rather than have the Government do this, why not provide tax credits to the business community in this country so they can hire those who are unemployed, those who do not know useful skills, to get them off of welfare? Give them tax credits, have them hire the unemployed, teach them useful skills and make them taxpayers instead of tax recipients.

A lot of what the gentleman said I agree with. We need to do what we can to stimulate the private sector, to create jobs in these rural communities. But we can do that without the Government paying the tab, picking up the costs of these things.

That is the thing that got us in this mess in the first place. We go on and on and on.

Here we are now, public television is supposed to be supported by private sector monies, by corporations, by monies other than the Federal Government.

Here we are, the Federal Government is going to pay for public television in a rural area in Kentucky. Immigration counseling in Arizona, again, I will not reiterate what I said before. I do not think that is a necessary expenditure for this. Industrial park in some parts of the country. Why does not the local community, the State of that area where that industrial park is going to be located, pay for that? Instead, here we are, the Federal Government, Big Brother is going to take care of it and solve the problem.

My colleagues, we have to draw the line somewhere. We have to start setting priorities around here, saying that the Government can only do so much, because we cannot do something for small business, for the people of this country, unless we first take it away from the taxpayers.

We cannot spend money unless we first take it out of the pockets of the people in this country. Or worse yet, not take it out of their pocket, just dig the deficit hole deeper that they and their kids are going to have to repay. That is the problem.

So although this is a modest amendment, only cutting $14.25 million, it goes to the basic problem that we have. This is, Government cannot do it all and Government should be doing a lot less.

We should be stimulating the free enterprise system with tax credits, tax incentives and other ways rather than the Federal Government paying the tab.

The taxpayers cannot afford it. The deficit cannot afford it, because that is going to be paid for not only by the taxpayers, in the form of higher interest payments and so forth, but by the future generations of this country.

So we have to start drawing the line and cutting out some of these projects.

Granted, the intention, the intention of the majority is right. It is a well-intentioned approach.

The fact is, it is the wrong way to do it. The way to do it is not take taxpayers' dollars and pay for these things. It is to create incentives for the private sector to do it.

There is a better way to do this than what we are talking about here. I urge my colleagues to join with me in cutting this $14.25 million.

Let me just end up by saying one more thing. We are not cutting below last year's spending level. Last year we spent 20.75 million for rural development grants. I am just taking it back to that level. We are not cutting below last year. It is a freeze of last year's spending level.

This is a $14.25 million increase. I do not think we can afford it right now. We should be prioritizing our spending and, therefore, we would not need this increase.

I urge my colleagues to support this amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, my colleague on the other side of the aisle brought up a project from Arizona. I would like to explain it to him.

I agree with him. There are other ways of doing it. But we have not done it. Earned income tax credit is something I support. I know he probably supports it also. But we cannot get it through these two bodies.

So what is the second thing we can do? Yuma, AZ, is located on the Mexican border, and we have a nonprofit organization that is funded by foundation money that is trying to assist Americans who reside in this particular area and people who are here through the Amnesty Program, make sure that they go through the process to make them citizens. So the services that he talks about is because they are here through the Amnesty Program, which is a program passed by Congress. But it is not limited to Immigration and Naturalization.

This area is populated by low income, seasonal farm workers and migrant workers. Many of these people, who are Americans, also want to share in the American dream.

□ 1610

This nonprofit organization provides counseling and self-help, housing, it helps these people take advantage of some of the programs that Farmers Home has. It also helps those who want to become businesspeople, also to help them in the process, so it is an organization that is attempting to help people of less means. The majority are Mexican-Americans, many if not all are Americans, and those that wish to become Americans.

I would urge my colleagues to defeat this amendment, because what they are doing is providing people, at least in different parts of the country, means to achieve the American dream.

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

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

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

I really wanted to maybe enter into a dialog with my colleague, the gentleman from Indiana [Mr. BURTON]. While he was speaking about the idea that we should just let agriculture kind of take care of itself, I happened to be reading an article by Gov. Mario Cuomo talking about what New York was doing about defense contractors that were losing their jobs, the businesses and the employees were losing their jobs, as a result of the end of the cold war, and what it meant to employees in that State. There was an interesting phrase in it. I thought I could equate it perhaps in a discussion with my colleague about what he was saying.

The Governor said:

> Obviously, business partnerships and unemployment are costly enough, in this case costly enough to counter any laissez faire argument for letting industrial Darwinism take its course.

I wondered if maybe that is not what the gentleman is saying, by having no U.S. Government involvement in agriculture. If I may just finish for a second, it seems to me that the issues that the gentleman raised and the specific projects he pointed out, I understand that also there is local involvement, local money as well as perhaps even State funding, of which I am not aware, so I could not speak to that.

However, I understand in Yuma, for example, there is some local funding done and certainly local people giving their time. I was very interested in whether or not the gentleman did not see at least some role for the U.S. Government, rather than letting agricultural Darwinism take its course.

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman yield?

Mr. COLEMAN. I am pleased to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. When the gentleman says "industrial Darwinism" or "agricultural Darwinism," he is talking about letting an evolutionary process take place, I guess?

Mr. COLEMAN. Yes, the gentleman is correct.

Mr. BURTON of Indiana. If the gentleman will continue to yield, I am not suggesting that. I am saying there is a better way, and the better way is to have tax incentives for the private sector or the free enterprise system to hire the unemployed and teach them useful skills by giving them incentives to do so through the Tax Code.

I think that is far more useful than for us to continue to take money out of the taxpayers' pockets and dig this deficit into a bigger problem.

Mr. COLEMAN. Mr. Chairman, I would say to the gentleman, I do not think it is all one side or the other. In truth, I think some of the very programs that were highlighted in some of the explanations we had from the chairman in fact indicate it is not just one way or the other, that in fact we can do some of both, and I would hope in terms of unemployment particularly in agriculture that the gentleman would see the efficacy of these programs.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to say that I do not believe that all of the rural development grants that we have been giving in this country are bad. What I was saying is that during a time of fiscal problems in this country, that we should not be having increases in the programs.

Last year we spent $20.75 million, and I think that is adequate right now. By prioritizing these programs, and if the ones that the gentleman is talking about in Arizona or Pennsylvania or Kentucky, if they are meritorious, then put them in as a top priority, but do not add additional spending at a time when it is fiscally very difficult to do it.

In addition, I think we should try to come up with incentives for a private sector to be doing more in this area and creating incentives for them to take over these responsibilities, rather than have the taxpayer do it.

All I am saying is, let us freeze it at last year's spending level, at $20.75 million. I think that is a reasonable request.

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

Mr. BURTON of Indiana. Mr. Chairman, I am happy to yield 3 minutes to my colleague, the gentleman from the great State of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me. Actually, it is the Commonwealth of Pennsylvania.

Mr. Chairman, do I understand correctly that the gentleman is not cutting one dime below where we were last year, that he is going to spend exactly the same in this account as we were spending last year?

Mr. BURTON of Indiana. Yes, it is in effect a freeze, my amendment.

Mr. WALKER. If the gentleman will continue to yield, so what the committee has decided to do is go substantially above the freeze, is that correct?

Mr. BURTON of Indiana. It is going to go up by about 70 or 80 percent over the last year, 70 percent.

Mr. WALKER. And if I understand correctly, what we have just heard argued here as the reason for doing that is because if we make Government bigger, the country gets better, and the

more we spend in Government and the bigger Government gets, the better the country gets; that bigger Government leads, and I have a little bit of a problem with that, coming from an area that has been fairly successful in agriculture, where we are very proud of many of the rural areas.

What I have found is that Government is generally interfering with what we attempt to do in those rural areas, not helping. I wonder if the gentleman has found some of the same kinds of things in Indiana?

Mr. BURTON of Indiana. I think not only in the area of agriculture, but in almost every area of Government, we see the Federal Government taking over a bigger and bigger share of the responsibility. I think that in large part is the reason why we have these huge deficits, because we are spending more and more and more money trying to solve more problems with Federal taxpayers' dollars with new programs and entitlements we are coming up with, and we see it as just exacerbating the problem instead of solving it.

It seems to me the best way to do it is to get back to the good old free enterprise system with some stimulation, if necessary, by the Federal Government, instead of us taking over the responsibilities.

Mr. WALKER. If the gentleman will continue to yield, most of what Government brings with it is taxation, regulation, and litigation. In rural areas in particular that becomes very difficult to deal with. If what we are constantly doing is having to hire lawyers in order to deal with the Government, if what we are constantly faced with is higher taxes, if what we are having to deal with is higher taxes on the farm or business because of what Government is doing, if what we are faced with is volumes and volumes of regulations, so that we can participate in the latest Government program that the Government says is going to do us good, the fact is that the Government is undermining what is going on in rural areas, not helping it.

I would suggest that the gentleman is absolutely right, that in this particular case that there may be some good being done with these programs, but that good can be done within a freeze, that we do not need to add the additional money.

I would hope that the House would endorse the gentleman's amendment, would support it, so that we can hold this account to a freeze level this year, do those things which are absolutely essential, prioritize within the program, but let us not spend more money.

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

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, just a couple of brief points I would like to make on this. One is on the question of tax credits.

Let it be understood that the extension of tax credits has exactly the same budget consequence as the use of RDA funds. It is a matter of whether the Government is going to stimulate economic development or not.

Second, let us understand that the RDA funds are not gifts. This is not a gift horse. This is a matter of leveraging private as well as local funds in order to expand economic opportunities in rural areas.

The gentleman from Indiana [Mr. BURTON] suggested that we need to prioritize the use of our dollars. He is exactly right. We need to prioritize the use of the limited resources we have in this Government to create the infrastructure that makes it possible for free enterprise, private enterprise, to expand job opportunities. That is exactly what the RDA program is designed to do. Every other Western industrialized nation is much more aggressive than we are in this regard.

Mr. Chairman, there is no gift horse involved. This is the use of our limited dollars to help create an environment where free enterprise and private business can take off. For that reason, I think it is a very good program; a very small program, but a good one.

If there are those who believe this program interferes with economic development in their areas, there are many of us who would be glad to have their share of RDA funds.

Mr. DURBIN. Mr. Chairman, will the Chair inform us how much time remains, please?

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] has 6 minutes remaining and the gentleman from Indiana [Mr. BURTON] has 4 minutes remaining.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, the mention of Kentucky does not happen to be in my district, so I am not speaking on this particular project, but I do not think anything facing this Congress or anybody else in the next several years will be as important as what happens in rural development.

I think the discussion of priorities does bring home the point that we have to make how we are going to stimulate the economies in rural development a priority.

□ 1620

We are not just talking about agriculture, and I think that is what has been talked about, because a lot of rural America has nothing to do with agriculture. It has to do with people who live in the country, and manufacturing and so forth. And I will allow how you try to leverage money with business and so forth. But in rural America you have one more problem that you do not necessarily have in urban America. In rural America we very seldom have the private interests that are going to put the money in to stimulate the communications, or stimulate the hospital systems or whatever.

I do not think there is anything we can do in this Congress for the next 10 years, 15 years, that is going to be more important than to try to put more and more seed money into how do we give those people in rural America the same opportunities that people in the more populated areas have. And therefore, that is why I oppose the gentleman's amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, there are areas where the Federal Government should be involved. Infrastructure is one of them. We need good roads, we need good bridges, we need highways so that the commerce of this country can get its job done. That is a legitimate function of Government. I support that.

But there are other areas where Government should be limited in its involvement, and this is one area where I think Government should be limited.

I understand we have differences of opinion, but I feel very strongly about this. One of the previous speakers said that tax credits or tax incentives are coming out of the Treasury, so it is a wash as to whether we do that or do what is advocated with this spending for the rural development grants.

Let me just say that tax credits overall and tax incentives for the private sector to hire the hard-core unemployed, and to hire the welfare recipients, and to hire those who are in abject poverty, and find them jobs, and teach them useful skills, sure, it would cost some money in the short run, but in the long run, those people getting those welfare benefits would no longer be recipients, and they would be taxpayers. And statistics show that the people who get off of welfare and start getting a job, and start paying taxes are not a drain on the Treasury. They are a real plus. And in the short run those tax incentives to the private sector, to the businessman who would teach them useful skills is a great incentive, whereas continued Government subsidies and Government support just digs us deeper and deeper and deeper in the same hole.

For example, last year we increased food stamp moneys by 20 percent in 1 year. Food stamps went up 20 percent in 1 year in this agriculture bill last year. How is that solving a problem? It is not. Whereas if we had had some kind of a program to create tax incentives to teach those unemployed useful skills and get them employed by industry, we could have gotten them off of the welfare rolls, and instead of food stamps, and unemployment compensation and other things going up, we

probably would have had it going down. And it would have been less of a drain on the Treasury.

Each 1 percent of unemployment costs the taxpayers $41 billion in this country.

So let me just say there are times when the Government should be involved. Infrastructure is one of them, because we have to have that infrastructure to make sure that commerce moves in this country. But we must minimize the role of Government.

If Members do not believe that, just look at the last 20 years. Government has gotten more and more involved with entitlements, more Government programs, more Government regulations, and we are strangling the free enterprise system. If Members do not believe it, go and talk to any businessman who provides jobs, those jobs going overseas, out of the country so that we have to start making hard choices and prioritize spending.

That is why I say right here we are not cutting the spending, we are just freezing at last year's spending level, and that is not too hard to swallow. Prioritize these programs and spend money on the ones that are most important.

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

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

Mr. Chairman, had I just parachuted into this Chamber half an hour ago and listened to this debate, I might have a much different attitude than I do. But I have been around here for the past week or so while we have been debating whether we are going to spend $40 billion on a can in space or $12 billion on a ditch in Texas. Now the gentleman tells me that $14 million to try to create jobs in the poorest, most economically distressed parts of America is wasteful spending.

The gentleman yielded to his friend from Pennsylvania who said government brings us taxation, regulation, and litigation, and he voted as fast as he could for the space station. And a lot of Members voted as fast as they could for the super collider. I do not want to drag that debate into this one, other than to put it into some context.

For many communities, the space station and the super collider was jobs, and they voted that way, and they rationalized it in their minds, that someday, this might deliver for them. I want to tell the gentleman that for a lot of small counties and towns that I represent, and for Members from other rural areas represented, this program provides jobs, and we are asking for $14 million. The contractors on the space station lose that in pocket change each month. We are asking for this to create jobs, my colleagues.

I share with you, the depression, the consternation over food stamps. We are putting $28 billion for food stamps in this bill. We cannot touch it. It is mandatory spending.

One out of every 10 American citizens now has food stamp coupons. Why? Because over the last 4 years we have had the slowest job creation and the slowest economic growth of any time in the last half century.

How are we going to turn it around? I hope we will turn it around by helping small businesses get started. I hope we will follow the mandate of the Rural Development Grant Act which says we are going to focus on educational instruction and job training instruction. Give the kids I represent in Calhoun County, a small rural county that I represent, a chance to grow up in Campsville, a chance to grow up in Brussels where their parents did because there are jobs there. Give us a little bitty piece, a little slice of your space station. Let us have a little bit of economic development for rural America. Do not deny us in the name of deficit reduction $14 million when we turn around and cast billions of dollars out on a theory in space and a hole in Texas.

I honestly believe this is not an unreasonable amount. The President wanted $51 million. We gave him $35 million. We cut back from what he requested. I do not think it is an unreasonable increase.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself my remaining time.

All those who applauded, I want them to listen to this. This is very important. The gentleman well knows that the money spent for the super collider and the space station would not have gone for deficit reduction if it had been cut out. It would have been spent for another part of the bill. You were not going to take that money and use it for deficit reduction. It was going to go for some other public housing project or something else, and you know it. And so that is a red herring. That money was not going to be spent for anything except what was going to be put in that bill by the conferees.

The space station and the super collider, that money was not going to be cut out of spending in any way, shape, or form, and everybody in this Chamber knows it. So do not use that as a red herring, because that is what the gentleman is doing.

The second thing I would like to say is that we do have to economize. We do have to prioritize. Where we can cut spending we should. If we could have cut the money for the super collider and the space station and used it to reduce this horrible deficit, a lot of us would have voted for it, but we did not want to cut those and have it used for more social welfare programs that are creating tremendous dependency on this Government.

Give us an opportunity to cut spending and use it for deficit reduction by the rules coming out of the Rules Committee, and we will do it. But you do not bring rules to the floor that will allow that money to be used for deficit reduction. If we cut it, then it goes for other spending programs, or some other spending programs, some other entitlement, some other social program or welfare program, and it is wrong.

This is a freeze at last year's level. It is a good amendment, and I hope my colleagues will vote for it.

Mr. DURBIN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding the time and just wanted to mention that when I showed my chart earlier, Agriculture has turned back $57 billion in the past 12 years. It is not like we have not been responsible. It is not like we have not done our jobs.

Keep in mind, $57 billion has been turned back to the Federal Government by Agriculture in the past 12 years. I would say this is a pretty good job in trying to reduce the burden of the deficit in this country.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 288, not voting 6, as follows:

[Roll No. 292]

AYES—145

Allard	Dunn	Jacobs
Andrews (TX)	Ewing	Johnson, Sam
Archer	Fawell	Kasich
Armey	Fields (TX)	Kim
Bachus (AL)	Fish	King
Baker (CA)	Fowler	Klug
Ballenger	Franks (CT)	Knollenberg
Bartlett	Franks (NJ)	Kolbe
Barton	Gallegly	Kyl
Bentley	Gekas	Lazio
Bilirakis	Geren	Levy
Bliley	Gilchrest	Lewis (FL)
Bonilla	Gilman	Linder
Bunning	Gingrich	Livingston
Burton	Goodlatte	Machtley
Buyer	Goss	Mann
Callahan	Grams	Manzullo
Calvert	Greenwood	McCandless
Camp	Hancock	McCollum
Canady	Harman	McInnis
Castle	Hastert	McKeon
Coble	Hefley	Meehan
Collins (GA)	Herger	Meyers
Combest	Hobson	Mica
Condit	Hoekstra	Michel
Cox	Hoke	Miller (FL)
Crane	Horn	Molinari
Cunningham	Houghton	Moorhead
DeLay	Huffington	Morella
Diaz-Balart	Hunter	Myers
Doolittle	Hyde	Nussle
Dornan	Inglis	Oxley
Dreier	Inhofe	Packard
Duncan	Istook	Pallone

Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shepherd
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—288

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gillmor
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (TX)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—6

Blute
Henry
Matsui
McMillan
Rostenkowski
Skeen

□ 1650

Mr. BAKER of Louisiana changed his vote from "aye" to "no."

Messrs. POMBO, GILCHREST, and SLATTERY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1650

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIMMER: Page 53, line 17, strike "$125,000,000" and insert "$25,000,000".

Page 53, line 18, strike "$125,000,000" and insert "$25,000,000".

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, I just want to make sure that title III is open to amendment at any point.

The CHAIRMAN. Yes, title III is open to amendment at any point.

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

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

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 30 minutes, 15 minutes controlled by the gentleman from New Jersey [Mr. ZIMMER] and 15 minutes by me, which I will make available to both sides of the aisle.

Mr. ZIMMER. Mr. Chairman, reserving the right to object, I have no objection to that. Frankly, I do not know whether we will even use 15 minutes on this side.

Mr. DURBIN. Well, if we could agree to that unanimous-consent request, then maybe we could do with even less time.

Mr. ZIMMER. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent request, the time will be limited to 30 minutes on this amendment and all amendments thereto, 15 minutes on each side equally and evenly divided.

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

Mr. Chairman, there is a saying here in Washington that old Government agencies never die. They don't even fade away, and there is no agency for which this could be more true than the Rural Electrification Administration.

The REA was conceived by Franklin Delano Roosevelt in 1935 at a time when rural America did not have electricity and did not have telephone service. Its mission was to electrify the areas of rural America that did not have any hope of getting electricity, and later that mission was extended to cover telephone service as well.

The REA has been a tremendous, unqualified success. There is virtually no one in America today who does not have electricity and does not have telephone service, yet the REA continues to live on.

The REA in 1944 began a program of making loans to telephone companies and electric cooperatives at what was then the Treasury rate of interest, which was, believe it or not, 2 percent per year. That is a sobering thought to those of us who think we have reached Nirvana at a 7-percent Treasury bond rate.

But the REA continues in 1993 to lend money at 2 percent and at 5 percent and at other rates that are well below the market rate for loans. Many of the borrowers of these loans are companies that simply do not need a taxpayer subsidy. They are the utilities that serve Vale and Aspin and Hilton Head, SC. They are subsidiaries of major telephone corporations that are listed on the New York Stock Exchange.

The program has simply gone on too long and the subsidies are simply unjustified.

Now, I recognize that in the process of drafting the reconciliation bill this year the Agriculture Committee has made a valiant effort to try to rationalize and modernize this program, but it has not gone even as far as President Clinton has asked. President Clinton made a special point of mentioning the REA in his budget address. He pointed out that as a resident of Arkansas he knew the importance of the REA, but even in Arkansas they had to make some sacrifices.

The President proposed that the most generous loan subsidy program of the REA be reduced to $25 million a year for 5-percent loans to electric cooperatives, another $25 million a year this year for loans to telephone companies, $25 million and $25 million.

The bill before us has increased those loan levels by $100 million each. So

there is $125 million in the current legislation for 5-percent loans to electric cooperatives, and $125 million for subsidized loans at 5 percent to telephone companies.

My legislation would simply reduce those amounts to what the President asked for.

There are many of us who believe the REA has outlived its usefulness and should be abolished, but this bill would not go anywhere near abolishing the REA. It would not decapitate the REA. It would not even give it a haircut. It would just give it a light trim.

I think putting it in line with what the President asked is the least that we can do.

I believe that with the $25 million loan ceiling we would give an incentive for the REA to make sure that those 5-percent loans go only to borrowers who need the money, who need the subsidy, and that we stop subsidizing those who do not need a taxpayer subsidy.

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

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH of Oklahoma. Mr. Chairman, I want to say right off that this amendment is very misguided.

I would make the point that we have reduced in the reconciliation bill the 5-percent loans for REC's from $625 million down to $125 million. That is a reduction.

For rural telephone companies, we have reduced the loans from $239 million down to $125 million. That is a reduction.

We have done away with all the 2-percent funds to help people who are having hardships.

And let me point out one other thing. We are going after those who need it the most. This particular amendment would strike at the very heart of those who can least afford it.

Let me point out what the criteria is to be eligible for one of these 5-percent hardship loans in States that you must have significantly higher rates than the average of all utilities in the State. It must also serve consumers whose incomes are below the State average.

This is going to those who can least afford a rate increase.

Let me say also, the issue and the point was raised with regard to urbanized areas. There is a provision that is in the reconciliation that denies the use of these loans in any urbanized area. This goes to the most rural, to the poorest of the poor. That is who this is aimed at.

There are those who have for some time, Mr. Chairman, been making the point that telephone cooperatives should not receive assistance. Well, let me make the point that people in rural America deserve the same opportunities that people who live in urban areas do.

Let me also point out there is no more in the way of assistance in helping those people living in rural areas than in urban areas. In fact, there is far less.

□ 1700

All this provision does is to strike at the very heart of those people who are the poorest of the poor, living in the most rural areas, those who are truly in need of hardship assistance.

Mr. ZIMMER. Mr. Chairman, what the gentleman from Oklahoma [Mr. ENGLISH] failed to point out, although he is correct that the amount for the 5-percent loan program is reduced from the last appropriations bill—what the gentleman failed to point out is that there is a brandnew subsidized loan program included in this legislation, a program that I have not proposed to cut, for $600 million in subsidized loans at the rate available to municipalities. That is roughly 6 percent.

So, there is only, as a practical matter, there is only going to be a modest increase in the amount of the loan interest for those who will avail themselves of the program, and there has not been a reduction.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I would simply make the point that the legislation the gentleman is referring to saves $150 million. This program has been cut, interest rates have been raised, we have done away with 2-percent money, we have reduced the 5-percent money, we have put REC's and rural telephone companies on the same level as municipalities. They get the same rate. We are treating them fairly.

The thing I have a difficult time understanding is why the gentleman would target and strike out at those who are in the greatest need, those who are truly hardship cases, those people who are living in the most rural areas who have the highest rates, those people who can least afford it. I have a very difficult time understanding why in the world we want to rip the rural electric service and telephone service away from those people who are so desperately in need and most of whom, I might say, are elderly.

Mr. ZIMMER. Reclaiming my time, Mr. Chairman, the fact is this is not a program for rural individuals. It is a program for rural companies, in this case rural telephone companies and rural electric cooperatives, and the gentleman could not deny that there is a brandnew $600 million loan program, a subsidized loan program, because there is. The fact is that $25 million is being left in each program for true hardship loans. Up until now the loans have been on a first-come-first-served basis. We do not know even what kind of hardship, if any, these loans respond to. The President has estimated we would need $25 million in each category to deal with the problem.

Mr. Chairman, I suggest that the gentleman on this side of the aisle follow the lead of our President and follow his guidance.

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

Mr. COX. Mr. Chairman, I thank the gentleman from New Jersey [Mr. ZIMMER] both for yielding time and for bringing this important amendment to the floor and to the attention of our colleagues.

Mr. Chairman, everyone here wants to cut the deficit. Everyone here wants to avoid raising taxes. It is impossible, however, to do either of these if we do not cut Government spending. Cutting Government spending, particularly unnecessary and wasteful Government spending, ought to be what this Congress is all about.

One of the most wasteful programs in Government identified by scores of journalists, and political commentators and economists across America is the one targeted by my colleague, the gentleman from New Jersey [Mr. ZIMMER]. This indefensible program maintained by the REA will cost an extra $200 million to taxpayers already in hardship unless the Zimmer amendment passes.

Mr. Chairman, the original purpose of the REA was to extend electricity and telephone service to rural areas that did not have it. First America accomplished the goal of getting electricity to the Nation's farms. Second, we tackled the job of bringing telephone service to them, and they have got it, and yet this agency lives on extending, I should add, a subsidy that was not intended in the original program. When Congress authorized REA to make 2-percent loans, that was about equivalent to the cost of the funds to the Government. Today, fixed by law, these loans are extended at subsidized cut rates.

Mr. Chairman, the President of the United States, Bill Clinton, offered the Zimmer amendment as one of his only specific cuts in his overall budget. The President's budget request says that what we should do is get rid of the cut-rate loans for all but hardships and that, yes, we should make hardship loans at cut rates amounting to $25 million for telephone service and $25 million for electric utilities. That is precisely what the amendment offered by the gentleman from New Jersey [Mr. ZIMMER] will do.

The fiscal year 1994 budget request from President Clinton said, "Let's raise the rate to 7 percent," still an attractive rate for all the rest of these loans, "and reserve the 5-percent cut rate for the hardship loan, $25 million each in the case of electric utilities

and telephones." That makes a good bit of sense, Mr. Chairman. The net result is we will save $200 million for taxpayers, $200 million for taxpayers who are themselves in hardship, with the passage of the Zimmer amendment.

Mr. Chairman, this is the right thing to do. It will cut Government spending that is unnecessary and wasteful, and I urge my colleagues to vote aye on the Zimmer amendment.

Mr. DURBIN. Mr. Chairman, I yield 3½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, at the outset I would like to commend in particular the gentleman from Oklahoma [Mr. ENGLISH] as chairman of the Subcommittee on Environment, Credit, and Rural Development for putting together very meaningful reform of the rural electric association system, a reform that will produce $35 million in savings in fiscal year 1994 and $150 million over 5 years.

Mr. Chairman, I know of no program in the Federal budget which has been the subject of more inaccurate reporting or downright distortion than the REA. To hear some say it, the REA exists to deliver cheap electricity to the wealthy. The truth is the REA helps bring electricity to largely below-average-income families in the most rural areas of this country. In fact, the new restructuring of the REA already approved by the House institutes means testing to make sure only those rural electric co-ops truly needing the assistance can access the 5-percent money targeted by the gentleman's amendment. To qualify, the rates for these associations have to be 20 percent above the statewide electrical average, and the average consumer has to be below average in income.

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

Mr. POMEROY. I yield to the gentleman from New Jersey.

Mr. ZIMMER. Mr. Chairman, does the gentleman from North Dakota [Mr. POMEROY] have an estimate of the percentage of rural co-ops that would qualify for that so-called hardship status?

Mr. POMEROY. Mr. Chairman, I do not have, except their rates have to be 20 percent over average in their median income of their consumers below the statewide average. The gentleman's amendment has targeted those REA's serving the most rural and impoverished populations in this country.

Mr. ZIMMER. So, the gentleman does not know what percentage of all electric co-ops would qualify for hardship. I dare say that the constituents of mine in New Jersey are spending far more than 20 percent of the statewide average in most States for their electricity.

Mr. POMEROY. Mr. Chairman, I believe that one of the reasons that the gentleman from New Jersey is heartfelt and well-meaning, but totally misguided in his amendment, is confused on this subject, is because he does not know the difference between selling electricity in New Jersey, the district he represents, and a rural State like North Dakota, the district I represent. In the district of the gentleman from New Jersey the average electric utility has more than 75 consumers per mile of line. In North Dakota the average is 1.6 consumers per mile of line. In terms of per capita income, Mr. Chairman, the distinguished gentleman's district in New Jersey has a per capita income of 30,000 per year. In North Dakota it is less than half of that, $15,000 per year. Finally, in terms of revenue per mile of line, in my friend from New Jersey's district the average investor-owned utility collects more than $143,000 of revenue per mile of line. In North Dakota the average rural electric co-op collects less than $3,000 per mile of line.

Mr. Chairman, I ask my colleagues to consider these numbers when they vote on this amendment to further cut the REA. When asked to step up to the plate and do their fair share for deficit reduction, rural America has never shied away. In fact, beginning with the 1994 budget agreement, no sector of our budget has proportionately taken a bigger hit, including defense and agriculture.

□ 1710

Mr. ZIMMER. Mr. Chairman, just in response to the gentleman from North Dakota [Mr. POMEROY], although it may sound like a contradiction in terms, there is such a thing as rural New Jersey, and I live there on a farm in a very rural community. I know what the problems of rural America are. Certainly we are not as sparsely populated as your State, but the question that I raise and I hope perhaps the gentleman from Oklahoma [Mr. ENGLISH] can answer it, is how many utilities, what percentage of all the utilities, would qualify for this so-called hardship status.

Mr. Chairman, I will sit down and let the gentleman use his time.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I would be delighted to respond. Obviously that depends on the number of cooperatives that are able to qualify under a very limited hardship criteria. I might also point out that would vary from time to time. It is not going to be the same in any one year.

Mr. Chairman, let me also make the point that we have some 5 billion dollars' worth of tax breaks we are giving to the investors in utilities. I do not hear anybody talking about that. We have some 800 million dollars' worth of breaks that are going to municipals. I do not hear anybody talking about that. And I have just been informed by the Banking Committee that private banks, for instance, are borrowing from the Federal Government, some at 3 percent loans. I certainly do not hear anybody talking about that.

I still wonder why in the world with this amendment we are targeting those that are the neediest of the needy, some of our most senior citizens, people living in the most rural areas of this country. That is what this amendment targets, those people who are truly in hardship, that meet the hardship criteria. I do not understand why we are talking about those people.

Mr. ZIMMER. Mr. Chairman, am I to understand this is coming out of my time?

The CHAIRMAN. It is indeed. You yielded to him.

Mr. ZIMMER. Mr. Chairman, I did not. I said I would sit down and let him use his time.

Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from New Jersey has 2 minutes left.

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

Mr. DURBIN. Mr. Chairman, I would encourage my colleagues to watch out for pickpockets from Oklahoma.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New Jersey [Mr. ZIMMER], but I do commend him for his efforts at deficit reduction.

I simply want to make two points: one of the points I want to make is that virtually all electric consumers receive some kind of federal subsidy, whether it is an investor-owned, municipal-owned, or rural electric. And the rural electric consumer actually receives the smallest subsidy per consumer, about half of what the municipal electric consumer receives. And I want to make the point that it is per consumer.

The second point I want to make is that further cuts in rural electric programs would threaten the ability of rural electric utilities to provide the quality electric and telephone service at an affordable cost. I do urge my colleagues to defeat the Zimmer amendment.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I would be glad to yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I would simply like to make a couple of further points. The point I would like to make is that sometime ago we agreed in this country to provide universal service. The people, whether they lived in rural areas or urban areas, would all have the same opportunities, that we would have access to the same kinds of services.

The fact of the matter is, that goal still has not been reached. People who are living in the most rural areas of

this Nation, people who are senior citizens, people who quite frankly are among the poorest of the poor of this country do not have the same access, the same opportunities, that people who live in urban areas have.

There are, as I mentioned, rather sizeable subsidies that are granted by this country to those who live in urban areas. To pick out those people who live in the most rural areas and are poorest I think, quite frankly, is misguided at best.

I would hope that this Congress, this House, would strongly oppose this amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, it is not often that I get up and speak in opposition to an amendment offered by my good colleague from New Jersey [Mr. ZIMMER]. I usually, frankly, support his amendments.

But I would like to plead with my colleagues to recognize that this is not the time nor the place nor the way to do what the gentleman wants to do—1993 is very different from 1935 when the rural electric programs were created. There is no mistake about that. That, however, is very different than suggesting that there is no need for rural electric programs today.

Very frankly, the farm today is dramatically different than it was in 1935. Part of the problem we have in Wisconsin, for example, is that whether we like it or not, the average farm that used to be 30 cows, by the year 2000 is going to be someplace between 85 and 100 cows.

To be honest, we need to rewire every farm in rural Wisconsin in order to maintain the kind of current that is going to go through those lines to deal with modern dairy facilities. So this is a very different scenario.

The second thing is, the gentleman is right. There are some problems with the program as to who is eligible and who is not eligible. We made some changes from a reconciliation perspective to meet our reconciliation instructions. We did not during that time attempt to do a full-blown review in reform of REA.

I would hope at some point we would look at the REA eligibility formulas. But if you heard me earlier here this afternoon, I suggested that authorizing language and changes ought to be done by the authorizing committee. This is not the time nor the place to do that.

So we have made dramatic changes. There is a role for REA. There is a dramatic role for REA in the 1990's, to help our farmers compete in the 21st century.

I have to tell Members, if we are going to cut farm program supports by $3 billion in reconciliation, we have got to then give them the infrastructure to compete successfully in a world market economy.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Chairman, I rise in opposition to the amendment offered by my honorable colleague, Mr. ZIMMER, of New Jersey.

As a member of the Congressional Rural Caucus' Executive Committee, I am proud to serve as an advocate for rural needs, and I oppose this amendment on several grounds.

First, the loan and subsidy levels for the Rural Electrification Administration have already been reduced as part of the Omnibus Reconciliation Act.

To cut funding for the REA by an additional 400 percent is asking an unfair sacrifice from programs which serve to provide a basic commodity to rural citizens.

Second, electric cooperatives presently receive a subsidy which is half that of municipal utilities. An insured loan program reduction from $125 million to $25 million will adversely affect rural residents who are already bearing a greater utility cost than urban dwellers.

And third, unlike other programs in the Agriculture Department, this program benefits all rural residents, not just farmers.

If this amendment is adopted, not only will rural citizens in my own district be affected, but many other rural areas in the country as well, many of which are more isolated than any part of South Carolina.

I suggest to my colleagues that they consider the impact of this proposed reduction, and vote against the amendment offered by the distinguished gentleman from New Jersey.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, as with the gentleman from Wisconsin [Mr. GUNDERSON], it is rare that I stand up here and oppose an amendment that cuts this type of money. But this program has worked. From 1933 until now, it is still working.

In my State, we are the most rural of all States. And not many of you in this body have ever had just but one phone in your town, one phone that works sometimes. We all now have phones in every one of my small villages because of REA.

But we do not all have electricity. Not many of you have had to use Coleman lanterns. I have. Many of my people are still using Coleman lanterns. And I am suggesting this is not the place to cut money with a program that works very effectively for the rural people of this great Nation.

I think this amendment is misplaced. Very frankly, it is not the appropriate way to cut a program that has worked successfully. We have not lost money under this program. It has been one of the most successful programs of all and has provided a great service to the majority of the rural people of this great Nation.

But this Nation is not all urban now. We still have vast areas, unpopulated areas, such as Wyoming, Montana, and Colorado, but most of all we have it in Alaska.

So I am asking my colleagues to oppose this amendment. It is a bad amendment. It is wrong. It is wrong this time, it will be wrong next time.

This is one of the times I suggest, respectfully, look at the success of this program and what it has brought to the rural people of America, and keep the REA still working for Americans. Let us not support this amendment.

□ 1720

Mr. ZIMMER. Mr. Chairman, I yield myself the balance of my time.

Let me make this clear. This proposal is not to kill REA. The proposal is to make a very modest cut in the least defensible part of REA.

This is not a subsidy to needy individuals. It is a subsidy to utilities, many of which are highly profitable. And I believe a majority of the utilities eligible for loans from the REA would meet the so-called hardship requirement. Nobody in favor of this legislation has given any indication otherwise.

All we are asking is that this level of subsidy be cut to the level requested by President Bill Clinton. That is all we are asking, and we are not touching the $600 million of low-cost subsidized loans at the current rate of roughly 6 percent that these same utilities would be able to avail themselves of under a brand new lending program.

How can we even begin to say we are serious about cutting the budget deficit, if we cannot make the most modest, most sensible kinds of cuts, cuts that have been endorsed by the President, cuts that are really more modest than we need to make in this program?

I agree that other utilities are subsidized by the public. I will support any effort of any of the proponents of the REA or anyone else to cut those other subsidies. But subsidies to one class of utility certainly do not justify subsidies to others. This is one of the least defensible forms of subsidy.

Let us start modifying, modernizing, and reforming this relic of the New Deal. It has served its purpose. It has now become a burden to the taxpayers.

We can make some real progress by simply adopting this very modest amendment to save a few bucks for the taxpayers who are subsidizing the rich as well as the needy under this program.

Mr. DURBIN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding time to me.

I am amazed at how enthusiastically most of my friends on that side have embraced President Clinton and his recommendations. Would that they would do so throughout the rest of the year.

Finally, someone once said, "The finest things in life are a good wife, a bathroom inside the house, and electricity."

Vote against this amendment, because this will nullify that great desire of an American out in the rural countryside.

Mr. DURBIN. Mr. Chairman, I yield the balance of my time to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, this is not a Republican versus Democrat issue. It is an urban versus rural issue.

My friends, we need each other in this country. But sometimes we do not understand each other.

I have and a great many of my colleagues over the years from rural areas have supported urban areas in the kinds of things that they have, their special needs, problems of urban decay, problems of housing decay, problems of transportation gridlock, problems of crime.

We have problems in rural America, too. They are different kinds of problems. What we need is your understanding for our problems, jsut as we try to give you our understanding for your problems.

Very frankly, this amendment, quite unintentionally, is nevertheless a gratuitous attack on rural America.

I ask my colleagues, urban and rural throughout the entire body, both sides of the aisle, to not participate. Vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ZIMMER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ZIMMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 314, not voting 8, as follows:

[Roll No. 293]

AYES—117

Andrews (NJ)
Archer
Armey
Baker (CA)
Barrett (WI)
Bartlett
Barton
Bellenson
Bilbray
Bilirakis
Boehner
Burton
Canady
Cardin
Collins (GA)
Condit
Coppersmith
Cox
Crane
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Eshoo
Fawell
Fish
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Geren
Gibbons
Gingrich
Goss
Greenwood
Hancock
Harman
Hefley
Herger
Hoekstra
Hoke
Horn
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kennedy
Kennelly
Kim
King
Klein
Knollenberg
LaFalce
Lazio
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
Mann
Margolies-Mezvinsky
McCollum
McHale
McKeon
Meehan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Neal (MA)
Nussle
Packard
Pallone
Paxon
Porter
Portman
Quinn
Ramstad
Reed
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schenk
Schroeder
Sensenbrenner
Shaw
Shays
Shepherd
Slaughter
Smith (NJ)
Solomon
Stark
Stump
Talent
Torkildsen
Visclosky
Walker
Waters
Weldon
Young (FL)
Zeliff
Zimmer

NOES—314

Abercrombie
Ackerman
Allard
Andr ws (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Blackwell
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Houghton
Hoyer
Hutto
Inhofe
Inslee
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kildee
Kingston
Kleczka
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHugh
McInnis
McKinney
McNulty
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Myers
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schiff
Schumer
Scott
Serrano
Sharp
Shuster
Sisisky
Skaggs
Slattery
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—8

Bishop
Blute
Henry
McMillan
Montgomery
Santorum
Skeen
Skelton

□ 1746

Mr. PENNY and Mr. KLUG changed their vote from "aye" to "no."

Mr. HANCOCK and Mr. BARTON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, during Rollcall Vote No. 293 on H.R. 2493, the Zimmer amendment, I was unavoidably detained. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 51, strike lines 13 through 17.

Mr. BURTON of Indiana. Mr. Chairman, I do not know if the chairman of the subcommittee would like to limit debate on this amendment, but if he does, I will entertain that suggestion.

Mr. DURBIN. Mr. Chairman, would the gentleman be kind enough to suggest a time limitation?

Mr. BURTON of Indiana. How about the same as before, 15 minutes on each side.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 30 minutes, 15 minutes controlled by the gentleman from Indiana [Mr. BURTON] and 15 minutes by myself.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, it is not compulsory that we use that much time?

The CHAIRMAN. The gentleman's point is well taken. The time is maximum and not minimum.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

If I may I would like to have the attention of the gentleman from Illinois [Mr. DURBIN]. This does not pertain to my amendment, but when the gentleman gets a chance to respond I know he will. There is a section on page 117 that I wish the gentleman would take a look at, at the bottom of the page which deals with the WIC Program and is appropriating $8 million to promote breast feeding in America. I would like to know more about that program and whether or not that is absolutely a necessary program.

My amendment, Mr. Chairman, deals with a new program that was started last year. Last year I objected to this program because it was creating another program that was going to spend money.

□ 1750

This program deals with outreach to socially disadvantaged farmers and rangers, and we started out with $1 million, and at that time the gentleman from Texas [Mr. DE LA GARZA], the chairman of the authorization committee, came to the floor and tried to explain to the body what a socially disadvantaged farmer and rancher is. I hope when he has time he will try to do that again today.

Somebody submitted to me that a socially disadvantaged farmer is somebody who could not get a date for the barn dance. I do not know whether that is correct or not, I say to the gentleman from Texas [Mr. DE LA GARZA], but he might check that out.

All kidding aside, all kidding aside, Mr. Chairman, we do not need any new programs even if it is only for $1 million or $3 million. This is the way spending gets out of control. We start with a program that we do not need and we spent $1 million, and then the next year we triple it. This year we are talking about $3 million.

We did not need the program last year at $1 million. We certainly do not need the program this year for $3 million.

I submit that this is a very small cut, but it is one that should be made. We should cancel this program, because I do not see that it has any real socially redeeming value.

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

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, and my colleagues, the legislation has a definition for socially disadvantaged. It states:

As used in this section, the term "socially disadvantaged group" means a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

As I explained to the gentleman last year, these are groups that were denied equality and justice because of their color or their ethnic background, and henceforth were not allowed to get all of the advantages that others had in regards to bank loans or in regards to buying plots of land or in regards to even buying farms in some areas of the country.

Those are the ones that we are talking about.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Did we not pass a civil rights act in both 1954 and 1964 that provides that it is illegal to discriminate on the basis of race or ethnic background? Then why do we need this?

Mr. DE LA GARZA. Because this group got put into this situation prior to the civil rights act, and the civil rights act, in fact, does not address that. If the gentleman feels that everyone who has been deprived of justice, because of the legislation that we passed that everything has been corrected, it has not, and this is an additional provision of law dealing solely with those involved in agriculture. Unfortunately, even though to this day, if the gentleman would read what has happened in employment at one of the foremost hamburger chains, the gentleman will know that discrimination is still here, and it is still happening.

Let me add in response to the first question that the gentleman posed about promoting breast feeding, I will leave that to the members of the subcommittee, but I would say that it is the way God intended it to be.

Mr. BURTON of Indiana. God did not charge $8 million for that to be done.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, you know, what we did last year is we started a new program for socially disadvantaged farmers and ranchers, and we put a million dollars in it because we were supposed to help them because it was racial or ethnic prejudice against them in their ability to buy land or a farm or do other things that relate to agriculture or ranching.

Now here we are back a year later, we are going to spend $3 million for this, and under the law, they have the right to go to court, to have the Justice Department come in and make sure that they are not treated unfairly. This has been done time and time again.

The gentleman just talked about some ethnic minorities being so-called mistreated at, I think it was, a Denny's restaurant at one time. There was legal action taken immediately, and that was changed in just a matter of days.

I do not know why we have to come up with another program when the laws have already been changed by the courts and by this body and the other body about 30 years ago.

And what do we do? We come up with another program that started at $1 million last year, and now we are going to raise it to $3 million.

How much is it going to be next year? Six million? That is precisely the problem we have in this body, we come up with some new kind of idea that is going to solve some social program, and before you know it it is costing us $50 million, $100 million, $200 million. Is it any wonder this country is in the deficit and debt position we are in?

We just keep coming up with program after program after program, many of which are not even necessary. I submit to my dear friend, the gentleman from Texas [Mr. DE LA GARZA], this is not a necessary program. We have civil rights laws, civil rights court decisions that have been rendered that make it illegal for anyone to discriminate against people to buy a house, a farm, or anything else, and this is just redundancy in the law, and it is a waste of taxpayers money.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Obviously we have a difference of opinion on this issue. But the gentleman insists that if there is a law, everything is corrected.

There is a law against murder. There is a law against stealing. There is a law against robbing banks. And it has not stopped people from committing these crimes.

Mr. BURTON of Indiana. Mr. Chairman, I do not want to prolong this debate. I just wanted to say that I think anybody who is thinking rationally knows that we have civil rights laws to deal with these problems, and to come up with a new program to deal with socially disadvantaged farmers or ranchers, I mean, where are we going to go with this thing? Are we going to go to socially disadvantaged schoolteachers, socially disadvantaged filling-station owners, socially disadvantaged restauranteurs? How far does this go?

We have civil rights laws to deal with this. I think that is enough. We do not need to come up with new programs that are going to dig us into a deeper and deeper deficit hole.

We spent $1 million last year, and we are tripling it. It is just simply not necessary.

Ms. MCKINNEY. Mr. Chairman, I am speaking on behalf of the disadvantaged farmers in the United States.

In 1982, the Civil Rights Commission issued a report entitled "The Decline of Black Farming in the United States." The Commission predicted that unless immediate action was taken to address the serious problems of discrimination and neglect, there would be no black farmers by the year 2000. We cannot let this happen.

The rate of black farm loss relative to the loss of other farmers has increased from 2½ to 3¼ percent.

We need to reach out to these groups which have historically been neglected, and ensure that we are inclusive, rather than exclusive, in all aspects of our program delivery. Barriers that prevent the full participation of underserved groups need to be overcome.

The problem is most serious in our small rural communities in the Southeast, communities where poverty is already highest and where few other industries exist to replace the key economic role of farms.

In 1990, as a Member of Congress, Secretary Mike Espy sponsored legislation to supply urgently needed assistance to minority farmers. That legislation was included in the 1990 FACT Act. It did not receive an appropriation until fiscal year 1993, and then only one-tenth of the amount allocated.

The time to act is now.

Just last week, Mr. Chairman, I had farmers come up from the eleventh district of Georgia to visit with Secretary Espy. They expressed their disappointment at always being promised assistance for their farms and never receiving what they need to keep their farms running.

I urge you to keep the $3 million for the Outreach and Assistance Program for Socially Disadvantaged Farmers and Ranchers, authorized in section 2501(a) of the 1990 farm bill.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 251, answered not voting 10 as follows:

[Roll No. 294]

AYES—178

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Derrick
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gilchrest
Gingrich
Glickman
Goodlatte
Goss
Grams
Grandy
Green
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Murphy
Myers
Nussle
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (TX)
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Andrews (TX)
Barca
Blute
Henry
Kleczka
Martinez
McMillan
Moran
Santorum
Skeen

□ 1819

Ms. CANTWELL and Mr. SMITH of Texas changed their vote from "aye" to "no."

Messrs. McINNIS, DOOLITTE, GILCHREST, BILBRAY, and TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BARCA. Mr. Chairman, during rollcall vote No. 294 on H.R. 2493 I was unavoidably detained. Had I been present I would have voted "no."

The CHAIRMAN. Are there further amendments to title III of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789); $7,497,131,000, to remain available through September 30, 1995, of which $2,727,022,000 is hereby appropriated and $4,770,109,000 shall be derived by transfer from funds available

under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to $3,849,000 shall be available for independent verification of school food service claims: *Provided further*, That $1,706,000 shall be available to provide financial and other assistance to operate the Food Service Management Institute.

None of the funds in this Act may be used to require schools participating in the school lunch program to offer students fluid whole milk as otherwise required by 42 U.S.C. 1758(a)(2).

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C 1772), $20,277,000, to remain available through September 30, 1995. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,210,000,000, to remain available through September 30, 1995, of which up to $4,000,000 may be used to carry out the farmer's market coupon program: *Provided*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $104,500,000 to remain available through September 30, 1995: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $28,136,655,000: *Provided*, That funds provided herein shall remain available through September 30, 1994, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That $2,500,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That $345,000,000 of the funds provided herein shall be available after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That $1,091,000,000 of the foregoing amount shall be available for Nutritional Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which $12,472,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $218,641,000, to remain available through September 30, 1995.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000: *Provided*, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $80,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,767,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order to title IV?

Are there any amendments to title IV?

□ 1820

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 59, delete lines 1 through 4.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments thereto be limited to 40 minutes, 20 minutes per side, 20 minutes to be controlled by the gentleman from Missouri [Mr. VOLKMER], and 20 minutes to be controlled by myself.

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

There was no objection.

The CHAIRMAN. The debate on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] will be limited to 40 minutes, 20 minutes on each side, the time to be controlled by the gentleman from Illinois [Mr. DURBIN] and the gentleman from Missouri [Mr. VOLKMER].

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent that 10 minutes of my time be allocated to the gentleman from Wisconsin [Mr. GUNDERSON] and that he be in control of that 10 minutes.

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

There was no objection.

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

Mr. Chairman, for the edification of those in the House who have not studied the appropriations bill that is now before us, on top of page 59 is the language that is attempted to be struck. That language reads:

None of the funds in this Act may be used to require schools participating in the school lunch program to offer students fluid whole milk as otherwise required by 42 U.S.C. 1758(a)(2).

Now the present school lunch law provides that lunches served by schools participating in the school lunch program under this act shall offer students fluid whole milk and fluid, unflavored, low fat milk. So, today, as a student goes in to get his lunch, he has the full range of milk available to him: Whole milk, 2 percent, 1 percent or skim milk, and 1 percent unflavored chocolate milk. Under the amendment as in the bill, as provided in the bill, the school districts would be able to contract when the contract for the milk with the local fluid processors to have only 2 percent, 1 percent or 1 percent chocolate, no whole milk. In my area of the district of Missouri about 40 percent of the people still drink whole milk. Forty percent, I assume, of the students drink whole milk. The 2 percent or 1 percent is not acceptable to them. It is not flavored to the flavor that they like.

Our young people eat and drink based on flavor, on taste, and I am afraid that they will say, "I don't want that 2 percent, I don't want 1 percent. I'm going to drink something else." They are not going to get their milk. If they do not get their milk, they do not get the calcium, the vitamin A and other ingredients that are necessary in that milk.

Mr. Chairman, I say: "Let them have the choice. If they are used to drinking whole milk, let them drink the whole milk. If they want 2 percent, they can have the 2 percent. It's there. Or if they want the skim, it's there. If they want the chocolate milk, and most of them drink the chocolate milk, let them do it."

Now the whole milk has been required since the mid-1970's in the school lunch program. There have been no problems with it. There has been a general concern from some nutritionists as to the fat content of whole milk. But I want to point out to my colleagues that that 8 ounces that that student gets, the fat content in the whole milk is 8 grams. When one drinks 2 percent, they are getting 5 grams. So there is only 3 grams difference in the fat content, and, when he eats the hamburger, or whatever, with it, that fat content is insignificant in difference. So, let him use what he is used to using at home.

I ask, "Why can't he have the right to be able to choose to have whole milk if that's what he wants," and I would like to point out that the amendment in the bill, the language in the bill, does not change the law. The law is still the same. So, school districts are technically still required to furnish whole milk because that is what the law says.

Now, if they are required, but do not have the funds to do it, it is going to create problems for them. I do not think that this bill is the appropriate place in order to change the school lunch program. That is under the jurisdiction of the Committee on Education and Labor, and I think that they are the ones, and we will hear later from the subcommittee chairman of the elementary and secondary education part of the Committee on Education and Labor.

As my colleagues know, I think that we should encourage kids to drink milk. They need it for calcium formation. They need it for their bones. I do not think we should be in the position of telling them that they do not have to drink whole milk or they should not drink whole milk when their parents are telling them it is O.K. to drink whole milk. I do not think we should pit children against parents. I believe that they should all again, as I say, have a choice, and I believe that children will drink whatever they are used to drinking at home, what they are used to, and, if they are used to 2 percent or skim milk, that is what they are going to drink in school. If they are used to drinking whole milk, they should have the right to drink that whole milk in school.

The gentleman, under his provision, would permit the school districts not to furnish whole milk so that children out there who want whole milk would not be able to get it. I think that they should be given that opportunity, and so I reserve the balance of my time and ask the House to adopt the amendment.

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

Mr. Chairman, politicians in America can withstand almost any criticism, but I do not believe any of us could withstand the criticism that we oppose giving milk to children. So, as one great politician once said, "Let me make one thing perfectly clear."

I am in favor of school children across America, not only continuing to drink milk, but encouraging them to drink more. I do agree with my colleague, the gentleman from Missouri [Mr. VOLKMER]. Children in their formative years need the calcium and vitamins in milk, and we should do everything in our power to encourage that more milk be consumed.

So why do we have this language in the appropriations bill? First, Mr. Chairman, let me tell my colleagues a story.

Several months ago, Mr. Chairman, I visited a grade school in Liberty, IL. The principal of that grade school is the sister-in-law of the famous Giants and Cubs pitcher Rich Rueschel from Camp Point, IL. She took me around and said, "Would you like to eat lunch with the kids," and I did. We had a good time, and afterward the nutritionist from the school came down and sat with me.

Mr. Chairman, I said, "You won't believe this, but one of my responsibilities in Washington is to fund your program. Got any complaints?"

She said, "Mr. Chairman, there is something that no school nutritionist can understand: Why do you continue to send us information on dietary guidelines for children in America? Why do you continue to tell us to reduce the fat content in the diet of a child in America and at the same time have a provision in the law which requires every school to buy the highest fat content milk available, fluid whole milk?"

I said, "I don't know. Let me check on it."

Mr. Chairman, I looked at the legislation, and I looked at the existing statute. It is clearly the only exception in the school lunch program. We do not tell the school districts whether they should buy creamy peanut butter or chunky peanut butter. We do not tell them whether they ought to buy peach slices in light syrup or heavy syrup. But we do require them to offer fluid whole milk.

I would suggest to my colleagues that that decision and that law is based not on nutrition, but on some other consideration.

□ 1830

Perhaps it has something to do with the dairy program. Now, let me tell you what our language in the appropriation bill would say to every school district in America. It would say, you may decide to offer whole milk to your kids, that may be what they prefer over 2 percent or chocolate milk or something else, but we are not going to require it of you. If you should decide that your kids get along just fine with the low-fat milk product and they will use it and will continue to get the calcium and vitamins they need, make that decision at the local level, in the cafeteria where the kids are going through the line. We are not going to second-guess you here on the floor of the House of Representatives in Washington.

What we are suggesting today is entirely consistent with modern thinking on nutrition, to get kids in the formative stages of their lives thinking in terms of a healthy diet. It is tough enough. I can tell you that from visiting this cafeteria, and I will bet if you have visited, you have seen them, too, the kids with the candy bars, eating the junk food that all of us are prone to do from time to time.

When we have a school lunch program sponsored by this Federal Government, we cannot be so inconsistent as to say, on one hand make it low-fat, and, on the other hand, you must require fluid whole milk. What we are saying is this: "School districts, nutritionists, make the best nutrition decision. We will not second-guess you. We want kids to drink milk, but we will not force fluid whole milk on you."

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

69-059 O—97 Vol. 139 (Pt. 10) 39

Mr. GUNDERSON. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I rise in strong support of this amendment, and I plead with my colleagues to simply listen to present law. I want to read this to you:

"Lunches served by schools participating in the school lunch program under this act shall offer students fluid whole milk and fluid unflavored low fat milk."

That is the law today. What does that law say? It says that when you are designing your school lunch program, you must have every option. You must have the whole milk, if a young person wants it, and you must have the low fat.

We are not mandating. We are not mandating. We are not mandating that every schoolchild in America ought to have whole milk. Where does this come from? What nutritionist would get up and tell us that we mandate that every school student must drink whole milk? Nothing of the sort.

That is why this amendment is essential, because the bill seeks to say that we are not going to allow schools to be required to offer students a choice.

Now, you and I both know, most young people probably do not want whole milk, and I guess most of us do not want whole milk, and we are not trying to insist that they do. But consider that young kid that gets up in the morning and does chores before he goes to school. He goes to school, he then goes out and plays football, and then he goes to play at practice that evening. Let us say he is six foot two, 180 pounds. You are going to tell this kid he has to drink low fat milk? You are going to say, "No, that is not what I am doing at all."

But it is. Here is why. The reason this language is put into law is because if you do not have this in the law, when a school board takes bids from their local milk distributor for milk for the school lunch program, those milk distributors must offer a bid based totally on 1 percent milk, because that is the way they get the low bid.

Now, then what happens? The school board is required by law to take the low bid. So all of a sudden if you do not have this language, you have created the scenario where no young student in any school in the United States will be able to get anything but 1 percent milk, and 1 percent milk is allowed under the program today.

So I would suggest to Members that in simply trying to make a choice, we ought to adopt this amendment.

Second, the reason I got up earlier and objected to what was happening in this bill is because this does not belong in an agriculture appropriations bill. This is under the jurisdiction of the Committee on Education and Labor that has responsibility for the child nutrition programs in this country.

In this Congress, Mr. Chairman, the second session of this Congress, the Committee on Education and Labor must reauthorize those child nutrition programs. I have already been, and I know the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] and others have been, in countless discussions already on trying to deal with the issue of fat content in our school lunches. And I find it fascinating.

Mr. Chairman, there is no place in present law that puts a limit on the fat content in a school lunch. So what we are going to try to do here today is something that is simple and easy and wrong, because we think we are going to get at the fat content of that school diet.

We are not going to do that at all. All we are going to do is say to the kid, "You cannot have whole milk, but you can have all the fat in hotdogs or all the brownies or all the candy bars or anything else that you want." That does not make any kind of sense.

So I plead with my colleagues, whether you are for low fat, you are for 1 percent, you are for 2 percent, or you are for whole milk, that whatever you are for, simply adopt this amendment to preserve that choice.

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

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

Mr. DURBIN. Mr. Chairman, I would just guess that the words "shall offer" are mandatory. If it were permissive it would say "may offer." We are requiring that lunches served by the schools participating in the school lunch programs "shall offer."

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, that is exactly all it is. It is available. It is the student's choice. After the first week the school knows how many want whole milk, how many want 1 percent, and that is what they offer for the rest of the year. It did not cost them a dime.

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

Mr. Chairman, in my opening remarks I failed to mention that this amendment is being cosponsored by the gentleman from Wisconsin [Mr. GUNDERSON] and the gentleman from Wisconsin [Mr. OBEY].

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE], the chairman of the Subcommittee on Elementary, Secondary and Vocational Education that has jurisdiction over the School Lunch Program.

Mr. KILDEE. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Illinois [Mr. DURBIN].

Mr. Chairman, is the gentleman from Illinois [Mr. DURBIN] aware that the National School Lunch Program is under the jurisdiction of the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor?

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

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

Mr. DURBIN. Mr. Chairman, yes, I am.

Mr. KILDEE. Mr. Chairman, I am glad the gentleman is aware of that. I am Chairman of that subcommittee.

Mr. Chairman, is the gentleman from Illinois [Mr. DURBIN] further aware that the issue of requiring whole milk to be offered as part of a school lunch will be thoroughly reviewed by my subcommittee next year in the course of the reauthorization of the School Lunch Program?

Mr. DURBIN. Mr. Chairman, if the gentleman will yield further, if the gentleman from Michigan [Mr. KILDEE] says that is the case, I believe it.

Mr. KILDEE. Mr. Chairman, very good. I want to assure the gentleman from Illinois [Mr. DURBIN] that we intend to have a number of hearings on the school lunch program next year, at which time we will have very distinguished nutritionists testify as to what the school lunch should be, and we would be most happy to have the nutritionist of whom the gentleman spoke testify at those hearings.

Mr. DURBIN. Mr. Chairman, I would be happy to invite her to attend.

Mr. KILDEE. I would like to have her testify.

Mr. DURBIN. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] has 16 minutes remaining, the gentleman from Missouri [Mr. VOLKMER] has 3 minutes remaining, and the gentleman from Wisconsin [Mr. GUNDERSON] has 5½ minutes remaining.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

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

Mr. Chairman, let me just join the chairman of the subcommittee in opposition to this amendment. This amendment is a good example of my observation that every bad piece of legislation precipitates the need for another bad piece of legislation.

The fact is we have a very elaborate milk program that raises the price of milk to our Nation's schoolchildren, and at the same time creates a surplus of milk.

Now, the surplus of milk is an embarrassment to the people who are proponents of the milk program. So now they come back and say we will now mandate the requirement that whole milk, with its high cholesterol and high fat content, be consumed by the Nation's schoolchildren, instead of the more healthy low-fat milk.

□ 1840

It is a perfect example of the point I made earlier, that every piece of bad

legislation precipitates the need for additional bad legislation.

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

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, is the gentleman aware that the Volkmer-Gunderson amendment saves $2 million for the taxpayer?

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I served on a school board before I came here, and I can tell Members that school boards view this requirement which is in the law as a mandate. They are mandated to offer a certain kind of milk.

We do not mandate them to offer a certain kind of pizza or a certain kind of roast beef, but we are mandating them to offer a certain kind of milk.

What I am hearing from home is "Stop the excessive mandates on things that affect the ability of local school districts to offer the kind of education they want to their kids."

I think this amendment is wrong on that ground. Let me tell Members a couple of things.

The patterns are set early in life. Eat a lot of fat as a kid and you grow up chubby, like me and like a lot of other Members in this room. Those patterns are set because of taste. And when those patterns are set by requiring whole milk, primarily only whole milk in a lot of school districts, I grant my colleagues, the chocolate milk is being offered as well, that kids learn to like the taste of it and drink it for the rest of their lives.

There is no question that whole milk is much higher in fat than skim milk or 1 percent milk or 2 percent milk. I am saying that the kids ought to be able to make the choice. But the school district ought not to be required to do this. This ought to be a subject that the kids ought to do it.

I think it was the gentleman from Wisconsin [Mr. GUNDERSON] who was talking about this. In my school district, if our school district attempted to foist a certain kind of milk on kids only and the kids would not like, they would come down to the school board meeting and they would say, "No, we want you to offer all sorts of milk in addition to the one type of milk."

I think this is a matter of choice. I am not telling my colleagues this is the most perfect way to legislate. But whether this amendment wins or loses, I guarantee them that it will offer a constructive move toward trying to modify the whole subject of diet for children in future years.

Diets are set at an early age, not later. There is almost nothing we can do as adults to control our cholesterol and our fat content. But we can do a lot for our kids.

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

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

Mr. PENNY. Mr. Chairman, I want to concur in the arguments that the gentleman has made regarding this issue. It seems to me that the appropriate way to deal with this is to allow the school districts to decide the type of milk to offer to the students.

In a district like mine, they are certainly going to continue to offer a lot of whole milk because in southeastern Minnesota that is what most of the kids are going to drink. In the other suburban districts, in order to get the kids to drink milk, it may have to be 1 percent or 2 percent, but I want these kids drinking milk. And I think the gentleman is making the exact argument that needs to be made.

Mr. GLICKMAN. Mr. Chairman, this is an issue of freedom of choice, as far as I am concerned. I would urge that the amendment not be adopted.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. FORD], chairman of the Committee on Education and Labor.

Mr. VOLKMER. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. FORD].

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] is recognized for 1 minute and 30 seconds.

Mr. FORD of Michigan. Mr. Chairman, I just came over here to tell the gentleman from Texas [Mr. DE LA GARZA], I keep my eye on him all the time because the Committee on Agriculture keeps trying to fool with the school lunch program. He and I have jurisdictional discussions.

I have been watching the wrong guy. Now all of a sudden, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies is going to write policy.

The gentleman who was just in the well, pointed out the problem of trying to legislate during an appropriations bill. He says that the law requires that whole milk be available in the school lunch program. That means to get the money that we send out every year to the schools to run the school lunch program, they will make whole milk available. They do not have to give it to everybody, they will make whole milk available. They do not have to give it to everybody, but it will be available.

That law will not be changed by this amendment. What we would produce is an interesting situation where the law will still be in place but we are going to cut off the money to pay the local school districts to buy the milk.

What are they going to buy it with? They are going to take the other subsidy we give them to run the program and buy whole milk, if they choose to do so.

One more thing I think is being overlooked, because we are in the wrong forum at the wrong time, this law was not put in place with the kid who had a mother who pays attention to whether they have skim milk, 2 percent or some kind of milk every day in mind. It was put in place with what in most parts of the country is a majority of kids who go to school without any parent caring if they ever have a glass of milk that day or from homes that never have a fresh bottle of milk in the refrigerator every day.

This program was started out to supplement the diet of kids who otherwise will not get a decent minimum, minimum, not maximum, but minimum standard of eating.

This bill does not, should not be debated on the floor. The gentleman from Michigan [Mr. KILDEE] will be holding hearings. All of my colleagues could express their opinions at those hearings.

Mr. GUNDERSON. Mr. Chairman, I yield 2½ minutes to the distinguished ranking member of the Committee on Education and Labor, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, first of all, let me get some of the trivial issues that I heard discussed out of the way. I heard someone mention "You are mandating."

Let me tell Members about school lunches. I did not visit occasionally. I spent 20 years eating school lunches with schoolchildren. That was part of my job, and I insisted that all the other administrators did the same.

Mandates? What they were mandated to eat is basically what you sent. What you sent is surpluses.

Someone mentioned peanut butter. Is there anything fatter than peanut butter and more fat content?

Lord. We tried to make peanut butter candy. We tried to put peanut butter in apples. We made peanut butter every way one could think, celery, because we had surplus peanut butter that we had to feed to our kids.

My brother, little brother is chubby. My older brother is not chubby. I am not chubby. We all ate the same thing. So we can get the chubbiness out of the road as part of this discussion.

Second, I asked, why did this ever get into an appropriations bill. It was said, "Well, some nutritionist said, 'You tell us to feed fat-free food and then you send us a mandate like this'."

Again, I ate the lunches for 20 years: Hot dogs, hamburgers, peanut butter, cheese, all fat-free food is what we were sending them and what we were eating.

Let us keep in mind several other things. A good nutrition study indicated that we have to be very, very careful when we are dealing with young children, when we are talking about strict diet in relationship to fat content. We better be very, very careful, because what will happen in the future

could be very devastating in relationship to their livelihood and their life in the future.

But let me go back to the initial issue that my chairman talked about and the subcommittee chairman talked about. This will be reauthorized next year, the School Lunch, Child Nutrition Program. That is where we have the hearings. That is where we hear what the people have to say pro and con. And then that is what the committee recommends to the entire conference, after we have our hearings and after we markup our legislation.

Let us not try to legislate this poorly, at any rate, on an appropriations bill. I rise in strong support of the amendment offered by the two gentlemen and hope it will pass overwhelmingly.

Mr. Chairman, I rise in support of the Volkmer/Gunderson amendment to strike language from the Agriculture appropriations bill which would eliminate language in our child nutrition laws requiring programs to offer whole milk as an option in school lunch and other child nutrition programs.

I have several concerns about the addition of this amendment to the Agriculture appropriations bill. First and foremost, this is an issue which should rightfully be debated in the context of the reauthorization of the child nutrition programs next year—after we have held hearings on the subject and have a better sense of all the issues involved.

According to Penn State Farm Economics—February 1992—whole milk is still the clear unflavored favorite among Pennsylvania schoolchildren. If we suddenly remove this option, can we be assured that schoolchildren will begin drinking lowfat milk, that they will continue to take advantage of this one important source of nutrition?

Mr. Chairman, we must remember that in 1992 over half of the children participating in the school lunch and breakfast programs were receiving free and reduced-price lunches. Since one of the main forces behind the creation of the child nutrition programs was to provide nutritious meals to those children who may not be receiving adequate nutrition at home, there is good reason to ensure they are eating well at school. While some children may not need the additional fat and calcium they receive from whole milk, there are others, especially children in elementary grades, who can benefit from whole milk.

According to a study published by the American College of Nutrition, strict adherence to low-fat, low-cholesterol diets in childhood may result in nutritional growth failure. If we eliminate whole milk as a required option for school lunch and school breakfast programs, we could be eliminating one vital source of nutrition for our Nation's schoolchildren.

Mr. Chairman, whole milk is not forced upon our Nation's schoolchildren. In many schools, a few cartons of whole milk are mixed in with cartons of lowfat and chocolate milk and children are allowed to choose the type of milk they wish to drink with their meal. Since we do not have all of the facts on this issue and there have been no hearings held in the committee of jurisdiction which could provide us with sound information on the beneficial/harmful effects of whole milk on our Nation's children, I believe we should delay the debate on this issue until next year when the Committee on Education and Labor considers changes to the child nutrition laws. I encourage my colleagues to support the amendment to strike this provision from H.R. 2493.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, clearly change is difficult. But this committee and this legislation achieves rather remarkable changes for the Congress of the United States.

It achieves changes in the way we have been doing business for many, many years. This bill gets rid of the people that measure the stems on pickles. We have been paying them to do that for many years. This bill gets rid of the programs that measure the flow of catsup, how fast catsup flows downhill. This bill gets rid of the programs for people to sip tea and have been doing it since the Revolutionary War. Remarkable change.

This bill even got rid of the Agriculture Year Books for which nobody wanted but every Member wanted to send to somebody.

□ 1850

Now we come to the last vestige of historic change in this legislation; that is, getting rid of the mandates on school districts and parents and children who want to decide what kind of milk they want to drink, want to partake in, because this is what current law requires, is that the school district offer, not out of generosity, it is a must offer: "You must offer this milk. Therefore, you must buy this milk." If you choose by a vote of the student body or any other means, you still must offer that milk.

We like to talk about this country as a country that can change. This is a mandate. This is a mandate that people see no sense in. They know what is good for their children. Their children know what they like or do not like. We think we should let them make that determination.

The school lunch program that the gentleman previously in the well talked about is not the school lunch program of today. He is right, he was eating them 20 years ago and that is what they were like. Today we spend a fortune trying to educate school nutritionists, school food service workers, principals and teachers and children about good nutrition, and then we find out that because of the special interests we are going to force whole milk on them, when all of the dietary guidelines published by this government and private and nonprofit organizations, health organizations, tell us that is not what we want to do.

Band together, I would say, have some courage and get rid of the mandate. Such as it is up here, I would say to the Members, and have the courage not to put a mandate on the school districts that they must buy this. Relieve the bureaucratic pressure the bureaucratic pressure. This will be a matter of great conscience, because this is what we must do.

Let the parents decide. Let the students decide. Let local school agencies decide. Why should the Federal Government mandate this in this program when they mandate it nowhere else?

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

Mr. MILLER of California. I yield to the gentleman from Missouri.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. VOLKMER. Mr. Chairman, the law only says that the school district has to offer it, not buy it.

Mr. MILLER of California. I would say to the gentleman, they do not get the milk free. The gentleman is requiring the school districts to purchase the milk.

Mr. VOLKMER. If the gentleman will continue to yield, no, that is wrong. The law does not say that, I would state to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of California. Mr. Chairman, I would ask the gentleman if he would tell me how he would offer it if he did not purchase it for the purposes of offering it.

I would say to the Members, historic change is upon us. We need to see if we can face down these special interests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of California. We need to see if we can bring ourselves together to vote against the mandate.

Mr. DURBIN. Mr. Chairman, in a spirit of comity and friendliness, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of this amendment, and with all due respect to my friend, the gentleman from California, he is one of the Members that does not understand dairy policy. There is a story, somebody said, that there are only five people in America that understand dairy policy, and those five people are lying. This might be what is going on here today.

Mr. Chairman, I rise in support of the amendment. It is in the best interest of the country to retain the requirement that whole milk be served in school lunch and breakfast programs. Prior to making any substantive changes we should evaluate the financial effect on farmers and taxpayers, as well as the nutritional data for problems related to calcium deficiency.

Mr. Chairman. We are not forcing whole milk on children with this amendment—we are keeping whole milk as an option. School food service

directors may also offer low-fat, skim, or chocolate milk—whatever appeals to students' taste. The problem is that without a whole milk requirement, many school lunch contractors will not include whole milk in their bids. Many people, students included, prefer whole milk. We should give them that choice.

From a nutrition standpoint, professionals are not in agreement on the potential long term effects of whole versus low-fat milk. What they do agree on is that milk is an essential ingredient in our children's diet if they are to grow into healthy adults. Milk contains 300 milligrams of calcium and is dense in other important vitamins and minerals. That is why we have a milk component in our schools.

Let us put this in perspective, one glass of whole milk contains about the same amount of fat as one tablespoon of salad dressing and fewer calories than non-diet soft drinks. It is not Congress' responsibility to debate the merits of three grams more or less of fat in our children's diets. We should be grateful that our children are drinking milk and developing good lifelong nutrition habits.

Finally, children participating in school lunch programs are not the only people that would be adversely affected by passage of this legislation without the amendment. Our Nation's dairy farmers and taxpayers would take one more financial hit that they can ill afford. I suggest that this issue reaches into the agriculture policy arena and its financial and nutritional ramifications should be fully evaluated before consideration.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. WALSH], a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Chairman, the cycle is complete: Motherhood is under attack, Chevrolets are being made offshore, apples have alar, and we are banning whole milk from schools.

I would say to the Members, this current language requires that the school districts offer milk to their kids. They can make it whole milk, they can make it low-fat milk. The choice belongs to the children.

As has been stated over and over again, if the school district makes the choice, the kid's choices are not respected. The school district is going to make that choice. They are going to choose low-fat milk.

If they grow up on a dairy farm and like the taste of whole milk, they are not going to be able to have it. Is that fair? Should we be passing legislation that denies the kid a glass of nice whole milk? I do not think so. Mr. Chairman, I urge support of this amendment.

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I really respect my colleague, the gentleman from New York [Mr. WALSH], but when he said that this amendment bans whole milk in schools, please. We give the schools the choice to buy what they think is best for their kids. If they decide that whole milk is what is best for their rosy-cheeked farm boys and farm girls in upstate New York or Minnesota, they can make that choice.

The law mandates the schools to offer whole milk. It takes away their choice of whether they are going to offer it and mandates it. That is the difference.

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

Mr. DURBIN. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding. In theory, the gentleman is right. In practice, it does not work that way. The problem is, if we do not mandate schools have to offer low-fat and regular milk, in the bid process the distributor is only going to offer a bid based on 1-percent milk. The school is required to accept the lowest bid, so if we do not mandate this, I hate to say it, the school board has no choice.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank my friend for yielding. I am not sure I want to get into this milking contest here. I am not sure whether this afternoon this debate is concerned about the dairy interests, the welfare and the health of the child, or making a decision in Washington that a local school board rightfully should be making.

It is kind of a mix here. I am not going to make the case whether whole milk or low-fat milk is best. As a kid, I drank milk by the gallons, literally, every day. It was whole milk, yes. It was not pasteurized, it was not homogenized. In fact, I milked it myself, and I may be not exactly the most slender person here, but I am not a pudgy one, either, so I am not sure we are chasing the right rabbit here, to use an old Hoosier vernacular.

Mr. Chairman, I am shocked when I hear the discussion that we cannot trust the school board back home to make decisions for our children, that we can make a better decision here on the House floor than the local school board. I share the same experience our chairman has in visiting a school cafeteria or a school lunch service, and I have had nutritionists and those who serve the line tell me, "Why can't we get milk the kids will drink?"

It is true, a little one drinks any milk stuck in front of them. However, as they get older and become teenagers they start worrying about that waistline. They start worrying about the fat content. Then they want the low fat.

Are we concerned about, really, today in this discussion, making decisions back there. The school board is just as concerned, more concerned, because it is their children being served there.

Why do we not let the language stay in here in the bill, as this committee has offered it? We have heard a lot of discussions through the years about freedom of choice on this floor. That is all this is, is freedom of choice for the child and the local schools, the local school board, to make that decision. There is nothing wrong with this language. Let us defeat this amendment.

Mr. VOLKMER. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Missouri has 2½ minutes remaining.

Mr. VOLKMER. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, I rise in strong support of the amendment. The issue of diet and the diet of young people and the generally inadequate diet that currently exists in school lunch programs throughout the country is in fact an issue of serious consequence and must be looked at in a serious and comprehensive way.

My understanding is, in fact, that is what the proper subcommittee is going to be doing. When the gentleman talks about freedom of choice, that is exactly what the issue is, the question who has the choice. What the gentleman is saying is that he wants the school districts to be able to ban whole milk for the children. In my State of Vermont, most of the people, the adults, like whole milk. The kids like whole milk. We do not want to see that option banned.

Our feeling is that the kids of America should be allowed the option of choosing whole milk, and that option should not be taken away from them. That is why I strongly support this amendment.

Mr. DURBIN. Mr. Chairman, I reserve my remaining time to close debate. I believe I only have a minute or two remaining, so I would defer to my colleague.

Mr. GUNDERSON. Mr. Chairman, I yield one minute to the distinguished gentleman from California [Mr. CUNNINGHAM], who is a member of the Committee on Education and Labor.

□ 1900

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding the time. I would like to thank both the chairman of the Education and Labor Committee, the gentleman from Michigan [Mr. FORD], and the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING], and note that

all of these Members are members of the Committee on Education and Labor that deals with children.

Is this a great conscience issue? No. As President Clinton said, "It's the economy, stupid." Is this going to change the world any? No; but it is an issue that saves $2 million according to CBO.

My wife is a principal. My children prefer totally nonfat milk. We prefer them to have that. My wife also has a child in her school that is bulimic, and she is required to drink whole milk. This gives her the option, and the family the choice to offer that.

It is an amendment that offers a child a choice of the type of services, not just nonfat, not just 2 percent, not just chocolate, but whole milk. The whole milk mandate would eliminate those choices.

The CHAIRMAN. The Chair will inform the controllers of time that the gentleman from Missouri [Mr. VOLKMER] has 1½ minutes remaining, the gentleman from Illinois [Mr. DURBIN] has 3½ minutes remaining and has the right to close debate, and the gentleman from Wisconsin [Mr. GUNDERSON] has 1 minute remaining.

Mr. VOLKMER. Mr. Chairman, I yield 1 minute to the gentleman from Texas

Mr. STENHOLM. Mr. Chairman, I urge Members to strongly reconsider this appropriations provision to eliminate the requirement that whole milk be offered to students in the National School Lunch Program. And I urge their reconsideration for reasons of public health.

I share the desire to reduce the fat intake of our children to improve their health. But it could be that fat in milk is not the culprit. I would like you to consider the scientific evidence that whole milk may actually be an essential source of nutrients that are important to the long-term heart healthy goals we all seek.

Dr. David McCarron of the Institute for Nutrition and Cardiovascular Research at the Oregon Health Sciences University has shared some very interesting data with me. The Framingham family study reported 2 years ago at the American Heart Association meetings and published last year in the Journal of the American Medical Association identified milk consumption as the most important predictor of lower blood pressures in 3- to 5-year-old children. Earlier reports from a multicenter study in the Southeast demonstrated that fluid milk intake was the nutritional factor that accounted for the blood pressure differences between white teenage girls and their African-American counterparts. One might argue that these nutritional benefits of milk will remain even if we consume low- or non-fat milk. Not true. Other scientific studies have specifically identified the fat components of milk as being essential for these cardiovascular benefits.

Whole milk needs to be retained in the school lunch program for the health of our youngsters. We should not be embarking on a change in the foods our children eat when the published scientific data supports just the opposite.

Mr. GUNDERSON. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, I want to make two points in the close of this debate. We can get in all kinds of side debates, but there are really two issues here.

Present law requires that schools offer whole milk and low-fat milk. We think that is proper. We think that ought to remain in effect.

Second, if you want to get at the issue of fat content in school lunches, and it is a legitimate issue, probably there are other parts of the dairy diet that we ought to be eliminating, not the milk. But also, the Committee on Education and Labor could do this next year in the second session of this Congress. Next year if in the agriculture appropriation bill the Education Committee has not done its job, then do this to us. But for gosh sakes, give the authorizing committee the chance to work out the negotiations that are already underway to try to reach an agreement on both sides of this issue.

If Members are for an authorizing committee, if they are for choice, vote "yes" on this amendment.

Mr. VOLKMER. Mr. Chairman, I yield my remaining 30 seconds to the gentleman from Wisconsin [Mr. OBEY], who is a cosponsor of the amendment.

Mr. OBEY. Mr. Chairman, I think kids ought to drink low-fat milk, but some will not drink any at all if they are not offered a choice. The issue is very simply whether kids will have a choice or whether they will not.

Without this amendment, they will not have it. I urge Members to vote for the amendment.

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

Mr. Chairman, I have worked in and around legislative bodies for many years, and this debate is a good indication of what usually happens. In a bill spending some $70 billion with many complex issues, we find the level of interest and participation really high on things we understand, like drinking milk. And so as parents, as those who work with school districts, and as those concerned about our kids, we come together in a debate, which I think has been interesting, and I think is also very important.

It is true that the present law does not force fluid whole milk on children, but it does force fluid whole milk on school districts, which was the point my school nutritionist was making. Why do you mandate our school districts such as Liberty, IL, buy a product that we do not think is the healthiest product to serve our kids? And that is why this language is in the bill.

I have heard a lot of things said about the appetites of kids and their taste, and if they grow up with fluid whole milk at home they will want it at school. The nutritionists will know that. The people running the school lunch program will know that. If they are conscientious men and women, they will provide the milk that the kids will drink, and if they are not drinking it, they will ask why.

There is one thing that has been kind of lurking in this debate that I find curious. There seems to be a suggestion here, primarily from people about my age or older, that kids need more fat in their diet. I would like to find any nutritionist in America who agrees with that premise. My kids, like every kid, are going to be exposed to more sources of fat in their diet than they know what to do with. We now know from a nutritional viewpoint, and from a health viewpoint, we should start off early suggesting to them to reduce the fat content in their diet.

Then there is this interesting provision where people say, now if this Durbin amendment, the one in the committee bill goes through, it is going to cost us $2 million. Follow me for a minute here, folks. Do you know why it is going to cost $2 million? Because the butterfat that you are not squeezing down the throats of kids is going to turn into butter that is purchased as part of price supports through the Commodity Credit Corporation, and that is going to cost us $2 million. I agree with that, but I think healthier kids are worth $2 million, and I think it is basically sensible for us to say to the school districts, you pick out what is most nutritious for our kids.

So many of our conservative Members, and my friend, JOHN MYERS, who is a true conservative, have stood up and said let the decision be made at the local level. But a lot of other Members have taken the microphone this evening and said no, we know better in Washington or the dairy industry knows better. We will tell you what kids really want.

I think what kids really want are adults who are thoughtful and will make choices to help them grow up and be healthy and strong.

If you listen to this debate, I am afraid we have a pure generational break here. A lot of younger folks and a lot of folks in support of nutrition would find an awful lot of the elements of this debate very humorous.

Mr. POMEROY. Mr. Chairman, I rise today in support of H.R. 2493, the Agriculture appropriations for fiscal year 1994 bill. In keeping with our commitment to reduce the deficit, mandatory spending in this package is $6.5 billion less than the amount requested by the administration and $160 million less than the amount requested by the administration in discretionary spending.

Much has already been said about the contents of this Agriculture appropriations package—what it will do and whom it will serve. Sixty cents of every dollar in this budget goes to domestic food assistance programs. The committee, in keeping with the administration's commitment to assist the less fortunate, has increased high priority programs, while making deep cuts in many other areas.

While the domestic feeding assistance, Forest Service, foreign food aid areas of this agriculture appropriations bill are worthy and necessary components of this legislation, I would like to stress that it is the agriculture part of this Agriculture appropriations bill that deserves the applause.

As the Representative at Large from North Dakota, a State known for its contribution to agriculture, I would like to highlight some facts about agriculture that are rarely understood by the majority of Americans.

Agriculture is the largest single sector of the American economy—comprising 18 percent of our economy—despite the fact that only 2 percent of our population is directly engaged in farming. Agriculture creates tidal waves of robust economic growth throughout many other sectors of the economy—food merchandising, rail, road and water transportation of commodities, value-added processing, farm equipment and machinery production and merchandising, distributing, inputs and equipping processing, transportation, merchandising—all of which let our main street stores stay open—not just in the agricultural Midwest, but in every city and town in this country. Twenty million American workers are employed due to agriculture.

I urge my colleagues to vote in favor of H.R. 2493, not just H.R. 2493, the Agriculture appropriations bill, but H.R. 2493, the Agriculture jobs bill.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Fawell amendment. This amendment would eliminate millions of dollars in research grants that are designed to improve agriculture, expand our knowledge about human health and nutrition, and protect consumers.

Mr. FAWELL argues that these grants are not authorized. That is not the case. These grants are authorized under Federal law and the research is carried out by the agricultural experiment stations of the 50 States, and by approved schools of forestry, land-grant colleges, and other eligible institutions.

I would like to take a moment to tell my colleagues about the process surrounding the Cooperative State Research Grants Program. Two points should be made to begin with. First, the amount made available for special research grants is $23 million less this year than in last year's bill. Second, those grants in the program that the committee chose to continue to fund were level-funded—there were no increases.

That is proof of the chairman's commitment to ensure that the grants funded under this program truly deserve funding and that the program is handled with real fiscal restraint.

I can tell you that when I asked the chairman and the committee for consideration of a program in Connecticut that would provide $50,000—a very modest grant—for research into the cultivation of a shrub that produces the anticancer drug taxol it was no pro forma process. Mr. DURBIN insisted that an application be filed, that detailed supporting documents be submitted, and that letters of support be included. Then, and only then, was this project seriously considered.

This project will look into the possibility of cultivating taxol commercially. All information gained by the research will be public, and the result could well be both a new crop for sustainable agriculture and an inexpensive source of a vital anticancer drug.

This taxol project, and the other research projects in this program, are solid scientific efforts that undertake important research which might otherwise not be done. The committee has handled the funding of these grants with great care and scrutiny. I urge Members to support these grants and the excellent work they do, and opposed the Fawell amendment.

Mr. REED. Mr. Chairman, I rise in opposition to the Fawell/Penny amendment to eliminate funding for specific research projects and facilities contained in the Cooperative State Research Service [CSRS] special research grants section.

During these difficult budget times, it is tempting to support efforts to reduce Federal spending. I have supported such efforts in the past and I will continue to do so where it makes sound policy sense. It does not make sense, however, to eliminate research programs and facilities that will help us to understand and preserve our coastal environment. Increased development and population pressures on our coastal resources stress the need for expanding coastal programs to address these needs.

These types of investments are not only investments in our future, they are also direct investments in our communities. In Rhode Island alone, our fishing industry, beaches, and navigable waters serve as a backbone to our State's economy. Looking beyond Rhode Island, initiatives such as the Coastal Institute will assist the U.S. aquaculture industry which is lagging behind the rest of the world. This multibillion-dollar industry can be important to the Nation's general economy and to the rural communities in which it is typically located.

The Congress has long recognized the unique contributions that the land-grant university system makes to our Nation. Individual State universities make contributions in research and teaching which extend well beyond State boundaries. Many of the issues debated in Congress, such as wetlands and coastal policy, aquaculture, and the export of environmental technology can only be resolved with the research which will be provided by the Coastal Institute and other similar initiatives.

Initiatives such as the Coastal Institute represent an investment in our environment, our communities, and in our Nation's international competitiveness.

The citizens of Rhode Island, who are still struggling to lift themselves out of a devastating recession, have clearly demonstrated their support for the Coastal Institute On Narragansett Bay by providing $12.6 million in bonding authority toward this effort. Congress has already provided $2.85 million toward this project.

I urge my colleagues to vote against the Fawell/Penny amendment.

Mr. ENGEL. Mr. Chairman, I rise today in support of the Agriculture appropriations bill and in opposition to the Fawell amendment. This bill includes $37.8 million in funding to the Cooperative State Research Services Building and Facilities Program. This program provides funding to build scientific facilities around the country. One facility that has received funding, the New York Botanical Gardens in the Bronx, is a leading research center for horticulture and botany. The botanical garden offers research facilities to scientists from around the United States and the World to benefit humanity.

The Bronx botanical garden is a beautiful facility used by the general public. In addition to the beautiful parks and observatory, educational programs are offered to teach children and adults about the environment and earth sciences.

This program is essential. It is one of the few resources available to the free standing scientific community to acquire the necessary facilities. It is not pork barrel spending. The funding for these projects is granted on a merit basis and is subject to competitive reviews by scientific colleagues. The projects themselves are evaluated by a governmental review process, the results of which are reported back to Congress. The New York Botanical Garden has recently received a favorable review. It would be a travesty to cut off successful programs with proven results that emphasize research and education and play such significant roles in our communities.

Mr. Chairman, I urge my colleagues to vote against the Fawell amendment.

Mr. FARR. Mr. Chairman, I rise in support of the Durbin amendment and would like to take this opportunity to briefly comment on the merits of the Market Promotion Program [MPP]. As my colleagues know, the primary objective of this cost-sharing program is foreign market development for U.S. agricultural products. This program, which has been operating for 7 years, has been touted as the most effective of all the agricultural export promotion programs at a relatively small price. Even conservative estimates by the U.S. Department of Agriculture show that from 1986 to 1988, U.S. agricultural exports attributable to MPP rose from $2 to $7 for each dollar funded.

The Market Promotion Program is not only cost effective but a proven success. The program has helped expand U.S. exports of high-value agricultural products which have nearly doubled since the program began. High-value products constitute the fastest-growing component of the world's agricultural trade and by the end of this century are expected to represent at least three-quarters of world trade. More than 80 percent of MPP funding is targeted toward building exports of high-value products.

Also, the program has helped create nearly $2.2 billion in increased economic activity and generated an estimated 1,062,000 full-time jobs, including 632,000 jobs in the non-farm sector. Available funds have been matched by producers. Reducing or eliminating MPP will make it more difficult to compete in the international marketplace and result in the loss of jobs. The MPP helps counter unfair trade practices and subsidized foreign competition, especially by the European Community which spends billions to protect and increase its market share. Reduced export demand could also

trigger higher outlays under various farm programs to protect farm income.

The USDA has worked hard to institute a number of management changes in the past year to make sure that the MPP is operated effectively and efficiently. USDA's Foreign Agriculture Service [FAS] has put in place a new allocation to target MPP funds to where they will get the most for their money and phase out programs that are not as cost effective.

I want to cite a couple of examples from my home State of California as to how effective this program has been. For avocadoes, the primary export market is Japan where avocados were virtually unknown prior to the start of the California Avocado Commission's program with the USDA. With the aid of MPP, they have increased their shipments to Japan by 190 percent from last year. MPP builds in-country partnership and provides a strong foundation for long-term business.

The California wine industry has been able to penetrate foreign markets despite significant trade barriers. Since the inception of the MPP program in 1986, sales have increased 325 percent in volume. An astounding 103 wineries were active in the 1991 program. Wineries that export have increased to 135 from 26 in 1986.

In sum, the MPP has helped open new export markets, expanded U.S. agricultural exports, countered unfair foreign competition, supported farm income, increased jobs, and increased interest in export opportunities for new companies and products. I urge my colleagues to continue to support this vital agricultural program.

Mrs. THURMAN. Mr. Chairman, I rise in opposition to this amendment.

The Cooperative State Research Service funds a number of special research grants that benefit all Americans. One is the pesticide clearance [IR–4] program, for which $6,750,000 is included in this bill. The IR–4 program works with growers and agrichemical companies to coordinate the submission of registration of pesticides to EPA.

This project between USDA, EPA, State agricultural experiment stations, growers, and agrichemical companies is especially important to Florida growers. Most Florida farm products, including citrus, are considered minor crops under the law. Obtaining EPA approval for pesticides to be utilized on minor crops has been difficult over the years. Today, we have a backlog of applications for products to protect crops from disease and pests. Many of these chemicals, which will help ensure safe, wholesome, and nutritious fruits and vegetables, will be unavailable for application to minor crops without the support of the IR–4 program.

Commissioner Bob Crawford, of the Florida Department of Agriculture and Consumer Services, supports the IR–4 program, and I concur with his assessment for the need to continue this funding, which incidentally is more than $3 million below the fiscal year 1994 request.

Another grant within the Cooperative State Research Service concerns the $3,320,000 for tropical and subtropical research. This program, which first was authorized in the Food for Peace Act of 1966, has been developing strategies that enhance tropical agricultural systems by finding new foods and markets for tropical agricultural products and improving food quality and safety for people in the tropics.

I am proud of the work that the University of Florida's Institute of Food and Agricultural Sciences [IFAS] and its collaborators in Guam, Hawaii, Puerto Rico, and the Virgin Islands has done over the years in meeting real-world challenges that face American communities in the Caribbean and Pacific. The list of successes resulting from this research range from heat-tolerant tomatoes to virus-resistant papayas and melons.

Now, the efficient production of citrus could be threatened by the introduction of severe new strains of citrus tristeza virus that could affect sour orange rootstock. I urged the committee to address this concern, and I am pleased that the report specifically mentions research on this virus. However, if this amendment is adopted, this research may not move forward.

Mr. Chairman, I have another reason for supporting tropical and subtropical research and for opposing this amendment. If by chance the North American Free-Trade Agreement [NAFTA] should be approved, we can expect a flood of agricultural products from Mexico. American consumers will demand that this produce be safe and that agricultural pests and infestations kept to a minimum.

I fear that a reduction in tropical and subtropical research may put us in a health and safety disadvantage vis-a-vis agricultural products that may come from the tropical regions of Mexico.

Under these circumstances, I cannot support the Penny-Fawell amendment.

Mr. COMBEST. Mr. Chairman, as other members of the Agriculture Committee have expressed today, I, too, am concerned about authorizing language that is contained in this agricultural appropriations bill. It is an improper use of the appropriations process, and it is bad policy.

First, this bill seeks to eliminate the Rural Development Administration. New Members need to understand the history of RDA and that the House Appropriations Committee attempted to kill it in its fiscal year 1992 spending bill. At that time, the House wisely chose not to eliminate this agency that was created by the 1990 farm bill. Members need to know this new agency represents no new money; it is budget neutral, and actually, as I will point out later, will save money.

Now, the Committee on Appropriations indicates that RDA adds a layer of bureaucracy. Nothing could be more wrong, and in fact, Secretary Edward Madigan planned a consolidation of Federal economic development within State area offices prior to leaving office. Of course, Secretary Espy's recommendations have not been forwarded to the Congress, but I understand they will be coming sometime later this summer or early fall. As a member of the Committee on Agriculture, Mr. Espy was very supportive of RDA.

I should point out that the Office of Management and Budget, in opposing the committee's provision, indicates that fully funding RDA would allow for closing of FmHA district offices and quoting from a letter from Leon Panetta to Chairman NATCHER full funding would "eliminate the duplication of field structures that currently exists because the RDA has not been fully funded."

The regional offices are a focal point for economic development; to be sure, they are not business as usual. Rural areas have changed. The Federal bureaucracy, some rural interest groups, and the Appropriations Committees would be better off if they understood that. RDA will allow all rural citizens to participate in development, not just a select few.

Mr. Chairman, rural areas, especially those dependent on agriculture, need economic development. The Farmers Home Administration indicates that 60 percent of its borrowers need off-farm income to qualify for loans; 54 percent of farmers and ranchers who borrow from the cooperative Farm Credit System need off-farm income to support themselves and their families.

A separate agency devoted entirely to rural economic development is logical, efficient, and vitally important to rural Americans. A separate agency, the Farmers Home Administration, devoted almost exclusively to lending to farmers can better serve American agriculture—making better loans and servicing them properly. That's good for farmers and American taxpayers.

A second matter of concern is the committee's approach on crop insurance. In opposing this provision, none of us on the Agriculture Committee is saying the multi-peril crop insurance program does not need more reforms. We are saying that for all its inadequacies it is a risk management tool that farmers can take to the bank. In fact, lenders want to see farmers using crop insurance. It makes a better crop loan.

The Appropriations Committee's approach, however, makes a county by county reduction in the availability of multi-peril crop insurance if an area has a loss ratio of greater than 1.1 for 70 percent of the time the program has been available in a county. On the face of it, it appears to be sound policy: the committee seems to be saying let's quit subsidizing producers who are obviously farming the system. But what about producers whose individual production histories are better than the arbitrary cutoff the committee has written in to the bill? They no longer will have crop insurance available.

Not only that, the Secretary of Agriculture would be required to make certain disaster payments to producers who cannot buy crop insurance. This is unsound policy and obviously has not been thought out by our friends on the Appropriations Committee. OMB Director Leon Panetta corroborates my statement. Triggering mandatory disaster assistance would result in an estimated $75 million in payments to producers who could not get crop insurance as a result of this provision. That means this provision creates additional spending of $50 million.

Mr. Chairman, the authorizing committees continue to work on reform of crop insurance. Legislation is contained in both budget bills. Reform amendments were included in the 1990 farm bill. Better tracking of participants, a more rational approach to yield histories, better pricing policies will make this a better product for producers and sound Federal farm policy.

Ms. WOOLSEY. Mr. Speaker, I rise today in strong opposition to Representative ARMEY's amendment to H.R. 2493 to eliminate funding for the Market Promotion Program.

The district I represent, Marin and Sonoma Counties in California, is famous worldwide for its excellent wines. The Market Promotion Program [MPP] has enabled the wines of my district and all of California to successfully compete in the international market.

Although California's wines are competitively priced and are of the highest quality, they cannot survive in the world market without MPP due to unfair trade barriers and other disadvantages. The European Community is heavily subsidized through export refunds and domestic price support programs that allow European Community wine producers to lower costs and absorb high tariffs. However, the wine industry receives no production subsidies from the U.S. Government. MPP is not a subsidy—it is a program aimed at making U.S. exports successful in international markets.

With the help of MPP, wine export sales grew from $27 million in 1985 to $175 million in 1992. Clearly, this shows that MPP is a proven success and is crucial to the future well-being of our growing wine industry.

Mr. Chairman, I strongly urge my colleagues to vote no on the Armey amendment.

Ms. WOOLSEY. Mr. Speaker, I rise today in strong opposition to Representative ARMEY'S amendment to H.R. 2493 to eliminate funding for the Market Promotion Program.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUNDERSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 292, noes 137, not voting 10, as follows:

[Roll No. 295]

AYES—292

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Brooks
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Cantwell
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Collins (GA)
Collins (MI)
Combest
Cooper
Cox
Cramer
Crane
Cunningham
Danner
de la Garza
de Lugo (VI)
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Ford (MI)
Fowler
Frost
Gallegly
Gekas
Geren
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hayes
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
Lancaster
LaRocco
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Machtley
Manton
Manzullo
Martinez
Mazzoli
McCloskey
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Menendez
Meyers
Mfume
Mica
Miller (FL)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Nadler
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Serrano
Shaw
Shepherd
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Volkmer
Vucanovich
Walker
Walsh
Washington
Watt
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff

NOES—137

Abercrombie
Andrews (ME)
Archer
Armey
Bachus (AL)
Barlow
Becerra
Beilenson
Berman
Boucher
Browder
Brown (FL)
Byrne
Canady
Cardin
Carr
Castle
Clement
Coleman
Collins (IL)
Condit
Coppersmith
Costello
Coyne
Crapo
Darden
Deal
DeLauro
DeLay
Derrick
Dicks
Doolittle
Durbin
Engel
English (AZ)
Eshoo
Evans
Fawell
Fingerhut
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Glickman
Grams
Gutierrez
Harman
Hastert
Hastings
Hefley
Hoagland
Hoyer
Hughes
Inglis
Jacobs
Johnson, Sam
Kaptur
Kennedy
Kennelly
King
Klein
Kreidler
LaFalce
Lambert
Lantos
Laughlin
Lazio
Levin
Lewis (GA)
Linder
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCollum
McCurdy
McDermott
Meehan
Meek
Michel
Miller (CA)
Mineta
Minge
Moakley
Moran
Morella
Myers
Natcher
Neal (MA)
Orton
Owens
Pastor
Pelosi
Penny
Porter
Poshard
Ramstad
Reed
Reynolds
Rostenkowski
Rowland
Sabo
Schroeder
Schumer
Scott
Sharp
Shays
Skaggs
Slattery
Smith (IA)
Spratt
Stark
Stokes
Studds
Synar
Torricelli
Underwood (GU)
Unsoeld
Vento
Visclosky
Waters
Waxman
Whitten
Wyden
Yates
Zimmer

NOT VOTING—10

Blute
Brown (CA)
Conyers
DeFazio
Henry
McMillan
Santorum
Skeen
Torres
Young (FL)

□ 1926

Mr. KLEIN, Mr. MORAN, and Mrs. LOWEY changed their vote from "aye" to "no."

Ms WOOLSEY, Ms. VELAZQUEZ, and Messrs. PETERSON of Florida, BILBRAY, PALLONE, SERRANO, and SAXTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendents to title IV of the bill, the Clerk will read title V.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of title V is as follows:

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $117,812,000: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further*, That in addition, funds available to the Department of Agriculture shall

be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the office of the General Sales Manager, $9,158,000, of which $4,866,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation Program Account in this Act, and $1,500,000 may be transferred from the Public Law 480 Program Account in this Act. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in title I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) $450,446,000 for Public Law 480 title I credit, including Food for Progress credit; (2) $45,927,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,570,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $280,083,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $346,889,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $2,536,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101-624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the General Sales Manager, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Agricultural Stabilization and Conservation Service.

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

LIMITATION ON EXPENSES

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

The CHAIRMAN. Are there points of order against title V?

If not, are there amendments to title V?

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 66, line 11, strike "$346,889,000" and insert "$317,800,000".

Mr. KASICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 1930

Mr. KASICH. Mr. Chairman, I come to the floor with an amendment that again draws attention to a problem that we have had in this Congress for a long time, but frankly you get tired of talking about it because we never seem to get anything done about it. We are back to foreign aid one more time.

I want to tell you, you might recall earlier this year I came with an amendment on the Agency for International Development that has been running programs that have not met with success. There have been failures. There have been great difficulties with that program. I want it to be restructured. I want it to be fixed. I want it to work.

We did not win that amendment down here, although we made some progress in that area, still not where we want to be.

I came back about 2 weeks ago with an amendment on the World Bank. Almost 37.5 percent of their projects have been deemed failures by their own internal audits. Their programs are being opposed by virtually every environmental group in this country.

Now, Mr. Chairman, I am back here today to talk about the Public Law 480 program, a law that was designed initially to alleviate world hunger in times of disaster and famine. It is a program that has value, obviously, but we also have in the first section of this program an opportunity for countries to be given very low interest loans for purposes of buying our agricultural products. It sounds like it is a good idea, but I want to tell you, it has really missed the course of action that it was intended to achieve.

Let me explain basically what this Public Law 480 program is doing. The gentleman from Illinois [Mr. DURBIN] has graciously agreed to cooperate in terms of what I want to do to fix this program, but let me explain to you what we do under Public Law 480.

Do you know that we are making low interest loans to El Salvador and we ship nonfat dried milk to El Salvador and we destroy their domestic industry, so when El Salvador wants to ship products out of their country in order to raise their standard of living, they cannot do it because we have destroyed their domestic marketplace, believe it

or not, by shipping our products into their country with low interest loans, and we have been destroying that part of their economy.

In Egypt the same thing happens. For those who look at what happens in Egypt, bread is a big deal in Egypt. We send all this wheat over there to Egypt at these very low prices and we destroy their domestic operation so that they cannot ever get themselves in a position of stability based on some exports because we send our stuff in and destroy their domestic economy. It just does not make any sense.

Now in El Salvador as of May 14, 1993, we are sending things in there right now that are destroying part of their domestic economy. We send in there right now oil seed which destroys their ability to have an effective oil seed domestic industry and they go out of business and they cannot export.

But this is what I really want to read to you today, because as you all know, we have been engaged in a very terrible dilemma for the United States in the world. When you think about the people over there in Somalia, do you realize that Somalia can be placed on the list of a country that has had its domestic agricultural production destroyed by cheap food exports from our country?

Let me just read a little bit out of the New York Times of January 13, 1993. It talks about a lady who has corn stacked in barrels, corn stacked in sacks, corn to be tossed away as chicken feed. This lady in Somalia was producing a bountiful harvest of corn 4 months ago.

Now, listen to this, but when she took her crop to the market she found that the infusion of food from relief agencies was cutting demand. With food prices falling in a bottomless tumble, no merchant wanted to risk buying her corn and then seeing the prices plummet still lower. Piles of corn already gone bad that had been thrown on a tarpaulin for chicken feed, this is a paradox of famine and famine relief.

Listen to this. The international charity that stops starvation eventually can become a problem in itself, threatening to destroy what little remains of the local farm economy, and it goes on and on about the fact that our exports are destroying their economy.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. KASICH. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. THOMAS of California. Reserving the right to object, Mr. Chairman, is the gentleman trying to make the point that we should allow a free agricultural market in Somalia, when in fact food was used as a weapon and denied to people, and the food that we brought in was an attempt to break that food control weapon and that the gentleman would have preferred to see a free market in agriculture in Somalia, is that the point the gentleman is trying to make?

Mr. KASICH. I would respond to the gentleman, the point I am trying to make is that we create a situation that violates our own policy under Public Law 480.

You see, there is supposed to be a determination made that food aid will not create disincentives to local food production.

Mr. THOMAS of California. Continuing my reservation, Mr. Chairman, if the gentleman is going to use his 3 minutes to indicate that the humanitarian food aid to Somalia disrupted the local market and therefore we should not have done it, I may be constrained to object.

Mr. KASICH. Let me say to the gentleman, of course I am not suggesting that we not send food around the world in times of natural disaster, but our policy has got to be carefully devised so that in the process of making low credits available to foreign governments that we did not encourage them to export so many goods that we begin to destroy their markets.

Mr. THOMAS of California. Could the gentleman make his point in 2 minutes?

Mr. KASICH. I certainly could.

The CHAIRMAN. Without objection, the gentleman from Ohio [Mr. KASICH] may proceed for 3 additional minutes, one of which he has already consumed. He has 2 additional minutes.

There was no objection.

Mr. KASICH. So what I am suggesting, and I have reached some agreement with the gentleman from Illinois, is that we send a letter to the Department of Agriculture and we make the case that we abide by the law and that our food aid will not create disincentives to local food production, and that we do not destroy domestic economies in El Salvador, in Somalia, in Egypt, or in any country around the world.

Obviously, Public Law 480 is a viable program, but it has got to be used to guarantee that we help people in times of crisis.

And second, that it is compatible with their ability to help themselves.

I am willing to withdraw this amendment for purposes of writing to the Secretary of Agriculture and trying to make Public Law 480 work as it was intended.

We do not want to get people on a foreign aid fix where they cannot begin to develop their own economies.

I know that the distinguished chairman of the Committee on Agriculture shares a lot of the concern I have on this program, as he commented last year on the amendment that Congressman MILLER and I offered, but we have got to get serious about making foreign aid work the way it is intended to. We just cannot seem to get it done here, and perhaps this letter to Secretary Espy would be a step in the right direction.

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

Mr. KASICH. I am glad to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I would just say that I believe the gentleman from Ohio has raised a valid point. I think we should follow through and I am going to encourage the minority leadership on the subcommittee to join me with the gentleman from Ohio and send a letter not only to Secretary Espy, but also to the Department of State to try to determine whether or no our policy is consistent with making certain that there is an indigenous agricultural sector left behind after we have provided humanitarian relief.

Mr. KASICH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Ohio [Mr. KASICH] is withdrawn.

Are there further amendments to title V?

The Clerk will read.

The Clerk read as follows:

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $867,339,000, of which not to exceed $54,000,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this approriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1994 shall be subject to the fiscal year 1994 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees autorized by 31 U.S.C. 9701: *Provided further*, That none of the funds in this Act may be used to pay for expenses of the Board of Experts on Tea.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,350,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs an activities of the Food and Drug Administration which are included in this Act, $48,575,000, of which $15,000,000 shall be retained by the Food and Drug Administration for repairs, improvements, and non-recurring repairs as determined by Food and Drug Administration: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 per centum of the funds made available for rental payment (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1993, as authorized, $62,696,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not exceed $25,000 for employment under 5 U.S.C. 3109; $47,485,000, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,426,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order to title VI of the bill?

Are there amendments to title VI?

The Clerk will read.

The Clerk read as follows:

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1994 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 657 passenger motor vehicles, of which 653 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954, and (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 705. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 706. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and Integrated Systems Acquisition Project; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; Foreign Agricultural Service, Middle-Income Country Training Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); and capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University.

New obligational authority for the Boll Weevil Program; up to 10 per centum of the Screwworm Program of the Animal and Plant Health Inspection Service; funds appropriated for Rental Payments; and higher education minority scholars programs under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) shall remain available until expended.

SEC. 707. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 708. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 709. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 710. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 711. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1993 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 712. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 9,824; Farmers Home Administration, 12,225; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 713. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 714. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 715. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 716. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 717. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1994 shall be first offered to the borrowers for prepayment.

SEC. 718. None of the funds in this Act may be used to establish any new office, organization, or center for which funds have not been provided in advance in Appropriations Acts,

except the Department may carry out planning activities.

SEC. 719. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award.

SEC. 720. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal years 1992, 1993, and 1994 shall remain available until expended to cover obligations made in fiscal years 1992, 1993, and 1994 for the following accounts: Rural Development Insurance Fund Program Account; the Rural Telephone Bank Program Account; the Rural Electrification and Telephone Loans Program Account; and the Rural Economic Development Loans Program Account.

SEC. 721. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 722. Notwithstanding any other provision of this Act, none of the funds in this Act may be used to operate the seven regional offices of the Rural Development Administration after April 1, 1994.

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds $147,734,000.

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 50,000 acres in the fiscal year 1994 Wetlands Reserve Program, as authorized by 16 U.S.C. 3837.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831-3845.

SEC. 726. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that title VII of the bill, through page 79, line 3, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order to title VII?

Are there any amendments to title VII?

□ 1940

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 71, after line 18, insert the following new section:

SEC. 701. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this provision has been accepted and worked out, and this is the buy American compliance. The language has been worked out with both the minority member and the chairman.

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

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

Mr. DURBIN. Mr. Chairman, I thank the gentleman from Ohio.

Mr. Chairman, I reviewed this amendment. I am in full agreement with it, and I will accept this amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished ranking member, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding. The gentleman from Ohio has discussed this amendment, as he has other bills, appropriations that have been considered this year. It is the same language, and we accept it.

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

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if somebody would be kind enough to tell us what this amendment is and what it does.

The CHAIRMAN. Would the gentleman from Ohio [Mr. TRAFICANT] care to explain the amendment?

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

Mr. SMITH of Michigan. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, what this amendment says is the funds available under the bill shall comply with the Buy American Act. Anybody that would receive money under here, it is the sense of Congress that they should, in fact, be encouraged to buy American products. That is the encouragement of the U.S. Congress, and, if there is a fraudulent label, in fact this bill says they would not be eligible to bid or to be receiving any grants or assistance under the act this year and would have to come back to the committee.

Mr. SMITH of Michigan. Mr. chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for that explanation, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY: Page 78, line 17, strike "$147,734,000" and insert "$1".

Mr. ARMEY. Mr. Chairman, my amendment eliminates the $147,734,000 in funds for the market promotion program.

Supporters of the market promotion program tell us its purpose is to promote the sale of American agricultural products abroad. To that end, USDA would spend—in this bill—$147 million of the taxpayer's money to underwrite the advertising expenses of trade associations and big companies. Without the MPP, its supporters argue, these companies would not advertise overseas—costing them exports and American jobs.

A few weeks ago, representatives of an association which receives funds under the MPP came to my office to explain the virtues of the program. They argued, perhaps correctly, that the $1 million in Federal funds generates $60 million in sales overseas—$60 dollars in sales for every dollar in advertising. A good investment. My question to them, and my question to the program's supporters, is why won't they make this same investment if the taxpayer doesn't.

The answer, Mr. Chairman, is that of course they will. Advertising makes common business sense. And why with a $300 billion budget deficit and an increasing tax burden would we pay companies do to what they would otherwise do anyway?

Let us take a look at some recent MPP recipients: Miller Beer, McDonald's, Pillsbury, M&M/Mars, Sunkist,

Campbell's Soup. Are we to believe these companies will not advertise without a Federal subsidy?

General Mills, home of the famous Betty Crocker, has an advertising budget of one-half of a billion dollars. McDonald's, another MPP recipient, has an advertising budget of three-quarters of a billion dollars.

I am not here today to attack big business. But I cannot justify to my constituents taking their hard-earned money for corporate welfare.

Now I know Members do not want to vote for my amendment. I'm sure they've received letters and phone calls from these companies who feel strongly about not having their handout taken away. But, Mr. Chairman, I wonder about our commitment to deficit reduction if we cannot take Betty Crocker, Ronald McDonald, and Pillsbury Dough Boy off the dole.

Mr. Chairman, Betty Crocker can get by without a Federal handout. General Mills will continue to export and continue to advertise when it makes good business sense. And the taxpayers can save $147 million.

I urge my colleagues to support my amendment.

AMENDMENT OFFERED BY MR. SCHUMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ARMEY

Mr. SCHUMER. Mr. Chairman, along with the gentleman from Rhode Island [Mr. MACHTLEY], I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER as a substitute for the amendment offered by Mr. ARMEY: Page 78, line 17, strike "$147,734,000" and insert "$90,000,000".

AMENDMENT OFFERED BY MR. DURBIN TO THE AMENDMENT OFFERED BY MR. SCHUMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ARMEY

Mr. DURBIN. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DURBIN to the amendment offered by Mr. SCHUMER as a substitute for the amendment offered by Mr. ARMEY: In the substitute offered by Congressman Schumer, strike "$90,000,000" and insert "$127,734,000".

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that I be recognized so I may describe to Members where we stand at this moment.

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

There was no objection.

Mr. DURBIN. Mr. Chairman, there is an amendment offered by the gentleman from Texas [Mr. ARMEY] which would eliminate the funding for the market promotion program. It would strike all of the $147 million 734 thousand which we appropriate in the bill.

There is a substitute for that amendment offered by the gentleman from New York [Mr. SCHUMER] and the gentleman from Rhode Island [Mr. MACHTLEY] which would strike $57 million 734 thousand, leaving a balance in the fund of $90 million.

Then there is an amendment to that substitute which I am offering that would reduce the total amount from $147 million to $127 million 734 thousand which will, as I understand it, proceed as follows:

If we can reach a unanimous-consent agreement, which I hope we can, at the end of the debate, the Members will be allowed to vote in succession, first on my amendment which would cut $20 million from the program, then if it fails, on the $57 million cut by the gentleman from New York [Mr. SCHUMER], and the gentleman from Rhode Island [Mr. MACHTLEY], and finally, should that fail, on the amendment offered by the gentleman from Texas [Mr. ARMEY] to completely eliminate the program, and I, as part of the unanimous-consent request, would like to make the following suggestion: that these amendments and all amendments thereto, if there can be any, would be limited in terms of debate to 45 minutes, 15 minutes to be controlled by the gentleman from Texas [Mr. ARMEY], 15 minutes by the gentleman from New York [Mr. SCHUMER], and 15 minutes shared by the gentleman from Indiana [Mr. MYERS] and myself.

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

Mr. MYERS of Indiana. Mr. Chairman, reserving the right to object, I would inquire if we could make it 8:30, a time certain. Everybody knows what is in these amendments.

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

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, at this point, with 15 minutes a side, I think the timekeeper can keep track a little more easily.

Mr. MYERS of Indiana. Mr. Chairman, the problem is we would not end at 8:30.

Mr. DURBIN. Mr. Chairman, I wish it could be earlier than that.

□ 1950

Mr. ARMEY. Mr. Chairman, reserving the right to object, under my reservation let me say the arrangement, of course, is acceptable. But I think it is only fair for us to recognize that in my generosity, I do leave one dollar in the program. I would not want anybody to think I was harsh in my treatment of market promotions.

Mr. DURBIN. Mr. Chairman, I thank the gentleman for not taking my words down. The gentleman is correct.

Mr. ARMEY. Mr. Chairman, I withdraw my reservation of the right to object.

Mr. MYERS of Indiana. Mr. Chairman, I withdraw my reservation of the right to object.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. DURBIN]?

There was no objection.

The CHAIRMAN. There will be a 45-minute time limitation, 15 minutes on each side. The order of voting will be first on the Durbin amendment to the Schumer substitute, then on the Schumer substitute, as amended or not amended, for the Armey amendment, and then on the Armey amendment itself.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

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

Mr. Chairman, this program is a lightning rod. Every year we get embroiled in a deep debate over a program which at its peak was appropriated $200 million in a $70 billion budget, for the reasons previously stated by the gentleman from Texas [Mr. ARMEY]. And I think those reasons are very valid.

In fact, all of the members of the subcommittee thought the reasons so valid that last year we included language in the committee report on the Market Promotion Program to specifically address the concerns of the gentleman from Texas [Mr. ARMEY] and the concerns of the gentleman from New York [Mr. SCHUMER].

Mr. Chairman, let me tell Members what we are facing here. We are attempting to promote agriculture exports from the United States. We are not working in a vacuum. Other countries are promoting exports to the United States and to other countries where we would also like to export. Those countries that are encouraging their exports are using every trick in the book, every incentive, and every subsidy to do so.

The Market Promotion Program is an attempt to provide some funds for American agricultural exporters so that they can be competitive in a world market.

Does it work? You bet it does. We took this subcommittee to Mexico to investigate NAFTA and spent a Sunday morning in the largest outdoor wholesale market in Mexico City. As you went from one produce stand to the other, you noticed an interesting symbol that suggested certain produce sold in that stand was grown in the United States, apples and pears for example.

What we found was that, in fact, by promoting the export of American apples to Mexico, we had cornered the market. Mexican salesmen, one after the other, told us that the preference of consumers in Mexico was for our produce, because we were promoting through the apple industry and the growers our produce overseas, and it was working.

We had in fact closed down the Mexican market. If they had the money and had the choice, they picked the American apple.

We went to the largest supermarket in Mexico City, to the produce section. I want to tell Members, you would find American produce and products in every direction. Specifically the symbol appeared again from our Market Promotion Program encouraging people to buy pears grown in the United States.

What I am trying to tell Members is that the money invested in this program is paying off in terms of exports.

Have there been abuses in the program? You bet there have. And this subcommittee told the administrators of this program last year we were sick and tired of spending scarce funds for corporations which could afford to promote their own products. We found it totally unacceptable for them to use these funds to promote products not grown in the United States, and we thought they should focus their dollars on promoting small- and medium-sized exporters, and particularly value-added products creating jobs in the United States.

At its high point we spent $200 million helping everyone from almond growers to apple growers to large corporations get into markets overseas and sell American products. We have now reduced that amount to $147 million, and, with this amendment that I am offering, we will reduce it another $20 million.

But, please, do not believe that we can walk away from the world market, step away from market promotion, and be good competitors. We can straighten up this program, and we should. But the bottom line is that to create jobs in America, we need more exports, to improve our balance of trade and to get people back to work.

Mr. Chairman, I think the Market Promotion Program is a valid way to do that. Other speakers I believe will stand before you and give specific examples of why they think it is, too.

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

Mr. ARMEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, subsidized advertising is the effect of the Agriculture Department's Market Promotion Program. In 1992 the Department dispensed $200 million in public funds for private advertising.

The Market Promotion Program hands out taxpayer dollars to some of the largest and most successful corporations in America.

Last year, McDonalds received $465,000 for ads and counter displays to promote Chicken McNuggets to customers around the world.

Campbell Soup received $450,000 from the Government to remind the Japanese, Koreans, Argentinians, and Taiwanese to drink V-8 Juice.

Seagrams & Sons received $146,000 to sell its whiskey in Europe and the Far East.

Market Promotion Program dispensed $8.52 million to sell U.S. salmon.

Last year, Sunkist growers received almost $10 million to sell citrus; it used its Market Promotion Program money for poster promotions.

The following companies received more than $1 million for brand name promotions under the Market Promotion Program:

Sunkist Growers—$9.9 million; Blue Diamond, almonds—$6.2 million; Gallo Wine—$5.1 million; Sunsweet growers, prunes—$3 million; Sunmaid of California, raisins-$3.6 million.

Does this explain the marvelous, but expensive claymation raisins??

Pillsbury Co., processed corn—$2.9 million; John West Foods, United Kingdom, Alaskan salmon—$1.8 million; Tyson Foods, poultry—$1.1 million.

The Wine Institute which represents the California wine industry is slated to receive $14.3 million this year.

It would be one of the program's largest beneficiaries.

Since 1985 in the early days of this program, the General Accounting Office [GAO] has criticized the program for giving away money haphazardly.

According to GAO, in 1991 the Market Promotion Program's $200 million was more money than the Commerce Department spent on all of its export promotion programs combined.

This program is almost a metaphor of what is wrong when it comes to the Federal budget.

These are subsidies to some of the largest corporations.

It is a matter of priorities. At a time when we are running the huge deficits that we are running today, it would be better to save the $200 million.

Last June the Agriculture Department performed a cost benefit analysis:

It found that the program's benefits were offset by its costs to the American consumers and taxpayers.

The program is welfare. And we are robbing Peter to pay Paul.

Mr. SCHUMER. Mr. Chairman, I yield 7½ minutes to the gentleman from Rhode Island [MACHTLEY], to use as he may choose.

Mr. MACHTLEY. Mr. Chairman, I want to thank the distinguished gentleman from New York for yielding.

Mr. Chairman, I want to use some of my time to explain to Members who may not be aware, what is happening here. We have three amendments. The gentleman from Texas [Mr. ARMEY] wishes to, with the exception of $1, zero out this entire program. Our amendment attempts to take the moneys which have been allocated in last year's budget to these large foreign corporations and to these large U.S. corporations, and take that money out. It is about $57 million.

Mr. Chairman, the Market Promotion Program was started with good intentions. Today it has $147 million in it, and that is not small potatoes to people back home.

It was the follow-on program to the TEA Program, which was the target export assistance program. But over the years it has grown and grown, and now it is the recipient tonight of the first Lester H. Pork Award.

As I was campaigning for Congress in my first term, I had a small piglet. As this piglet grew, it became the symbol of pork in Congress. And if there is any deserving program of this award, this is it.

In 1992, you have heard what has taken place. Sunkist juiced the program for $9.9 million. Ernest & Julio Gallo wined and dined this program for $5.1 million in promotional moneys. Dole was on the dole for $3 million. Pillsbury received lots of dough, $3 million worth. Tysons Foods wasn't chicken, they took $1.1 million. M&M, that wonderful candy that gets our kids juiced up, too, $1 million to help promote their products overseas. And Campbell Soup heated up their skillet for $450,000.

Even McDonald's, who has paid wonderful ballplayers like Larry Bird and Michael Jordan millions of dollars to promote their program, was paid $465,000 to promote Chicken McNuggets in Asia.

□ 2000

That is not Air Jordan. That is airhead promotion.

As a nation, we have got to get control of these budgetary items which are driving constituents crazy. They ask, "Where is the fiscal responsibility?" People do not mind paying taxes, if they know that their moneys are going to be well spent. But when we give these large corporations this kind of money to promote their products, they are saying, "What is going on in Washington?"

In 1992, of the 200 U.S. companies with the largest advertising budgets, 13 of them received a total of $9 million to promote their products. That is $700,000 on average for each of these corporations. But the average advertising budget for these 13 firms was between $45 million and $538 million. This is a lot of money.

But the money that we are giving them, we do not even know if it went to advertising, because there is no guarantee, no way to audit that this money is, in fact, used in advertising.

GAO reported that during 1992, the 50 companies that received the most money collected $48.5 million. And of these 50 companies, only 11 were the small companies, the needy, who this program was designed to help. And they only received $8.5 million.

That means in 1992, $40 million went to these large companies who can well afford to promote their products overseas.

That is not all. We want to promote our U.S. products, and that is a fair

goal for this program. But what has happened?

The Cotton Council, last year, received $48.8 million from our U.S. Federal Government to promote cotton around the world. That is almost $50 million. How much of that $50 million did U.S. companies get? Not $48.8, not $40 million, not $10 million, not $1 million. In fact, almost all of this money, as we can determine it, went to foreign companies who are already trying to sell U.S. cotton in foreign markets.

This was not a way to help U.S. companies. This was a way to help subsidize foreign companies, which is absolutely the wrong thing for our Nation to be doing at this time.

It is the intent of Congress to help those who are needy. It is not the intent of Congress to prop up these large corporations. We do not want to zero out this program, in fairness to the program, because there are some needy companies who are receiving some very good support for promoting their products overseas.

What the gentleman from New York [Mr. SCHUMER] and I are trying to do is take that money, the $57 million, which is going to the large corporations as well as to foreign corporations, and take that out, to send this USDA program a very strong message that the taxpayers are not going to subsidize for promotional activities large U.S. corporations. We want the money to go to small corporations.

Now, I am greatly impressed with the attempt of the gentleman from Texas [Mr. ARMEY] to zero it out, and that would not be the worst vote in the world, frankly. If Members feel that this gross excess of paying for large corporations ought to just be totally zeroed out, that is a fair assessment. I would not dissuade anyone from voting for that.

Myself, I would like to take a more reasonable, middle-of-the-road approach, as the gentleman from New York [Mr. SCHUMER] and I have talked. We said, "Let's send a strong message. Let's take the amount of money that we think is being wastefully spent and let's take that out of this appropriations bill."

Because it is an appropriations bill, some Members may be saying, "Why don't you just pass language that says you can't use it in large corporations?" But because it is an appropriations bill, we do not have that right. We can only extract money from the appropriation process, hoping that the USDA is going to understand that, in fact, we are not going to continue to subsidize these large corporations and foreign national corporations.

The taxpayers of this Nation are on the tax rack. They have been stretched. We are asking them to give in and give us more tax dollars.

Members here have said we need tax dollars to reduce our deficit. I do not think anyone in this Chamber can go to a town meeting and say that all of these moneys that are being spent on large corporations and foreign corporations is well-spent money. I do not think it will stand the light of day.

So I would respectfully suggest that my colleagues, as they come in here, either take a position that we are going to send them a strong message or cut out the whole program.

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

Mr. MACHTLEY. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, the gentleman has made a very strong argument to me for the position of the gentleman from Texas [Mr. ARMEY].

What, in his amendment, would differentiate it so it would justify the $90 million?

Mr. MACHTLEY. Mr. Chairman, what I have suggested is that there are a lot of small corporations who are, in fact, receiving money. I think we should help promote the small corporations, the needy farmers, but not indefinitely.

Mr. ABERCROMBIE. Mr. Chairman, could the gentleman tell me, my question was, could the gentleman tell me how his amendment is drafted to see that that happens so that we do not have the situation as he described?

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

Mr. MACHTLEY. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I would be happy to answer the gentleman from Hawaii. I think the gentleman from Rhode Island [Mr. MACHTLEY] and I believe that the Armey amendment is a good amendment. It is just that experience has shown us in the past that when we try to eliminate the program, we do not get enough votes to pass it.

We are trying to eliminate a good chunk of the program, particularly that part that goes to big companies that can well spend their own advertising dollars and let the little farmers get their share.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. MACHTLEY] has expired.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman I rise today in support of the Armey amendment to strike funding for the Market Promotion Program.

This program is nothing more or less than corporate welfare, tens of millions of dollars to the world's wealthiest corporations, some of which are not even American.

Continuing this spending program, my colleagues is nuts. Blue Diamond Nuts, to be exact.

Mr. Chairman, the Federal budget deficit is fatter than the Pillsbury Dough Boy, who incidentally has been enlarged to the tune of over $8 million taxpayer dollars since 1986 when this program was first cooked up. Because of schemes like this Congress is much like the proverbial free spending sailor drunk on the Gallo wine. Gallo, of course we subsidize by $14.5 million.

Some try to candy-coat this handout by saying that Mars Candy Corp. could not advertise their M&M's by themselves. That is just not true, they and others, like Bartles & Jaymes, have effective and memorable ads.

This program is one big lemon, in fact it is a $66 million sweet lemon to the Sunkist Corp. But it is a bitter seed caught in the throat of the working men and women of America. Who are paying the bill, but getting none of the juice.

This program would be great if money grew on trees like these Sun Sweet Prunes you and I have been advertising.

We keep hearing about the tough choices, but this is not one of those tough choices. This choice is easy. Take Dole Pineapples and these other multi-million-dollar corporations off the dole.

Federal spending should be frozen instead of spreading taxpayer largess to, among others, Tyson's Frozen Foods.

One of the corporations receiving funds under this nutty program is General Mills, whose Keebler elves have been caught with their little hands in America's cookie jar. I say to my colleagues that we must end this program because the sad fact is that America's cookie jar is empty.

Support the Armey amendment, don't be a Tyson's Chicken.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of the Durbin amendment. The Market Promotion Program is critical to the continued expansion of U.S. agricultural exports and is one of the few Government programs that actually works.

Virtually all of this funding is used to combat unfair trade practices, and the amount we are spending is a small percentage of the huge subsidies that are paid by the Europeans.

Our trading partners would love to see the funding for this program reduced.

The fact is, the Market Promotion Program has proven to be an effective program and method of expanding our agricultural exports. It has sustained thousands of American jobs and has greatly contributed to the reduction of our trade imbalance.

For every $1 in MPP funding, sales of U.S. exports increase by between $2 and $7. Ultimately, the increased economic activity created by the Market Promotion Program supports between 11,000 and 28,000 American jobs through expanded exports.

The argument has been made that the types of promotional activities implemented through the MPP will go on regardless of government funding.

□ 2010

However, my colleagues should understand that the participants match the Government funding on a one-to-one basis. Again, this argument ignores the fact that the program is targeted towards nations which utilize unfair trade barriers, such as Japan and the European Community. To cite just a few examples of MPP success stories:

Exports of prunes to the EC increased 65 percent.

Exports of peaches to Japan increased by 126 percent.

Exports of walnuts to Japan increased by over 200 percent.

I urge my colleagues to support economic growth and jobs by supporting the Durbin amendment.

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

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

Mr. FAZIO. Mr. Chairman, I rise in favor of the Durbin bill and congratulate the gentlemen on his statement.

Mr. Chairman, American agricultural exports account for about $40 billion in annual sales. Agriculture provides a positive balance of payments in the U.S. trade account of approximately $17 billion.

Future growth in U.S. agriculture will depend on export growth. Expansion of agricultural exports is critical for related sectors of the economy.

Each U.S. dollar of agricultural exports generates an additional $1.59 in economic growth. Every $1 billion in agricultural exports maintained 27,000 jobs.

MPP will be even more important if an agreement is reached on the Uruguay round of GATT. Marketing assistance has already been ruled to be an acceptable form of government assistance under GATT.

According to the USDA, "the European Community, our main competitor in the high-value market, paid out direct subsides of nearly $1.5 billion to producers and exporters of high-value products."

The Armey amendment would eliminate one of the few programs that will remain to combat the practices of our competitors. Virtually every other country has developed programs similar to MPP. If the Armey amendment is adopted we are essentially telling our Nation's farmers that we will once again turn our backs on them.

Let us understand what we are talking about here. MPP is a Government subsidy. But, it is a subsidy that is designed to combat foreign competitors who are far more heavily subsidized than U.S. agriculture. MPP is used to open new markets and keep them. We cannot unilaterally eliminate our support for U.S. businesses overseas.

It is no secret that other countries have far more significant barriers to trade than the United States does. We should not ignore this fact. Our Government has a role to play in helping U.S. businesses compete and win in the international marketplace. MPP is a tool that has been used successfully for this purpose.

The House has already passed a permanent reduction of the MPP program as part of the budget reconciliation bill. The farm bill authorized level is $200 million. The House reconciliation bill reduced the authorized level to $147,734,000—a $53 million reduction.

MPP funds are matched on a one-to-one basis. Products supported must be predominantly grown or manufactured in the United States.

MPP does support small farmers and small business. To the contrary, small businesses accounted for 84 percent of the 287 participants in the MPP fiscal year 1992.

In addition to these existing requirements, the committee has included report language steering the program to concentrate, to an even greater extent, on small- and medium-sized businesses, and new-to-export participants. Further, the committee report supports requiring larger companies to provide matching funds in exess of 50 percent.

This program has been implemented under previous administrations with a great deal of success. I acknowledge that improvements can be made to the program and rather than eliminate it entirely, I would ask the gentleman to give the new administration the opportunity to make improvements in the MPP before we cast it aside.

THE CALIFORNIA PRUNE INDUSTRY

The California prune industry has been a real success story in export markets. They attribute their success to the marketing assistance programs sponsored by the USDA.

Since 1986, when a marketing assistance program—the Targeted Export Assistance Program—was first established under the 1985 farm bill, the value of prune exports has increased by 65 percent to $135 million in fiscal year 1992.

In my district in Tehama County, we have 9,000 acres of prunes grown by 200 to 250 farmers who employ anywhere from 1 to 30 people. These people are not large corporations. They are small growers who represent one thriving industry in a county that has 15 percent unemployment.

California prunes would not be where they are today without MPP assistance. Exports are their life blood, and current projects suggest that current efforts in support of prune exports, including MPP, will break the $200 million export value mark by the end of this decade.

MCDONALD'S EXAMPLE

Many Members have used the McDonald's example as evidence of abuse and corporate welfare in MPP. I think members simply do not understand how the MPP works.

The purpose of the Market Promotion Program is to open up new markets for U.S. agricultural products overseas. As everyone knows, McDonald's has thousands of stores overseas. At the same time, these stores are not required to purchase U.S. products, and in many cases they do not.

McDonald's has 42 stores in Singapore and 59 stores in Hong Kong. Even though McDonald's has its own poultry processing plant in Malaysia, all 101 stores in Hong Kong and Singapore use only U.S. poultry and egg products. Why? Because of the MPP.

U.S. poultry exporters were able to use MPP funds as leverage to require McDonald's stores in Singapore and Hong Kong to buy U.S. poultry products. MPP was used to advertise jointly McDonald's Chicken McNuggets and the U.S. poultry industry. As a consequence of McDonald's accepting this advertising arrangement, which used MPP funds, the American poultry industry locked these stores into buying U.S. products for one year.

These 101 stores bought over 12 million dollars' worth of U.S. poultry products in 1991, which supported over 3,780 American jobs. This growth started from zero American sales in both markets just 3 years earlier.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in opposition to the Armey amendment. This amendment would eliminate funding for the Market Promotion Program [MPP]. I believe that the MPP is one of the most successful programs administered by the U.S. Department of Agriculture [USDA].

The population of the United States will increase by 30 million over the next 20 years, at the same time the world population will increase by 2 billion. Clearly, we must gain access to this huge world market in order to remain competitive. We can do that through trade agreements and export assistance programs, such as the MPP.

I am a strong supporter of the Market Promotion Program [MPP] and believe that we should be directing more Federal resources toward this type of program and away from prices- and income-support farm programs. The future success of American agriculture lies in our ability to compete in international markets. That is why I am a strong supporter of export assistance programs, the North American Free-Trade Agreement, the GATT talks and the President's work with Japan.

The MPP, originally the Targeted Export Assistance [TEA] Program, was created to provide assistance to agricultural commodities facing unfair trade barriers. The program was very successful and many commodity groups used the program funds to break into difficult markets, such as Japan. In 1990, Congress expanded the TEA program, renamed it the Market Promotion Program, and allowed a wider range of commodity groups to apply for funding. However, commodities facing unfair trade practices are given higher priority for funding.

The Market Promotion Program has been extremely successful in meeting its goals of creating, expanding, and maintaining export markets. The USDA estimates that each dollar of MPP funding results in an increase in agricultural product exports of between $2 and $7.

Let me give the Members a real-life example of the positive results from the MPP. The California Table Grape Commission provided me with information regarding their experience with

the MPP and the Targeted Export Assistance [TEA] Program. During the 6 years that they have participated in the program:

Offshore exports have grown 208 percent, from 2.5 million boxes to nearly 8 million boxes of grapes.

Export value has increased 233 percent, from $28 million to $93 million.

The industry has established a new record for grape exports each year of its participation in TEA and MPP, despite fluctuations in crop size, grape quality, market conditions, price, and other factors.

Clearly, the funds awarded to the Table Grape Commission have been successfully used to expand markets.

Congressman ARMEY has consistently criticized the use of MPP funds for branded advertising. MPP funding is awarded to commodity groups or cooperatives and not to corporations. While many commodity groups work with large corporations, the companies themselves do not apply for funding. The goal of the program, to promote U.S. agricultural commodities, is being met by using established and trusted brand-named products. Even more importantly, the American farmers who grow the commodities have benefited.

A good example of the use of a branded promotion program to increase the sales of a U.S. commodity is the California wine industry. Wineries in California only own about 12 percent of the wine grapes crushed each year, the remaining 88 percent is purchased under contract from thousands of grape growers. Increased sale of wine benefits each and every one of these farmers. Without MPP and the ability for wineries to participate in the program, these farmers would not be able to increase the export of their product. The wine industry must compete with a European wine industry that receives over $2 million in subsidies each year. Prior to the TEA program the U.S. wine industry was unable to mount serious promotion effort in any foreign market because of these subsidies.

Mr. Chairman, it would be a mistake to allow the vocal critics of the MPP to eliminate this successful program based on a few newspaper articles or isolated cases of poor judgment. I urge my colleagues to oppose the Armey amendment and continue to support a program that directly addresses the unfair trade practices facing American farmers in the international market.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Chairman, the largest single agricultural sale in the history of our country was that where we were able to sell to the Soviet Union *x* thousands, millions, and billions of dollars' worth of grain. The second largest was the one that preceded it. All of that was accomplished without one penny of investment or taxpayers' money in advertising of product that was there for the world to see.

In short, what we want to do with our agricultural products is simply expose them to the world. We do not need to subsidize advertisement thereof. Everyone knows that the United States is the breadbasket of the world and nothing more needs to be advertised than the product itself.

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

Mr. GEKAS. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, as a Representative from the breadbasket, there is a big difference between raw commodities, which are the wheat sales to the Soviet Union; processed foods; specialty crops; value-added crops, all of the exports we are talking about with the promotion program.

Mr. GEKAS. Mr. Chairman, seizing back my time, it is an example of a tremendous sale without the need for advertisement.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DURBIN. Would the Chairman be able to tell us the amount of time remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] has 2½ minutes remaining, the gentleman from Indiana [Mr. MYERS] has 5½ minutes remaining, the gentleman from New York [Mr. SCHUMER] has 7½ minutes remaining, and the gentleman from Texas [Mr. ARMEY] has 10 minutes remaining.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Chairman, I rise today in strong support of the Armey amendment to strike funding for the Market Promotion Program. I do this with reluctance because of my great respect for the judgment of Chairman DURBIN and this program's many supporters.

I support this amendment for two reasons. First, the Market Promotion Program is simply fueling the cynicism of American taxpayers. It has been the pariah of newspaper columnists and television newsmagazines for months, and it has become a lightning rod striking at a massive sense of unfairness our constituents feel. The good it does cannot possibly compensate for the citizen cynicism it fuels.

Second, and more important, the Market Promotion Program is simply bad policy. While the Federal Government has a legitimate role in promoting exports for American companies, we should accomplish that goal through technical assistance and by helping companies navigate through the labyrinth of foreign bureaucracies and international trade rules. We should not do it by subsidizing corporations for activities which they should and can do for themselves. Finally, nonagricultural products account for 90 percent of U.S. exports, but only 10 percent of the Federal Government's export promotion funds. The priority given to the MPP is simply unwarranted in today's fiscal climate.

The Market Promotion Program makes no economic sense, and it certainly does not make sense to taxpayers, so I urge my colleagues to support this amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

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

Mr. Chairman, we have heard some wonderful things about the Market Promotion Program, and I do not doubt that they are true. If they are as true as I think they are, then it makes sense to continue the program, but to fund it privately.

If we are causing a great increase in the sales of the commodities that are being promoted, then it is in the interest of the bottom line of every one of the exporting companies to fund this program themselves. American industry, American farmers, producers and processors fund billions and billions of dollars' worth of marketing in this country because it redounds to their benefit and goes right to their bottom line. Why the Federal Government should do something that private enterprise can do perfectly well for itself escapes me.

It is a good program, but it is not appropriately a Federal program. That is why we should support the Armey amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Arkansas [Ms. LAMBERT].

Ms. LAMBERT. Mr. Chairman, I rise today to urge my colleagues to oppose Representative ARMEY's amendment to eliminate funding for the Market Promotion Program.

Based on all the media reports and overblown rhetoric, I can understand why some Members may be skeptical about this program, but let me tell you how U.S. production agriculture has benefitted from the MPP.

I represent a district that is largely agricultural and grows more rice than any other district in the Nation as well as a large percentage of the Nation's cotton.

Through the MPP, United States rice has increased market share in Turkey, Saudi Arabia, and managed to maintain a presence in the European Community, where they subsidize market promotion at nine times the rate that we do.

United States cotton has benefited as well, making noticeable increases in the Japanese market. Increased exports of these commodities and others

contribute to agriculture's positive trade balance, boost farm income, and helps to maintain a U.S. presence in vital foreign markets. The objective of farm policy is to increase farm income through fair competition and market access—the MPP has been effective in this area.

In addition, Members should be aware that MPP funding was cut by $50 million last year and frozen at that level this year. Also, the House Agriculture Committee is reviewing proposals to improve this program.

This year we cut farm programs by $3 billion. If Government intends to continue reduction of farm program payments at the same time that foreign competitors are increasing theirs—then we have a responsibility to help them increase market share and combat unfair trade practices. The MPP has been crucial in this area. Please vote "no" on the Armey amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

□ 2020

Mr. INGLIS. Mr. Chairman, I thank the gentleman for yielding the time and rise in strong support of the Armey amendment to delete funding for this program because I believe, as one of the earlier speakers said, this does very much fuel the cynicism of our constituents to this kind of program.

What I would like to point out tonight is if you take this program and apply an assumption of a 7-percent interest rate to it, in the first year you have interest of $10.29 million, and over a 30-year amortization of this program, in 1 year this program will cost the American people $456.4 million in order to fund this, because the fact is we do not have the $147-some-odd million to fund this program. We are in deficit spending, so part of this we have to assume naturally comes out of that deficit. That means we go out and borrow it.

If we apply a reasonable interest rate of 7 percent over 30 years, this 1 year costs the American people $456 million.

The question I would ask all Members is do they really think that subsidizing Sunkist sales of lemon around the world is justified to the tune of $456 million for the American family to pay for that kind of subsidy for this 1 year, amortized again over 30 years at a rate of 7 percent?

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding the time.

I think we are misguided here all of a sudden. We are talking about large companies. Why do we not talk about what this is all about really? We are talking about needy farmers.

Who do Members think benefit from the purchases of McDonald's potatoes? Is it someone in Bangkok? Who would sell American potatoes in Bangkok if it were not McDonald's?

We are talking about helping agriculture, and it works.

Simply this: For every dollar spent we are returned $7.

Two examples very quickly. First, the pear program. We are selling pears in 27 countries now around the world. In 1992 the pear export value was $43 million. And we used $1.1 million of market promotion money. That is a $34 to $1 return.

Wood products. In 1986 when we started market promotion, we had $2.65 billion of exports of wood products. In 1992 we had $6.74 billion. You think it is not working? It is working. It is a minimal amount of money.

This is a Hobson's choice for me. We ought to be at $200 million. The only other agencies of Government that make any money for us are the IRS, the Forest Service, and the Market Promotion Program.

If you come from an agricultural State you must support at least the Durbin program, you must do that because it works, it pays, and it is beneficial to needy farmers in America.

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

Mr. Chairman, the distinguished gentleman from Oregon [Mr. SMITH], asks us to believe that American pears would not survive in the world market unless they were the beneficiaries of the Market Promotion Program. He further asks us to believe that American pear exporters would not have the business sense to market their pears without a Government subsidy.

Mr. Chairman, if our pear exporters had no more business sense than that, they ought to repair themselves from the pear exporting business.

Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Texas for yielding the time. I must say it is very rare that I take the well on the same side as the gentleman from Texas. But it is frequent that I take the side of the gentleman from New York, so here I am, encouraging everyone to give the taxpayer a break and vote no, yes, yes.

I think we have got a very excellent example here of corporate welfare, and that is what we ought to call it. They do their own promotion at home. There is nothing wrong with doing promotion overseas. My guess is most of the increase in sales, more of it comes from the falling of the dollar than anything else.

I think it is very important that we say to these large corporate folks that it is time that they do this themselves. They do it here. Of course they can do it. They are geniuses at doing it.

But I think the interesting thing for this body to keep clearly in mind is that they are going to have two choices. If they do not want to totally zero out the program, them Members can certainly go with the Schumer amendment which says you cut it in half, and you do not give funding to corporations who hire more than 500 people. Corporations hiring more than 500 people are not ma and pa farms. They are probably not growing pears. What are they? They are very large corporate giants.

I love the way we always do this in the name of saving the family farmer, and we get out the violins, and we do everything. But this is their corporate sponsor. If you figured all of these things that they were selling overseas and what percentage of it ever got to the farmer, it is micro-mini. They are doing this because there is big profits in it. They are going to do this if we do not give them this money, because they certainly are not going to give up the kind of money they can get in these huge export markets.

The gentleman from New York, Mr. SCHUMER, cuts out the huge multinationals that are feeding at this trough. So if you only want to go halfway, go that way.

But I think you should vote no, yes, yes, and give the taxpayer a break.

Mr. DURBIN. Mr. Chairman, I believe the gentleman from Indiana was going to yield 1 minute of his time to me for purposes of controlling the time.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Illinois, [Mr. DURBIN] and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today in strong support of the Market Promotion Program [MPP]. Contrary to popular belief by some members of this body, MPP is one of the most effective trade programs at the Department of Agriculture. By eliminating the Market Promotion Program, Congress will be sending a message to Americans and American business that we can do without $1.4 billion in exports generated by this important program.

The Market Promotion Program is designed to assist in the promotion of U.S. agricultural products. This program promotes American food and American farm products, not individual company names. By making foreign consumers aware of the quality and competitive price of U.S. food and agricultural products, U.S. exporters can penetrate markets barriers that have been difficult to break down.

For the United States to be successful in foreign markets, two things are

required. First, the U.S. industry must be economically competitive, and we are. Second, our trade policies and programs must also be competitive, and this is where we fail. It is a fact that for American farmers to compete and maintain profitability in a global market, the U.S. must promote its agriculture products abroad. However, U.S. producers often find themselves competing not with their foreign agriculture counterparts but with foreign governments. The European Community for example, subsidizes their wine industry $2 billion annually, the government of France spends $229 million on the promotion of agriculture products and the Australian Government contributes $226 million to promote agriculture products such as dairy, wine, brandy, and processed meats.

By eliminating funding for the Market Promotion Program you will be sending a message to the American farmers that what is appropriate in another country may not be appropriate in this country. Congress will be saying that you can go out on your own and compete in a world market against foreign governments and fend for yourselves. If United States is serious about establishing fair trade and has the political resolve to establish its position in world trade, the Market Promotion Program is the right vehicle to use.

Any diminishing support for major export initiatives such as the MPP that are put in place to demonstrate U.S. determination regarding agricultural trade reform will be interpreted as a weakening in American support. A reduction in financial support for MPP would be a clear signal to the European Community, and others that their best strategy would be to wait for further erosion in U.S. trade position. We must continue the expansion of U.S. agricultural exports or we will fail as the bread basket of the world.

To those of you who intend on voting for the Armey amendment in the name of deficit reduction, I tell you this is not the case. If we are going to improve our economy, we need to support programs that improve our balance of trade. The MPP is one program that has a proven track record in doing so. Let us be clear on the ramifications of this amendment. This amendment will increase our trade deficit, as well as our budget deficit. If you vote for this amendment, you are turning your backs on American farmers and a successful program. I am sick and tired of this body turning its back on our people.

Mr. SCHUMER. Mr. Chairman, I yield myself as much time as I may consume on this tragic battle of brother against brother, friend against friend, and roommate against roommate. It is a sad day here.

I rise to join my colleagues, Mr. ARMEY, Mrs. SCHROEDER, and Mr. MACHTLEY in urging a significant cut in the program.

To explain again, Schumer-Machtley cuts funding by $57.7 million, a reduction of 40 percent from last year's level, and that amount represents all of the money in MPP grants that have gone to large corporations, both domestic and foreign, those with over 500 employees.

All of us, Mr. ARMEY, Mrs. SCHROEDER, myself, Mr. MACHTLEY, urge a no, yes, yes vote.

I have been a long-time critic of the program, and I have worked with DICK ARMEY on many occasions to cut funding. The reason Mr. MACHTLEY and I offered this substitute, with the support of Mr. ARMEY, is not because we feel that the amendment is too Draconian, but because the substitute amendment has the best chance of passing.

□ 2030

The program began in 1985 as the TEA program, Targeted Export Assistance, and it was so badly mismanaged and unfocused that its name was changed to MPP, but a rose by any other name is a rose, and a lemon by any other name is still a lemon, and I say to my colleagues that this is a lemon.

With all the priorities we have and all the cuts that we have had to make, do we want to subsidize big business to advertise when they are already spending their own money? Do we want to subsidize Sunkist and Mars and McDonald's and Tyson's and Pillsbury and Dole's and Fruit of the Loom, Ocean Spray? Of course not.

So I say to my colleagues that I have nothing against McDonald's or any of the other blue-chip companies that have received grants, but it seems odd to me that corporations which grace the pages of Fortune magazine are receiving Government grants under a misguided assumption that they cannot afford to market their products overseas without special taxpayer help. In fact, in 1992, 13 of the corporations that received MPP grants already had advertising budgets in excess of $45 million, and MPP just keeps giving these grants away, more and more and more.

Over the 7-year life of MPP since we started to try and cut the program, Sunkist has received $67 million, Blue Diamond $36 million, Gallo $16 million, M&M, Mars, $4 million, and the list goes on and on. One-third of the grants went to corporations of 500 employees, $17 million to foreign-owned corporations.

The amendment that I have offered with the gentleman from Rhode Island cuts out the amount of those, not the little farmers who get it, but the big agribusiness companies that do.

In 1989, here is an example, here is a good example of how this program works, get this, in 1989 MPP awarded $3 million to the California Raisin Advisory Board to market and sell raisins in Japan. What a fiasco. The Raisin Board had the highly successful American Claymation Quartet of dancing raisins on Japanese TV. However, the raisins sang in English, because, as it turns out, the ads are not bilingual. Unlike most campaigns, these ads were not tested before they were aired, but just were put on during the campaign. They discovered, as they ran the ads, that children, the Japanese children, did not understand the dancing raisins who were babbling in a foreign tongue, and they frightened children. Because the raisins were singing in English, viewers could not tell that they were raisins, and most Japanese viewers thought they were dancing potatoes or dancing chocolates.

This is what we subsidize with your taxpayers' money.

Maybe if the Raisin Board were spending all of their money on this instead of getting a subsidy to help them, the ad campaign would have been better researched.

In closing, let me quickly list some of the other problems with this program. First, the same corporations get the grants from MPP every year. Second, the Department of Agriculture has still, after all of these years of criticism, not developed criteria to determine if MPP's funds are well spent. MPP does not know if the companies actually need the money, and it is said that this program was originated, because in the Ag Committee, the wheat farmers were getting theirs, the cotton farmers were getting theirs, but there were certain people, particularly in the fruit and vegetable industry, who were not getting any subsidy, so they came up with a subsidy still today in search of a rationale.

For these reasons, I urge a no, yes, yes vote, as does the gentleman from Texas [Mr. ARMEY], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Rhode Island [Mr. MACHTLEY]; no on Durbin, yes on Schumer, yes on Armey. We can save the taxpayers significant money, and not hurting the little farmer, but yet stopping these subsidies to agribusiness at a time when we have a huge deficit. We can do no less.

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

Mr. SCHUMER. I yield to the gentleman from Oregon.

Mr. KOPETSKI. Mr. Chairman, the gentleman from downtown New York City does not understand that a lot of these farmers——

Mr. SCHUMER. I take back my time. I would say to the gentleman that those remarks were often made by a former Member from Montana. He always called me the gentleman from New York City, and I did not appreciate it.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I wish to say that however the Armey amendment is amended, the Members should vote against it. If we want a viable agriculture in this country, we need a strong export marketing program. If the MPP needs changes to make it more effective and efficient, make the changes, do not scrap a program that is working well and can do better. Vote "Yes"—"Yes"—"No."

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise in support of the Durbin amendment and against the Armey and other amendments.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise in support of the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, I rise in favor of the Durbin amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in strong opposition to amendments which would eliminate or radically reduce funding for the U.S. Department of Agriculture's Market Promotion Program [MPP].

If the other agricultural producing nations of the world did not grossly and unfairly subsidize the production and sale of agricultural products, this Member would be more than willing to support the distinguished gentleman from Texas' amendment. Unfortunately, free and fair trade does not exist in world agricultural trade. Even with the Market Promotion Program, U.S. producers are being badly out-subsidized by their competitors, including some of the very aggressive member countries of the European Community, which in 1990 spent a total of nearly $1.5 billion in promoting high-value agricultural products throughout the world, and that figure is separate from their export subsidies for food and other agricultural products.

Mr. Chairman, competition for agricultural markets in bulk commodities, intermediate, and high-value products is a high-stakes battle for good-paying jobs here in the United States in part, because of agricultural export programs like MPP, the U.S. agricultural industry currently enjoys an $18 billion trade surplus. With the help of the MPP, U.S. high-value agricultural exports have expanded by 75 percent over 7 years. However, this incredible growth and even the current export level cannot be guaranteed in the face of stiff competition from other nations. If the United States unilaterally abolishes our agricultural export promotion efforts, agriculture—like many other U.S. industries—could add to, rather than subtract from, our chronic trade deficits.

Mr. Chairman and my colleagues, MPP is an important export tool and a good lesson for other export related industries; MPP enables our agricultural industry to sell directly to the consumers of some of the world's most protected markets. In Taiwan and Korea for example, MPP circumvents a host of trade barriers by creating consumer demand for United States products. This foreign consumer demand in turn leads to a relaxation and reform of the tariff and nontariff barriers which deny consumers in those countries access to U.S. exports.

This Member acknowledges that MPP is not perfect and agrees that certain reform of the MPP is necessary to ensure that it does not allow Federal dollars to replace rather than augment private sector market development efforts. Nevertheless, as the General Accounting Office suggests in its June audit of the program, while reform of the program may be necessary, elimination of the program could substantially affect our ability to compete for lucrative and emerging markets throughout the world.

Mr. Chairman, this Member urges his colleagues to vote "no" against the Armey amendment. If we choose to learn from and improve this important agricultural export promotion program, it could indeed become an excellent model for export promotion efforts in other industries as well.

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

Mr. BEREUTER. I am happy to yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, on that point, I appreciate what the gentleman has said about the use of this program to open up access to a market, and that is really the more appropriate use, and I would like to see the program better designed to focus on that. Perhaps if we can adapt the $20 million cut proposed by the gentleman from Illinois [Mr. DURBIN], it will send a signal to the industry to work with us for that kind of reform in the program to make it target more efficiently on those problems.

Mr. BEREUTER. I urge support of the Durbin amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], the ranking Republican on the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I rise in support of the Durbin amendment and in opposition to the amendments offered by the instantly and self-declared Secretaries of Agriculture, the gentleman from Texas [Mr. ARMEY] and the gentleman from New York [Mr. SCHUMER].

The Market Promotion Program has come in for more than its fair share of unfair criticism from the press and self-appointed critics who do not understand the benefits that the program brings to this country.

The $147.7 million appropriated last year for MPP supported the expansion of exports for over one hundred varieties of U.S. fresh and processed agricultural commodities. These export efforts include small-scale regional organizations' efforts to enter the export market.

USDA estimates that MPP adds about $2.2 billion in additional economic activity for the U.S. economy and directly supports 38,000 jobs on and off the farm. This comes out to about $4,000 per job. Compare that to the tens of thousands per job contemplated in the President's job creation stimulus package. According to USDA for every $1 spent on MPP, sales of U.S. agriculture products increased from $2 to $7.

Our agricultural exports, which are carrying $17 billion annual balance of trade surplus, are operating in a highly competitive environment. The EC is spending nearly $1.5 billion to subsidize the export of similar fresh and processed foods. The MPP, at less than 10 percent of the EC subsidy level, is the lever needed to keep out successful agricultural exports viable in a highly subsidized marketplace.

The regulations governing the MPP have been tightened in recent years, and the subcommittee of jurisdiction on the Agriculture Committee is now considering the value of several further reform proposals.

If the United States can afford to throw away over $2 billion in export sales and the loss of tens of thousands of jobs, then the House should vote for this meat ax approach to legislative reform. If, however, you believe that we should be strengthening our exports and the growth of domestic jobs, should vote against this ill-conceived amendment and let any necessary reform come from careful deliberation.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this committee recognized that there were some problems with the MPP. We spent considerable time on the Foreign Agricultural Service, but we also recognize that this has been the best program for export of agricultural products we have had.

The criticisms have been against big corporations. The Members here have not realized that they are manufacturers or processors, and they are going to do business in these countries already. They are going to buy the raw products for somebody else in the world. The only way they get this money is to buy from American producers, American farmers, American ranchers. This is what helps American farmers is to give the money here to the MPP.

You are missing the vote here if you vote for the last two amendments. Support our chairman. It is the right thing to do to help farmers.

Mr. DURBIN. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Chairman, I cannot believe what I am hearing on this floor.

Agriculture is one of the few things in this country that actually has a trade surplus. This program is one of the reasons for it. Do away with this program and you start turning things the other way immediately.

Let me tell you something else: I am tired of hearing the talk on this floor that this is protecting a bunch of big farmers. Yes, there are some big farmers, but what some people on this floor are attempting is to destroy this program by tying everybody up in that little ball and saying that is what is wrong. Most of the people who benefit from this program are little guys. Most of them are living on the edge just like everyone else in this country. This program keeps them afloat. It is good for this country and the balance of trade. Let us keep it.

Mr. Chairman, I rise today in support of the Market Promotion Program and to oppose the Armey amendment which seeks to eliminate funding for this program.

As we know, the Market Promotion Program [MPP] provides funding to trade groups to help promote American farm goods overseas. The program has breathed new life into a variety of agricultural exports, including many from California such as walnuts, raisins, citrus, and almonds that do not get the bulk of farm support provided in this country. A major goal of MPP is to promote quality U.S. products abroad by establishing and expanding markets for U.S. goods. In fact, 80 percent of MPP funds are used to promote high-value agricultural products, which create jobs and revenue for our Nation. This program has been highly effective in promoting U.S. agriculture products in foreign markets. The U.S. Department of Agriculture estimates that for every $1 of promotional assistance, between $2 and $7 is returned.

The program has been criticized for giving Government subsidies to large corporations. The purpose of MPP is to promote U.S. agricultural products overseas. Large corporations, with their highly visible brand names, are able to establish positions of strength in foreign markets. This position of strength in turn allows the small farmers to enter into the market which they would not have been able to enter into otherwise. Without programs such as MPP, even large corporations would be at an unfair disadvantage to the trading practices of other countries. U.S. companies would find themselves competing against foreign governments such as the European Community which for example, subsidize their wine industry at $2 billion annually. In order to level the playing field for U.S. companies to compete in the world markets, we need to promote programs such as MPP.

I ask my colleagues to recognize the significant value this program offers and the proven effectiveness of its operation. Let's put competitiveness first and allow this program to continue to offer the same outstanding return for investment it has in the past. While some improvements may be warranted, the program should be given the credit it has earned, and its success should not be rewarded by creating barriers that inhibit it. In this competitive environment, we need to preserve whatever tools we have available that will promote a level playing field and spur economic production in this country.

Mr. ARMEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. POMBO].

□ 2040

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

Mr. Chairman, in this age of $300 billion deficits, we have a Government program of $147,734,000 additional that is flying under false pretenses and false colors. The program is masqueraded as a program of support for American farmers.

But as we have demonstrated here tonight, it is a program of corporate welfare, with such beneficiaries of the program as McDonald's Corp., and others, all of whom have overseas advertising budgets of their own, more than sufficient to buy this entire Government program.

These large corporate giants do not need the scarce advertising dollars of American taxpayers, even the tax dollars of those small farmers who the pretension is that this program serves, to subsidize the advertising budgets of large corporations and agribusiness.

I have brought forth an amendment, which is a thoroughgoing amendment that would reduce this charade down to $1 to the American taxpayers. If you are thorough in your understanding of how unnecessary this program is and your desire to eliminate it, save your vote for the Armey amendment.

Mr. SCHUMER and Mr. MACHTLEY have offered a responsible amendment that says pare down the charade by $57,734,000, and spend only $90 million of the taxpayers' money in support of the advertising budgets of these large megacorporations. The gentleman from Illinois [Mr. DURBIN], who also has reservations about the program, as does this President and our previous President, the CBO and the GAO, is more timid. He says let's give them a little message, let us cut their $147 million budget by a scant $20 million. If you are timid, if you lack resolve, if you do not understand or if you do not care, vote for the Durbin amendment. I would suggest that most of my colleagues will quite rightfully vote "no" on Durbin and save their effort to vote "yes" on Schumer/Machtley and then subsequently "yes" on Armey.

If we cannot begin the process of deficit repair by ending or at least substantially cutting these programs that are a charade, that fly under false colors, that do not benefit those whom they purport to benefit and in fact tax those very same people to benefit people whose own advertising budget is more than enough to buy the program, we cannot begin.

Vote "no" on Durbin, "yes" on Schumer, "yes" on Armey. Do the right thing by your children.

I thank my colleagues for their many fine accolades this evening.

Mr. SCHUMER. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman. I would just reiterate the comments of my colleague from Texas [Mr. ARMEY]. The bottom line here is not whether this money might do a little good in some extreme sense but whether at a time when we are cutting so many other things and debating whether we have enough money for vital necessities, if we can afford to spend the kind of money we are on subsidizing big corporations to advertise abroad; according to the GAO, which has done numerous studies, there is no bang for the buck here. It has never been proven in any way that the advertising actually increases sales, et cetera. The Schumer amendment eliminates it for big corporations, the Armey amendment for all of them.

I join my colleague from Texas [Mr. ARMEY] and the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Rhode Island [Mr. MACHTLEY] in urging a "no yes yes" vote.

If you are serious about deficit reduction, this is an easy vote.

Mr. DURBIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of the Durbin amendment.

Since its inception, the Market Promotion Program [MPP] has been essential in helping U.S. agriculture build, maintain, and expand overseas markets for many agricultural commodities, especially high-value products, and countering unfair and often subsidized foreign completion. MPP has also contributed to agriculture's positive trade balance, generated billions of dollars in economic activity, and created thousands of additional jobs. It has also been extremely cost-effective

The program has been administered on a cost-shared basis with participants required to contribute their own resources and efforts. Available funds have been more than matched by producers and their associations, cooperatives and other organizations. As such it has been one of the best examples of what an effective public-private partnership can achieve.

Some important facts to consider about MPP: has increased U.S. agriculture exports as much as $1.4 billion annually or more; export of high-value products have nearly doubled since program began; generated nearly $2.2 billion in increase economic activity; created an additional 38,000 tax-paying jobs largely in the food processing, manufacturing, and transportation sectors; it has helped generate over $250 million in additional Federal tax revenues more than offsetting its current cost of $147.7 million.

In 1992, the EC spent nearly 5 times as much as the United States to encourage agricultural production and to protect and increase its share of the world market.

While U.S. agriculture still remains at a disadvantage, MPP has helped counter this unfair competition. It has also helped United

States efforts to reduce trade barriers by creating increased consumer awareness and demand for United States agricultural commodities within selected countries, such as Japan.

Eliminating MPP would cripple U.S. agriculture's marketing efforts overseas and reverse the gains made in recent years.

Overseas markets cannot be maintained in the face of intense government subsidized foreign competition without a long term commitment with respect to U.S. policy.

Now is not the time for the United States, particularly with ongoing GATT negotiations, to retreat in its efforts to meet such competition and achieve a more level playing field for U.S. agriculture.

For all these reasons, I urge the members to continue to support the Market Promotion Program.

Mr. DURBIN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this has been a good, important, and timely debate, but I urge the Members of the House to wake up to the reality of what American exporters are facing. We are now losing our shirts to European exporters because they are getting governmental assistance to invade markets where we want to sell American products, American agricultural products that help farmers, American high-value products that employ people in your districts.

I urge you, do not toss out the market promotion program; join with us in reforming it. If you want to cut the program but not kill it, your vote is "yes-yes-yes." "Si, si, si; oui, oui, oui; yes, yes, yes, cut the program, don't kill it."

PARLIAMENTARY INQUIRIES

Mr. MYERS of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MYERS of Indiana. Mr. Chairman, there has been some discussion here that on the vote for Durbin and "no-no," if Durbin passes, his was an amendment to a substitute offered by Mr. SCHUMER. Am I correct?

The CHAIRMAN. That is correct.

Mr. MYERS of Indiana. Then there would be no vote on Schumer except as amended by Mr. DURBIN?

The CHAIRMAN. That is correct.

Mr. MYERS of Indiana. Mr. SCHUMER'S was a substitute for——

The CHAIRMAN. Mr. ARMEY'S amendment.

Mr. MYERS of Indiana. So there would be no vote on Armey. Am I correct? Because you are not going to vote on it if Durbin passes.

The CHAIRMAN. There would be a vote on Armey, as amended by Schumer, as amended by Durbin.

Mr. MYERS of Indiana. But it will be a vote on Durbin all the way, so you have the same vote.

The CHAIRMAN. That is correct, which would result——

Mr. SMITH of Michigan. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Michigan. Mr. Chairman, if I want to vote to leave the program as it is without any cuts, am I correct that we vote "no" on Armey, as amended, or substituted?

The CHAIRMAN. That is not a parliamentary inquiry. The Chair thinks it is obvious to every Member what needs to be done to defeat all of these amendments. So that is not a parliamentary inquiry.

For what purpose does the gentleman from California rise?

PREFERENTIAL MOTION OFFERED BY MR. THOMAS OF CALIFORNIA

Mr. THOMAS of California. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Thomas of California moves that the committee now rise and report the bill to the House with the recommendation that the enacting clause be striken out.

Mr. DURBIN. Mr. Chairman, I oppose the motion.

The CHAIRMAN. The gentleman from California [Mr. THOMAS] has offered a preferential motion, and the gentleman from Illinois [Mr. DURBIN] has risen in opposition.

The gentleman from California [Mr. THOMAS] will be recognized for 5 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 5 minutes.

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

Mr. THOMAS of California. Mr. Chairman, I rise to take this time to put in focus the discussion that we have just been through.

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

Mr. THOMAS of California. I yield to the gentleman from Florida.

Mr. CANADY. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas.

Mr. Chairman, I rise to speak against the amendment offered by the gentleman from Texas which would eliminate the Market Promotion Program—a program which is essential to expanding markets for American agricultural products around the world.

If we pass this amendment we will strike a blow against American agricultural producers who are struggling to sell their products in countries that have erected numerous barriers to American agricultural products.

A vote for this amendment is a vote to keep American agriculture at a disadvantage in foreign markets.

Mr. Chairman, I would like to point out in particular that the Market Promotion has given the Florida citrus industry the opportunity to penetrate foreign markets that have traditionally been closed to our products.

Every $1 million in MPP support to the Florida citrus industry translates to over $3 million in exports and over $6 million in the generation of additional economic activity.

The Market Promotion Program is the one program that helps level the playing field for Florida citrus producers and others in foreign markets.

As we consider this amendment, we need to keep in mind that the European Economic Community in 1992 spent nearly five time as much as the United States to support agricultural production, and to increase the European share of the world market.

The Market Promotion Program is essential to counter such efforts abroad.

I urge all my colleagues to vote against this amendment.

Mr. THOMAS of California. Mr. Chairman, most of this discussion has focused on some colorful use of agricultural words, used as pejoratives.

To a certain extent, the debate has turned on a GAO study on the market promotion program. The title of this very short study is "Effectiveness of Market Promotion Program Remains Unclear." The basis of that analysis was five case studies in the Japanese market.

What you need to know, for example, is that that case study did not cover pistachios.

Now, about 500 growers produce all of the pistachios in the United States; 100 percent of the market promotion money is spent generically in promoting pistachios. In Japan they have gone from a 10-percent penetration to a 24-percent penetration of the market. So what? Who is the primary competitor around the world to American pistachios? Iran. Iran spends hundreds of millions of dollars subsidizing the sale of their pistachios.

□ 2050

If we do use the market promotion program to assist pistachio growers, the subsidized Iranian pistachios blow them out of the marketplace. That was not commented on by the folks who want to look at the so-called corporate giants.

How about avocados? My friend, the gentleman from Pennsylvania said that we do not need to tell people what to do with food products. Everybody knows what wheat is.

I have to tell you, there are a number of folks who do not know what avocados are or how to eat them, and that is true of a number of specialty agricultural products.

When the Agricultural Commission began its market promotion in Japan, 100 percent of the money spent on generically promoting avocados, there was zero understanding of what avocados were, zero sales of avocados. Today 5 million pounds of avocados are sold in Japan and there is a 98-percent understanding of what an avocado is in the greater Tokyo market where the penetration has been.

You may snicker at a comment like that, but it is a positive balance of payments that was not there before.

A number of specialty agricultural products are moved in this fashion.

You talked about support of Gallo. Over 50 percent of the wine exported is

by Gallo, the $16 million spent on behalf of the wine industry, not just California but all over the United States, is up against the European community subsidies of their wine sales worldwide of $2 billion.

Now, sure, we should complain about their $2 billion, but what we should not do is unilaterally disarm in this fight for markets around the world.

One of the criticisms from the GAO is that there is no requirement for small or medium businesses. This is not a business program. It is not under the Department of Commerce. It is to move agricultural products.

Let me tell you, if you want to sell eggs in Japan, you do it through a cooperative promotion with McDonald's on Egg McMuffins. That is how you move agricultural products.

And by the way, there is no requirement for small businesses. But over 80 percent of businesses in this program are under 500 employees.

Some of the companies that were not mentioned by the cynics, small Vermont maple syrup producers, Maine lobstersmen, Ben & Jerry's.

How about Newman's Own? When you read their products, they say every penny raised goes to charity.

We are moving those products to the market through the market promotion program.

No foreign companies are banned from the program. The opponents talk about 30 percent of the companies being foreign firms, What they haven't told you is that 95 percent of them are in four products: cotton, rice, soybeans, and peanuts, products that are used in the production of other products. Over 200 of these companies use U.S. cotton to create clothing.

If you can move the Japanese to produce underwear that increases from 30 percent cotton to 90 percent cotton content, one, they do not squirm as much, and two, we are moving U.S. product, U.S. cotton. That is what we are supposed to be doing. Our job is to move high-value products.

Now, under this program $147 million gets you $2.2 billion. We should be doing more of this not less.

The President has said, "I want this program to be funded at $148 million."

The gentleman from Illinois [Mr. DURBIN] has said that we will trim $20 million.

Please, do not in your ecstasy of having fun with this program destroy it by voting for the Armey amendment.

Do not vote to kill the program by striking the funds in the Armey amendment. If you must, vote for the shot across the bow represented by the Durbin amendment.

We have had our fun. Now let us get serious. This is a positive program that promotes U.S. products. Please support it with your vote.

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

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. If I understand that correctly, Mr. Chairman, the gentleman from California has offered a motion to rise, which I am now speaking against?

The CHAIRMAN. To strike the enacting clause, the gentleman's motion is that the Committee rise and report the bill back to the House with the recommendation to strike the enacting clause. It is a preferential motion, and for that reason he was recognized.

Mr. DURBIN. Well, Mr. Chairman, I certainly oppose the motion offered by the gentleman from California.

I would like to say in closing, those who want to cut the market promotion program and not kill it should vote yes, yes, yes.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, as I understand it, with a motion to strike the enacting clause, if we were to rise, we would strike this entire bill, is that not correct?

The CHAIRMAN. If the House ratified the motion, it would strike the entire bill. The gentleman is correct.

Mr. ARMEY. So if we vote yes on this motion—

The CHAIRMAN. The Committee would rise, and then in the House vote on the recommendation to strike the enacting clause.

Mr. ARMEY. That is correct, but if we should pass the motion to rise, we would in fact kill this entire bill.

The CHAIRMAN. The gentleman is correct.

Mr. ARMEY. We would thereby have won for ourselves the opportunity to do this whole thing over again.

Mr. Chairman, I want to thank the gentleman from California for his generosity.

Mr. THOMAS of California. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

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

There was no objection.

The CHAIRMAN. The motion is withdrawn.

PARLIAMENTARY INQUIRIES

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, my inquiry is that we now return to the procedure by which we will have a vote first on the Durbin amendment to the Schumer (and Machtley) amendment for the Armey amendment.

The CHAIRMAN. That is correct.

Mr. ARMEY. And this then is the procedure we will follow?

The CHAIRMAN. Yes, that is correct.

Mr. ARMEY. There will be three votes.

The CHAIRMAN. That is correct.

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SOLOMON. Mr. Chairman, as a Member who is a student of the rules of the House, I am a little confused on just what the procedure is.

I think I heard my good friend, the gentleman from Illinois [Mr. DURBIN] say that if you want to save as much of the program as you can, you would vote yes, yes, no.

Therefore, I guess conversely the most draconian cut would be to vote no, no, yes. Is that correct?

The CHAIRMAN. That is correct, while that is not a parliamentary inquiry.

Mr. SOLOMON. That is what I thought, Mr. Chairman, and I thank the Chair.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas [Mr. ARMEY]. The Marketing Promotion Program [MPP] is nothing but a welfare handout for the rich.

I have frequently said that big Government really helps only the bureaucrats who work for it and big business. I find it ridiculous that we are giving hundreds of millions of taxpayers dollars to mega-corporations like Pillsbury, Sunkist, Gallo wines, Dole, Nabisco, Quaker Oats, Burger King, Welch's, Ocean Spray, Hershey, M&M Mars, Del Monte, and many others.

Mr. Chairman, this is money spent for advertising overseas. It is surely something we cannot afford when our Government is broke and over $4 trillion in debt.

When Government gets too big, only big businesses are able to comply with all the rules, regulations, red tape, and qualify for all the lucrative Government contracts.

These programs also benefit bureaucrats with larger staffs, and offices, and more paper work and power to justify their existence.

Mr. Chairman, in the end Government benefits primarily the wealthy and those with power and influence. This is the true legacy of liberalism, welfare for the rich.

The small businesses which are able to survive get the leftover crumbs while the taxpayers get the shaft.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN] to the amendment offered by the gentleman from New York [Mr. SCHUMER] as a substitute for the amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce

to not less than 5 minutes the time for any recorded vote that may be requested on the other pending amendments, without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 330, noes 101, not voting 8, as follows:

[Roll No. 296]

AYES—330

Abercrombie
Allard
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Bateman
Becerra
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonior
Boucher
Brooks
Browder
Brown (GA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Faleomavaega (AS)
Farr
Fazio
Filner
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennelly
Kildee
Kim
Kingston
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Long
Lowey
Maloney
Manzullo
Margolies-Mezvinsky
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Scott
Serrano
Sharp
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velázquez
Volkmer
Vucanovich
Walsh
Washington
Watt
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—101

Ackerman
Andrews (ME)
Andrews (NJ)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (WI)
Barton
Bellenson
Bentley
Bilbray
Bonilla
Borski
Brewster
Burton
Cardin
Clement
Coble
Collins (MI)
Coppersmith
Crane
DeLay
Engel
Evans
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Foglietta
Frank (MA)
Franks (CT)
Gekas
Gillmor
Grams
Green
Hefley
Hochbrueckner
Hyde
Inhofe
Istook
Johnson, Sam
Kanjorski
Kennedy
King
Kleczka
Knollenberg
Kolbe
Kyl
Lazio
Levin
Levy
Linder
Lipinski
Lloyd
Machtley
Mann
Manton
Markey
McCollum
McInnis
Meehan
Miller (CA)
Molinari
Morella
Nadler
Orton
Owens
Petri
Porter
Quillen
Rangel
Reed
Roemer
Rohrabacher
Royce
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skaggs
Solomon
Stark
Stokes
Studds
Sundquist
Swett
Synar
Torkildsen
Vento
Visclosky
Walker
Waters
Waxman
Zeliff
Zimmer

NOT VOTING—8

Blute
Henry
Martinez
McMillan
Romero-Barcelo (PR)
Santorum
Skeen
Wilson

□ 2116

Mr. BURTON of Indiana, Ms. MOLINARI, Mr. MARKEY, and Mr. FINGERHUT changed their vote from "aye" to "no."

Mr. KASICH, Mrs. ROUKEMA, and Messrs. BACHUS of Alabama, CLAY, PALLONE, HOAGLAND, and DREIER changed their vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from New York [Mr. SCHUMER] as a substitute for the amendment offered by the gentleman from Texas [Mr. ARMEY].

PARLIAMENTARY INQUIRIES

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, if I could have the indulgence of Members for just a moment, I would like to clear up the parliamentary situation so they can know what it is they will be voting on. I understand the circumstances are very complicated. Let me, if I can, just explain quickly what has happened.

The CHAIRMAN. If the gentleman will state it in the form of a parliamentary inquiry, then the gentleman will be in order and the Chair will respond.

Mr. ARMEY. Mr. Chairman, am I correct in my understanding that the parliamentary situation is that the gentleman from Illinois [Mr. DURBIN] has successfully amended the Schumer substitute for the Armey amendment?

The CHAIRMAN. The gentleman is correct.

Mr. ARMEY. And in that case, now the Schumer substitute for the Armey amendment would cut $20 million from the $147 million of MPP?

The CHAIRMAN. The correct response is the Durbin amendment has been adopted by the Committee. The Schumer substitute has been amended by the Durbin amendment.

Mr. ARMEY. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, am I correct in understanding that for those Members who wish to vote for the Armey amendment, their only opportunity to do so will be by defeating this substitute as amended by the gentleman from Illinois [Mr. DURBIN]?

The CHAIRMAN. The gentleman has correctly stated a parliamentary inquiry, and the gentleman has made his point.

Mr. THOMAS of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

□ 2120

Mr. THOMAS of California. If the Schumer amendment is passed, is it not a substitute for the Armey amendment?

The CHAIRMAN. That is correct.

Mr. THOMAS of California. And, therefore, if the Armey amendment, as substituted by Schumer, is voted on, we will be voting on the Armey amendment?

The CHAIRMAN. As amended, that is correct.

Mr. ARMEY. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, my parliamentary inquiry is on the basis not of my need to know, because I know

what I am doing, but many colleagues are asking me, if we wish to have a vote on the Armey amendment as propounded, to totally cut this, we must defeat the next vote; is that correct?

Mr. THOMAS of California. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman is correct.

Mr. MYERS of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MYERS of Indiana. Mr. Chairman, if a vote is ordered on the Armey amendment, could it be reduced to 5 minutes?

The CHAIRMAN. Both the votes, if ordered, will be reduced to 5 minutes.

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, in order to cut the program but not to kill it, the vote is yes, yes; is that correct, Mr. Chairman?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from New York [Mr. SCHUMER] as a substitute for the amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, this vote will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 337 noes 90, not voting 12, as follows:

[Roll No. 297]

AYES—337

Abercrombie
Allard
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fazio
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Long
Lowey
Maloney
Manzullo
Margolies-Mezvinsky
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Scott
Serrano
Sharp
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velázquez
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—90

Ackerman
Andrews (ME)
Andrews (NJ)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (WI)
Barton
Beilenson
Burton
Cardin
Coppersmith
Crane
DeLay
Dornan
Duncan
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Frank (MA)
Franks (NJ)
Gekas
Gibbons
Green
Harman
Hochbrueckner
Hoekstra
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
King
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kyl
Lazio
Levy
Linder
Lipinski
Lloyd
Machtley
Mann
Manton
Markey
McCollum
Meehan
Miller (CA)
Molinari
Morella
Nadler
Petri
Porter
Quinn
Ramstad
Reed
Ridge
Rohrabacher
Royce
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Skaggs
Smith (TX)
Solomon
Stark
Studds
Swett
Synar
Taylor (NC)
Torkildsen
Valántine
Vento
Visclosky
Walker
Waxman
Zeliff
Zimmer

NOT VOTING—12

Blute
Carr
Gutierrez
Henry
Martinez
McMillan
Oberstar
Romero-Barcelo (PR)
Santorum
Skeen
Towns
Wilson

□ 2128

So the amendment as amended, offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2130

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. In accordance with clause 2(c) of rule XXIII, the Chair announces that the vote will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 406, noes 25, not voting 8, as follows:

[Roll No. 298]

AYES—406

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon

Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—25

Applegate
Baker (LA)
Boehner
Bonior
Clayton
Collins (MI)
Conyers
Crapo
Fazio
Fields (LA)
Gilchrest
Grandy
Herger
Horn
Houghton
Kopetski
Lancaster
Packard
Quillen
Rose
Smith (MI)
Smith (OR)
Sundquist
Thomas (CA)
Watt

NOT VOTING—8

Blute
Henry
Martinez
McMillan
Romero-Barcelo (PR)
Santorum
Skeen
Wilson

□ 2137

Mr. THOMAS of California changed his vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

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

□ 2140

Mr. Chairman, unbeknownst to the public, [Mr. ZIMMER] and I are not being allowed to offer an amendment zinging the beekeepers' subsidy. Some might ask is this pork or is this honey?

Now, I do not begrudge the beekeepers, but I do bee—get it, do bee, I do begrudge the rules for not allowing us to offer our amendment.

In fact, some might even ask is our amendment to bee or not to bee.

Mr. Chairman, I rise to urge everyone to oppose the motion to rise in order to support the amendment Congressman ZIMMER and I intend to offer to prohibit any USDA funds from going to administer the honey price support program.

The honey program's flaws were made widely known by our dearly departed Silvio Conte. Silvio was a grizzly bear himself who I am sure liked honey but had a severe distaste for the honey price support program. Although I am only a cub when compared to him, I want to help carry on his ferocious opposition to this program.

The honey program is a supersweet deal for the small number of honey producers, but it stings the taxpayers and the consumers of honey.

You would have to have a bee in your bonnet not to see the flaws of the honey program. The program artificially raises U.S. honey prices at the expense of the U.S. consumers and at the expense of honey producers' ability to compete with foreign honey.

In fact, the General Accounting Office has recommended that this program be eliminated. The GAO determined that this program no longer was needed to serve its original purpose of maintaining enough bees for fruit pollination. The GAO found that this program now primarily serves the interests of large beekeepers who are interested in producing honey, not in pollinating crops.

In 1990, the Congress was all abuzz about this program, when the big bears on the Senate side voted to exterminate this program. In 1992, a majority of Senators also voted to end the program as part of the fiscal year 1993 Agriculture appropriation bill. Only minor changes to the program were made in 1990, and none in 1992.

Now is the appropriate time to reexamine the benefits of this program. Since debate on the farm bill in 1990, our deficits have grown to more than $300 billion. As the House stated during the balanced budget debate, we have to make tough choices about which programs provide the most benefits to our country. I do not think that the honey program, which benefits only about 1 percent of the Nation's beekeepers to the detriment of nearly everyone else, makes the cut.

I do not think the honey program is good farm policy. The 1985 and 1990 farm bills attempted to improve the honey industry's competitiveness in world markets, notwithstanding the fact that the program was not even originally intended to assist the honey market. While Government purchases of honey are thankfully down from the mid 1980's, efforts to reform have failed to curb increasing U.S. imports of cheaper foreign honey and decreasing U.S. honey exports. Even this year, House Agriculture Committee members have noted low-cost Chinese honey imports. I refuse to believe that American bees are less competitive than Chinese bees. The problem is that our price supports force domestic honey prices flying too high. I must conclude that this program is too flawed to fix.

Now even the Democrat's senior most papa bear, President Bill Clinton, has targeted the honey program for elimination. Following up on his campaign pledge, President Clinton in his February 17 budget proposal proposed to stop putting beekeepers hand in the honey jar. Clinton defended this deficit cutting proposal stating:

> There are roughly 3,500 individuals enrolled in USDA's honey program. These represent slightly more than 1 percent of all honey producers in the Untied States. Roughly 350 individuals get over 50 percent of the payments made by the honey program. Due to the large number of pollination services whose bees are not in the program, pollination of the Nation's crops would not be significantly affected by this proposal.

If Congress adopted this proposal, the President has estimated it would save $32 million over 4 years. In its 1993 deficit options book, the Congressional Budget Office stated eliminating this program would save about $60 million over 5 years.

Instead of the business as usual approach to tinkering around the edges of this flawed program adopted by the House Agriculture Committee in the deficit reconciliation package which passed the House, the people are demanding real change. In order to reduce the deficit, we need to cut spending first. We need to eliminate wasteful Federal programs. If we cannot crush that huge honey jar of Federal subsidies to follow through on one single program elimination which even the President has advocated, how can the American people take our deficit reduction efforts seriously?

It's time to vote to zap the honey program completely, once and for all.

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

Mr. UPTON. I yield to the gentleman from New Jersey.

Mr. ZIMMER. Mr. Chairman, after combing through this bill we asked to bee able to offer this honey of an amendment, but we were told to buzz off.

Mr. UPTON. Reclaiming my time, Mr. Chairman, it is unbeelievable. This is a real zinger to the taxpayers.

I yield to the gentleman from New Jersey.

Mr. ZIMMER. Mr. Chairman, we have gotten ourselves into a sticky situation. The taxpayers are telling us to mind our own beeswax, and they are telling us they are tired of being stung.

Mr. UPTON. Reclaiming my time, I can drone on and one about this program. Even the GAO has recognized that this program should be eliminated as it no longer has served its purpose of maintaining enough bees even for pollination.

I yield to the gentleman from New Jersey.

Mr. ZIMMER. This program is honeycombed with waste. During last year's campaign, Bill Clinton was buzzing about how he was going to eliminate this honeypot of a program. But it seems that in order to get votes for his reconciliation bill he made a beeline for the exit with his sweet campaign promise.

Mr. UPTON. Reclaiming my time again, even my fondest friends of Bill Clinton have a bee in their bonnet about this program, and about some of the promises that the President has walked away from.

I yield again to the gentleman from New Jersey.

Mr. ZIMMER. I do not mean to beelittle the importance of honey, but all the taxpaying worker bees in America are bugged by this program. It gives them hives. It flies in the face of fiscal responsibility.

Mr. UPTON. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding, and I would like to say to my colleagues that the observation by our late colleague, Sil Conte, was correct. We are paying the queen bees of the honey business. The GAO data show that 10 percent of the participants of the honey program receive more than 60 percent of the benefits.

I do not mean to drone on, but Washington, DC, has become the land of milk and honey for every lobby in town, including the killer bee lobbyists.

On behalf of the American taxpayer, who is being swarmed with new tax increases, I have only one question to the queen bees of the business: Honey, can you spare a time?

Mr. UPTON. I yield again to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. In closing I might just say beeware, this is a real hornet's nest, and hornets do not make honey.

Mr. UPTON. Mr. Chairman, I would like to tell my colleagues that we should defeat the motion to rise, stand, and be counted to allow this amendment to be offered.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, as Silvio Conte would say, "How sweet it is. You are a honey of a friend. Buzz off."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994".

Mr. DURBIN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. SPRATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. SOLOMON. Mr. Speaker, I demand a vote on the so-called Volkmer amendment on the dairy issue and on the so-called Armey amendment, as amended by the Durbin amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 59, delete lines 1 through 4.

The SPEAKER pro tempore. The question is on the amendment.

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

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that he will reduce to a minimum of 5 minutes any subsequent votes taken on amendments. This is a 15-minute vote to be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 299, nays 127, not voting 8, as follows:

[Roll No. 299]

YEAS—299

Ackerman	Ewing	LaRocco
Allard	Farr	Laughlin
Andrews (NJ)	Fazio	Leach
Andrews (TX)	Fields (LA)	Lehman
Applegate	Fields (TX)	Levy
Archer	Filner	Lewis (CA)
Bacchus (FL)	Fish	Lewis (FL)
Bachus (AL)	Flake	Lewis (GA)
Baesler	Foglietta	Lightfoot
Baker (CA)	Ford (MI)	Livingston
Baker (LA)	Ford (TN)	Lloyd
Ballenger	Fowler	Long
Barca	Frost	Lowey
Barcia	Gallegly	Machtley
Barrett (NE)	Gekas	Manton
Barrett (WI)	Geren	Manzullo
Bartlett	Gilchrest	Mazzoli
Barton	Gillmor	McCandless
Bateman	Gilman	McCloskey
Bentley	Gingrich	McCrery
Bereuter	Gonzalez	McDade
Bevill	Goodlatte	McHale
Bilbray	Goodling	McHugh
Bilirakis	Gordon	McInnis
Bishop	Goss	McKeon
Blackwell	Grandy	McNulty
Bliley	Green	Menendez
Boehlert	Greenwood	Meyers
Boehner	Gunderson	Mfume
Bonilla	Hall (OH)	Mica
Bonior	Hall (TX)	Miller (FL)
Borski	Hamburg	Mink
Brewster	Hamilton	Molinari
Brooks	Hancock	Mollohan
Brown (CA)	Hansen	Montgomery
Brown (OH)	Hayes	Moorhead
Bryant	Hefner	Murphy
Bunning	Herger	Murtha
Burton	Hilliard	Neal (NC)
Buyer	Hinchey	Nussle
Callahan	Hobson	Oberstar
Calvert	Hochbrueckner	Obey
Camp	Hoekstra	Ortiz
Cantwell	Hoke	Oxley
Chapman	Holden	Packard
Clay	Horn	Pallone
Clayton	Houghton	Parker
Clinger	Huffington	Paxon
Clyburn	Hughes	Payne (NJ)
Coble	Hunter	Payne (VA)
Collins (GA)	Hutchinson	Peterson (FL)
Collins (IL)	Hutto	Peterson (MN)
Collins (MI)	Hyde	Petri
Combest	Inhofe	Pickett
Cooper	Inslee	Pickle
Cox	Istook	Pombo
Cramer	Jefferson	Pomeroy
Crane	Johnson (CT)	Portman
Cunningham	Johnson (GA)	Price (NC)
Danner	Johnson (SD)	Pryce (OH)
de la Garza	Johnson, E. B.	Quillen
DeFazio	Johnson, Sam	Quinn
Dellums	Johnston	Rahall
Deutsch	Kanjorski	Ravenel
Diaz-Balart	Kasich	Regula
Dickey	Kildee	Richardson
Dingell	Kim	Ridge
Dixon	Kingston	Roberts
Dooley	Kleczka	Roemer
Dornan	Klink	Rogers
Dreier	Klug	Rohrabacher
Duncan	Knollenberg	Ros-Lehtinen
Dunn	Kolbe	Rose
Edwards (TX)	Kopetski	Roth
Emerson	Kyl	Roukema
English (OK)	Lambert	Roybal-Allard
Everett	Lancaster	Royce

Rush
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Sensenbrenner
Serrano
Shaw
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Volkmer
Vucanovich
Walker
Walsh
Washington
Watt
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—127

Abercrombie
Andrews (ME)
Armey
Barlow
Becerra
Bellenson
Berman
Boucher
Browder
Brown (FL)
Byrne
Canady
Cardin
Carr
Castle
Clement
Coleman
Condit
Conyers
Coppersmith
Costello
Coyne
Crapo
Darden
Deal
DeLauro
DeLay
Derrick
Dicks
Doolittle
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Fawell
Fingerhut
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Glickman
Grams
Gutierrez
Harman
Hastert
Hastings
Hefley
Hoagland
Hoyer
Inglis
Jacobs
Kaptur
Kennedy
Kennelly
King
Klein
Kreidler
LaFalce
Lantos
Lazio
Levin
Linder
Lipinski
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
McCollum
McCurdy
McDermott
McKinney
Meehan
Meek
Michel
Miller (CA)
Mineta
Minge
Moakley
Moran
Morella
Myers
Nadler
Natcher
Neal (MA)
Orton
Owens
Pastor
Pelosi
Penny
Porter
Poshard
Ramstad
Rangel
Reed
Reynolds
Rostenkowski
Rowland
Sabo
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Skaggs
Slattery
Smith (IA)
Spratt
Stark
Studds
Synar
Torricelli
Vento
Visclosky
Waters
Waxman
Wyden
Yates
Zimmer

NOT VOTING—8

Blute
Henry
Martinez
McMillan
Olver
Santorum
Skeen
Wilson

□ 2204

Ms. FURSE and Ms. SHEPHERD changed their vote from "yea" to "nay."

Mr. LEHMAN and Mr. TANNER changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the final amendment on which a separate vote was demanded.

The Clerk read as follows:

Amendment: Page 78, line 17, strike "$147,734,000" and insert "$127,734,000".

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote, after which Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 403, noes 24, not voting 7, as follows:

[Roll No. 300]

AYES—403

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bellenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Billirakis
Bishop
Blackwell
Bliley
Boehlert
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—24

Baker (LA)
Boehner
Bonior
Clayton
Collins (MI)
Conyers
Crapo
Dooley
Fazio
Fields (LA)
Gilchrest
Grandy
Hilliard
Houghton
Kopetski
Lancaster
Lehman
Packard
Quillen
Smith (MI)
Smith (OR)
Sundquist
Thomas (CA)
Watt

NOT VOTING—7

Blute
Henry
Martinez
McMillan
Santorum
Skeen
Wilson

□ 2211

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

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

Mr. MYERS of Indiana. In its present form, I must be, Mr. Speaker.

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

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the bill H.R. 2493, to the Committee on Appropriations with instructions to report back the same to the house forthwith with the following amendment:

On page 30, line 21, strike $18,000,000,000 and insert in lieu thereof $13,600,000,000, and on page 79, after line 6 insert the following new section:

SEC. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.00 percent.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Speaker, the hour is late, I recognize. I will not use the 5 minutes.

This is a simple motion. I regret that I must do this. It is a good bill, except it is just too much money.

The bill is $5,880,000,000 above the President's request. It is $9,780,000,000 above last year's budget authorization.

My motion would reduce the Commodity Credit Corporation by $4.4 billion, leaving $13.6 billion.

Back on March 23, Eileen Manfredi of the Congressional Budget Office, a senior principal analyst, testified before the Committee on Agriculture:

CBO's projection for Commodity Credit Corporation outlays shows a decline to $9 billion in 1994.

My amendment would still leave $13.6 billion, a good cushion, and if it is not spent, it will not be appropriated.

It also would cut the other programs in this bill by 5 percent.

Because of the requirements here, so much of this, 80 percent is mandated, we are cutting into the real programs we all would like to vote for. This is a case where we have got to do something about the programs that are mandated. It calls for the need for it. I do not think anyone likes to do it. I am asking you to do it tonight.

If we are really concerned about balancing the budget sometime in the future, we must start tonight.

In closing, Mr. Speaker, I hope you will all support this, but I will understand. It is a good program, other than this. Reducing it will not hurt any program that much, by 5 percent.

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

Mr. DURBIN. Mr. Speaker, very briefly, the gentleman from Indiana misspoke. The bill is $5.9 billion below the President's request. It is also $248 million below the allocation of the Budget Committee in budget authority.

The 5-percent cut recommended by the gentleman from Indiana would cut into the WIC Program 5 percent. It would also reduce the appropriation for the Food and Drug Administration, where they are trying to catch up with drug approvals and medical devices.

Mr. Speaker, I urge my colleagues to oppose the motion to recommit.

Mr. MYERS of Indiana. Well, Mr. Speaker, if the gentleman will yield, remember, we cut $20 million out of the $5.9 billion awhile ago. It is now $5,880,000,000. The gentleman forgot about the $20 million we did reduce from the MPP.

Mr. DURBIN. Mr. Speaker, the gentleman is correct.

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

There was no objection.

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

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the final passage of the bill, following the vote on the motion to recommit.

The vote was taken by electronic device, and there were—ayes 172, noes 255, not voting 7, as follows:

[Roll No. 301]

AYES—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Grams
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roemer
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—255

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Harman
Hastert
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha

Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Roberts
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Tanner
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Vèazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Blute
Henry
Martinez
McMillan
Santorum
Skeen
Wilson

□ 2232

Mr. SMITH of Michigan changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the Chair's prior announcement, this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 119, not voting 11, as follows:

[Roll No. 302]

AYES—304

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Houghton
Hoyer
Hutchinson
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—119

Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barca
Barton
Bellenson
Bliley
Bunning
Burton
Callahan
Calvert
Canady
Castle
Coble
Collins (GA)
Cox
Crane
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Fawell
Fields (TX)
Fingerhut
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gingrich
Goodlatte
Goss
Grams
Green
Gunderson
Hancock
Hansen
Hefley
Herger
Hoke
Horn
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Linder
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Orton
Packard
Pallone
Paxon
Petri
Pombo
Porter
Portman
Quinn
Ramstad
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Solomon
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (WY)
Walker
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—11

Bartlett
Blute
Dingell
Henry
LaFalce
Martinez
McMillan
Rose
Santorum
Skeen
Wilson

□ 2239

Mr. PAXON changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business for rollcall vote No. 295. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 295, "yes" on Mr. VOLKMER'S amendment to delete provisions in the H.R. 2493, the Agriculture appropriations bill for fiscal year 1994, which remove the statutory obligation of school districts to require schools participating in the school lunch program to offer students whole milk.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, while I was in Massachusetts assisting my wife, Robi, with the delivery of our son, I missed a series of roll call votes.

On Tuesday, June 29, during further consideration of H.R. 2491, and consideration of H.R. 2493, the Agriculture appropriations bill, I would have voted the following:

Rollcall 284, "aye."
Rollcall 285, "aye."
Rollcall 286, "aye."
Rollcall 287, "aye."
Rollcall 288, "aye."
Rollcall 289, "aye."
Rollcall 290, "no."
Rollcall 291, "aye."
Rollcall 292, "aye."
Rollcall 293, "aye."
Rollcall 294, "aye."
Rollcall 295, "aye."
Rollcall 296, "aye."
Rollcall 297, "aye."
Rollcall 298, "aye."
Rollcall 299, "aye."
Rollcall 300, "aye."
Rollcall 301, "aye."

Rollcall 302, "no."

PERSONAL EXPLANATION

Mr. SKEEN. Mr. Speaker, I was on leave of absence when rollcall votes occurred in the House of Representatives.

Had I been present, I would have cast my votes as noted for the following roll-call votes which occurred during my absence.

Roll No. 284, Penny amendment to H.R. 2491, VA, HUD Appropriation Act, cut CDBG grants by $50 million, "Nay."

Roll No. 285, Grams amendment to H.R. 2491, VA, HUD Appropriation Act, reduce HUD policy development/research programs by $48 million, "Aye."

Roll No. 286, Kolbe amendment to H.R. 2491, VA HUD Appropriation Act, provide $10 million for HU?D HOPE grants program, "Aye."

Roll No. 287, Hefley amendment to H.R. 2491, VA HUD Appropriation Act, cut $970 thousand for employees detailed to the Office of Science and Technology Policy, "Aye."

Roll No. 288, Klug En Block amendment to H.R. 2491, VA HUD Appropriation Act, delete funds for ASRM, "Aye."

Roll No. 289, motion to recommit, H.R. 2491, VA HUD Appropriation Act, "No."

Roll No. 290, final passage, H.R. 2491, VA HUD Appropriation Act, "Aye."

Roll No. 291, Fawell amendment to H.R. 2493, agriculture Appropriation Act, delete all appropriations for CSRS sepcial research grants and building/facilities, "No."

Roll No. 292, Burton amendment to H.R. 2493, Agriculture Appropriation Act, reduce RDA funding from $35 million to $20.75 million, "No."

Roll No. 293, Zimmer amendment to H.R. 2493, Agriculture Appropriations Act, reduce loan levels for REA hardship loans, "No."

Roll No. 294, Burton amendment to H.R. 2493, Agriculture Appropriations Act, delete $3 million appropriation, for the Outreach for Socially Disadvantaged Farmers program, "No."

Roll No. 295, Volkmer amendment to H.R. 2493, Agriculture Appropriations Act, delete provisions in the bill removing statutory obligation of school districts to require schools participating in the school lunch program to offer students whole milk, "No."

Roll No. 296, Durbin amendment to H.R. 2493, Agriculture Appropriations Act, amending the Schumer substitute amendment to increase funds for the MPP program from $90 million to $127.734 million, "Aye."

Roll No. 297, Schumer amendment as amended H.R. 2493, Agriculture Appropriations Act, See Roll Call No. 296 for explanation,"Aye."

Roll No. 298, Armey amendment as amended to H.R. 2493, Agriculture Appropriations Act, See Roll Call No. 296 for explanation "Aye."

Roll No. 299, Volkmer amendment to H.R. 2493, Agriculture Appropriations Act, delete provisions in the bill removing statutory obligation of school districts to require schools participating in the school lunch program to offer students whole milk, "No."

Roll No. 300, Armey amendment, as amended H.R. 2493, Agriculture Appropriations Act, see Roll Call No. 296 for expl, "Aye."

Roll No. 301, motion to recommit, H.R. 2493, Agriculture Appropriations Act, "No."

Roll No. 302, Final Passage, H.R. 2493, Agriculture Appropriations Act, "Aye."

REPORT ON RESOLUTIONS WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 103–163) on the resolution (H. Res. 214) waiving certain points of order against the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2010, NATIONAL AND COMMUNITY SERVICE ACT OF 1990 AMENDMENTS

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 103–164) on the resolution (H. Res. 215) providing for consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons anticipating in such service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 2492, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1993

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 210

Resolved, That all points of order against consideration of the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, for failure to comply with the provisions of clause 7 of rule XXI are waived. During consideration of the bill, all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

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

Mr. Speaker, this legislation appropriates funds for the District of Columbia for fiscal year 1994.

The bill supports many important programs here in the District—for police, for teachers, for judges.

One of the most important is a major crime and youth initiative, which is designed to stem the rising crime rate in the District and reach out to young people at risk.

The new program responds to street violence through increased law enforcement, while at the same time establishing preventive, targeted programs for young people and families who need support.

Mr. Speaker, this is a responsible bill in these times of budget constraint. The bill cuts the President's request for the District by $5.1 million.

Mr. Speaker, House Resolution 210 is an open rule for consideration of H.R. 2492, the District of Columbia appropriations bill for fiscal year 1994.

The rule waives all points of order against consideration of the bill for failure to comply with clause 7 of rule 21, which requires that committee reports be printed at least 3 days prior to consideration of a general appropriation bill.

The rule also waives all points of order against provisions of the bill for failure to comply with clause 2 of rule 21, which prohibits unauthorized appropriations or legislative provisions in a general appropriations bill.

Mr. Speaker, this is a simple, open rule for consideration of the bill, and I urge my colleagues to support the rule and the bill.

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

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

Mr. Speaker, as my colleague, the gentleman from Michigan [Mr. BONIOR] has described, this rule provides for the consideration of the District of Columbia appropriations bill. It waives the requirement that printed hearings be available 3 days prior to the consideration of the bill. Also, the rule provides waivers against the entire bill for unauthorized appropriations and legislation in an appropriations bill. While it would be preferable for the authorizing committees to complete their work prior to the consideration of the appropriations bills, such is not the case. We cannot delay the appropriation process, and I have no objection to the waivers provided under this rule.

H.R. 2492 provides funding for the Federal payment-in-lieu-of-taxes to the District of Columbia. Also, the bill includes funding for the Federal Government's contribution to police, firefighters, judges, and teachers' retirement funds and for the mayor's youth and crime initiative.

Mr. Speaker, there are a number of controversial matters contained in this

bill. The bill repeals the ban on the use of Federal funds to pay for abortions. The bill also allows unmarried couples, regardless of sexual orientation, to register as domestic partners. Domestic partners of D.C. government employees would then be eligible for group health insurance coverage.

Mr. Speaker, if we are going to waive the rules to allow legislative language in an appropriations bill, then I think it is only fair to provide the necessary waivers to proposed amendments to such legislative language. The gentleman from Oklahoma [Mr. ISTOOK] submitted an amendment in the Rules Committee to block the implementation of the domestic partners law, but it was not made in order. This is unfortunate and unfair, and I feel strongly that the Rules Committee should have allowed this amendment.

I am strongly opposed to several provisions of the bill, but this rule allows Members to offer appropriate amendments, and I hope we can make some changes and improvements as we consider this measure.

Mr. Speaker, I urge adoption of this rule so we can proceed with the consideration of this bill.

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

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from Tennessee for yielding time to me.

As a ranking member on the Subcommittee on the District of Columbia, I rise in support of the rule, although I do have, a number of us have problems with certain issues within the bill.

It is an open rule, and the issues that we do disagree upon will be raised during general debate. We would also offer an amendment following general debate to reduce the appropriation by a certain amount of money.

Having said that, Mr. Speaker, I have no objection to the rule.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule. I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, there is always controversy in the House concerning rules, especially points of order, because they are protected in some instances but not in others.

In effect, the House protects legislation on appropriation bills when it chooses. There is no pattern; alas, there is no principle.

Yet tonight, I ask my good colleagues to embrace one principle to which no member in a democratic body can raise a sound objection: That when locally elected officials have enacted a law or decided how their tax-raised dollars should be spent, no Member of this House should seek to countermand the local democratic majority.

69-059 O—97 Vol. 139 (Pt. 10) 40

My friends, the District of Columbia is not an agency of the Federal Government. The District is not a colony of the Congress. The District is an American jurisdiction of 600,000 people who can hold no one in this House, not even me, accountable for local enactments. Only dictatorships allow official action without local accountability. Such a course has no place in this proud and principled House.

Only an accident of timing has allowed a provision mandating costs for rank featherbedding in the D.C. Fire Department to remain in H.R. 2492. The chairman of the Subcommittee on the District of Columbia was prepared to raise a point of order that would have ruled out of order a congressional directive to keep the District from cutting its work force, yes, keep the District, which for years has been told to cut its work force, keep the District from doing precisely what the Congress has yelled and screamed that the District should do.

By the time agreement was reached to exclude the provision from the rule to waive points of order, however, the Committee on Rules, which would have ruled otherwise, had already acted.

Therefore, I must offer an amendment and will do so at the appropriate time to strike this mandatory budgetary provision. I will ask my colleagues not to stand in the way of cuts in the D.C. Fire Department, among the most overstaffed in the country.

□ 2250

I will ask the Members not to bar the way when the District is finally willing to cut its work force, as this House has long demanded. I will ask the Members not to reduce democracy to a slogan inapplicable to the Nation's Capital.

If the Members believe in democracy, if they believe that democracy should apply everywhere that flies the American flag, then they will vote for my amendment. May I ask them to vote as well on other issues: To ratify the democratic majority in the District, as they would without thinking elsewhere; to respect democracy in the District, as they would insist on in their own districts.

Mr. BONIOR. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM LEONARD P. WISHART III, DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Director, Non-Legislative and Financial Services, of the House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,

Washington, DC, June 25, 1993.

Hon. THOMAS S. FOLEY,

Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

GENOCIDE IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I rise with a great sense of sadness and loss. Sadness because nearly 50 years after the world vowed "never again" we are witnessing genocide in Bosnia. Loss for the Bosnian men, women and children who have suffered so much.

We have all seen and heard the images of horrible carnage—the starvation in concentration camps, desperate refugees packed onto U.N. trucks, innocent civilians killed by Serbian artillery and snipers and the systematic rape of women and girls.

Let there be no doubt that what is happening to the Moslems in Bosnia is genocide. Ethnic cleansing is genocide.

How we respond to crises such as these is a reflection of our character and our very humanity. Frankly I am not encouraged by what I see.

For we pressured the Bosnian Moslems to accept the Vance-Owen peace plan—a plan which, to a large degree, rewarded Serbian aggression. Reluctantly, the Moslems agreed to it thinking that the international community would bring pressure on the Serbs to negotiate a peace. But we failed to take meaningful action.

Next we tried to establish "safe havens," basically ethnic ghettos filled with refugees. Serb artillery made a mockery of this idea in full view of U.N. forces.

Now we are putting pressure on the Bosnians to accept the partition of their country, fully rewarding Serbian aggression, and giving the Moslems just two landlocked areas with a tenuous connection to the sea. This weekend, Serbian and Croat forces joined together in a final drive against Moslems in Maglaj and other cities.

In all fairness, we have taken some positive measures—providing humanitarian relief, enforcing the no-fly zone,

establishing a war crimes commission, and tightening the economic sanctions.

Individuals such as French General Philipe Morillon have bravely stood up to the Serbian butchers. But these acts of courage have been the exception, not the rule.

Why have we not found the will to end the murder, torture, and rape? Have we become numb to human suffering through overexposure on television and in the newspapers? Or is something larger involved here?

I am going to ask a question that makes me extremely uncomfortable—a question that should at least make all of us pause. If the tables were reversed and Moslems were slaughtering Christians or Jews in Europe, would we continue to do virtually nothing to stop it?

Moslem, Jew, Christian, a human life is a human life, murder is still murder, rape is still rape, and genocide is still genocide. Has our moral compass slipped so far that we can permit a nation to be dismembered and an entire people pushed to the brink in full view of U.N. troops?

This weekend we found the will to take bold action against Saddam Hussein. Why can't we find the will to punish Serbia for its reprehensible genocide of Bosnian Moslems?

We can and must do more. The arms embargo on Bosnia should be lifted so that the terribly outgunned Moslems can defend themselves. The embargo has only served to aid Serbian aggression. This is an issue of basic fairness.

Yes the situation is complex, yes there are risks involved, but measures are available that will not get us bogged down in Bosnia. By lifting the arms embargo we will be reaffirming the right of the Bosnians to defend themselves, their children and their homes. This is the very least we can allow them to do.

Future generations will judge us if we lack the courage to stand up to this brutality and aggression. The time for action has nearly passed.

But if we do not act, innocent blood will continue to be spilt. Tears of grief and rage will continue to be shed. When history records that genocide reared its head in Europe, and that the cry for help went forth, will we be able to say that we did all we could?

□ 2300

Mr. Speaker, it is with great sadness again this evening that I report that today the U.N. Security Council rejected a resolution to lift the arms embargo on the Bosnian Moslems and authorize air strikes to protect them. Six countries voted for the resolution and nine abstained. Nine sat idly by as homes were destroyed, as women and children were raped, as murders and killings were perpetrated throughout this beleaguered land.

Nine votes are needed for approval of a resolution. The six voting in favor were the United States, I am proud to say, Cape Verde, Djibouti, Morocco, Pakistan, and Venezuela. Those abstaining were Brazil, Britain, China, Russia, France, Hungary, New Zealand, Japan, and Spain.

U.S. Ambassador Madeleine Albright argued that we do not believe that this body should deny the Bosnian Government the wherewithal to defend itself in the face of brutal aggression conducted by the Bosnian Serbs and their backers in Belgrade.

Mr. Speaker, this is indeed a sad day for the world community. I would urge our administration and our President to think long and hard about other approaches and actions that they might take to salvage what is left of a beleaguered land and a tortured people. This is not something that will just go away like many people in our Government and our country wish. We are witnessing brutality on the highest levels and we are standing by and doing nothing.

I am pleased that my colleagues would join me this evening. I would like to yield to two of them this evening who have been leaders in speaking out on this issue from its inception, the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Massachusetts, [Mr. OLVER].

I yield to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. I thank the gentleman very much. I must say I wholeheartedly agree with about every statement and sentiment in your statement. Quite frankly, it is very similar to what I am about to say, and I must commend you with all my heart for your ongoing leadership in this area. I think it is truly an ongoing crisis that as things get worse, quite frankly, American and Western interests seem to get less.

This is a dark, dark hour for Bosnia—for Europe, and the United States.

The full dimensions of the human, moral, and political catastrophe which is unfolding in the Balkans will eventually dawn on the political establishment in Washington, and on the American people.

The roster of shame for letting this catastrophe unfold will be a long one. It will include decisionmakers and opinionmakers from both sides of the Atlantic, from across the political spectrum, from executive and legislative branches, and from the fourth estate.

We desperately need some plain and honest talk about what is happening on Bosnia.

Never in my political life have I seen such an obscene gap between high-road words and low-road deeds in the policies of Western governments. Never have I seen so much equivocation and obfuscation, so much specious rationalization for moral and political cowardice, or so much energy expended in the hope of evading responsibility. Never have I seen something so immense, so important, get so little attention.

We are witnessing a disaster. It is a human disaster now for the people of Bosnia. It is a moral disaster for the world community. It is a longterm security and economic disaster for the American people.

But Western governments have done so much to obfuscate these high stakes, and to exhaust the psychic energy of Western publics by their handwringing and posturing, that we have to read about this disaster in the back pages of the daily press. This should be a front page headline story, every day.

Here is the truth about Bosnia, and what it means to the West.

In Bosnia, the Bosnian Moslem people are being decimated by a systematic genocide run by the Belgrade regime of Slobodan Milosevic.

The perpetrators of this genocide have killed some 200,000 men, women and children. They have maimed and wounded tens of thousands more. They have systematically raped tens of thousands of women. They have systematically targeted for extermination in death camps the leading strata of Bosnian society. They have systematically destroyed all signs of non-Serb culture in some two-thirds of Bosnia.

By this genocide they mean not only to decimate the Bosnian Moslem people. They also mean to destroy forever the multiethnic and multicultural civilization that was Bosnia Herzegovina, to destroy the Bosnian Government, and to dismantle the Bosnian state.

Milosevic and his thugs are getting away with this genocide. Not only that, Western governments are serving as his military and political accomplices.

We are accomplices because we continue to deny, cover up, and minimize the evidence of this genocide. The U.S. State Department knows that Milosevic is engaged in genocide. But it won't say so because this would increase the pressures to do something.

We are accomplices because we have taken sides militarily with the perpetrators. This is not a case where, as Edmund Burke put it, "The only thing necessary for the triumph of evil is that good men do nothing." This is a case where "good men" have actually done something—but on the side of evil.

Mark this point well: We are not simply bystanders, as we were for the Holocaust when we did not come to the aid of Europe's Jews. It is not just that we have declined to come to the aid of the Bosnians through military intervention.

We have done worse: We have denied the victims the means to defend themselves, through application and enforcement on Bosnia of the U.N. arms embargo on former Yugoslavia. We have intervened, on the side of genocide.

The Clinton administration has tried to distance itself from this complicity by adopting the position that it favors lifting the arms embargo from the Bosnian Government.

But this is not the administration's real position. It is only the administration's posture, for public relations purposes. When it comes to real action to get the arms embargo lifted from the Bosnian Government, the administration opts out.

I ask here: What efforts did the President or Secretary of State make to win support from our friends and allies for today's effort in the U.N. Security Council to lift the embargo from Bosnia? How many leaders did the President call to press his case? In what way did we show that this is important to us? The answer is that the administration did nothing—as if the illusion of leadership could be preserved by passivity.

We are accomplices because we have taken sides with the perpetrators of the genocide in political terms as well.

We have exerted pressure on the Bosnian Government to accept the ethnic partition of Bosnia. We have legitimized the perpetrators of genocide as the rightful leaders and spokesmen for the Serb people, and as the legitimate subjects of negotiations with the Bosnian Government—which both Cyrus Vance and David Owen have tried mightily to reduce to the status of the "Moslem faction."

Mark this point well too: We have joined Slobodan Milosevic, Radovan Karadzic and their murderous forces in pressing the Bosnian Government to surrender. This is a far more disgraceful surrender than Munich, when war and genocide were still in the future.

And again, the administration seeks to distance itself from complicity by adopting the position that we would have preferred a multiethnic Bosnia—but that if all parties quote genuinely and honestly agree unquote, we will accept partition.

I ask here: How can anyone talk of the Bosnian Government quote genuinely and honestly unquote agreeing to partition, when that government is under relentless military assault and its people have been and continue to be decimated by genocide?

Obviously, one cannot. Doing so is just another way of disguising what we are up to, which is to sell out a sovereign, independent United Nations member state to external aggression.

I made reference earlier to Munich. If Czechoslovakia had fought back against Hitler, no doubt the United Kingdom and France would have written this off a civil war, just as Secretary Christopher has redefined Bosnia as a civil war. But there is another parallel with Munich as well.

When the United Kingdom and France sided with Hitler against Czechoslovakia in 1938, Poland and Hungary also opted to grab small chunks of that state. They were later to become Hitler's victims too.

Now in 1993, Western complicity in Milosevic's aggression against Bosnia has encouraged Croatia—already one of Milosevic's victims—to also take the low road, and seek to grab part of Bosnia. The complicity of Croatian President Tudjman in Milosevic's attack on Bosnia has made Croatia an aggressor even as it remains a victim of Milosevic's aggression.

I have repeatedly condemned Croatia's complicity in the partition of Bosnia directly to Croatian President Tudjman. I believe he and his coterie of advisors from Herzegovina are doing great harm to both Bosnia and Croatia. How ironic that Tudjman could plausibly respond that he was simply cooperating with the Vance-Owen plan, or more recently the Stoltenberg-Owen partition effort.

Croatia was the first state to recognize the sovereignty and independence of Bosnia. It has made a greater effort to help Bosnian refugees, including Bosnian Moslems, than any other country. How tragic it is, and how avoidable it could have been, that Croatia has now become part of the aggression against Bosnia.

There is an unspoken assumption behind the West's appeasement policy toward Slobodan Milosevic, and its support for the partition of Bosnia. That assumption is that Milosevic can be bought off, that if we let him grab and "cleanse" one third of Croatia and two-thirds of Bosnia, he will stop and the crisis will abate and be contained within the borders of what used to be Yugoslavia. In short, the idea is that a "Greater Serbia" means a more stable Balkans.

What a stupid notion.

First of all, Milosevic's goal of an ethnically pure "Greater Serbia" promises unending conflict with its current victims in Croatia, Bosnia, Kosovo, Sandzak, and Vojvodina, and with its future victims in Macedonia. It promises millions more victims of "ethnic cleansing" in all those areas.

Second, the track record over the past 3 years is clear: Milosevic has no bottom line, and the more he gets, the further he pushes on. His regime is growing more fascist, not less.

Third, the gathering clouds of a new genocide in Kosovo are ominously dark and near. Kosovo has been a slow-motion "Krystallnacht" for 3 years now. It is one vast concentration camp, with the pilot light lit in the ovens. The idea that it will be possible to deter Milosevic and his thugs from genocide in Kosovo after letting them get away with it in Bosnia is simply preposterous.

What then does our betrayal of Bosnia mean for the West?

In the Balkans, it means years of conflict in Croatia and Bosnia, and the destruction of democracy in both those states. It means the spread of Milosevic's genocidal aggression to Kosovo, Sandzak and Vojvodina and to Macedonia, and the triggering of the wider Balkan war that Western policy ostensibly aims to deter. In the long run, Milosevic's "Greater Serbia" is doomed to collapse. But its rise and fall will traumatize Southeastern Europe for generations to come.

In Europe, our betrayal of Bosnia makes a mockery of two principles which are crucial to peace and stability, in particular in the area of the former Soviet Union: that genocide will be suppressed, and that cross-border aggression will not be tolerated. It fatally undermines the credibility and authority of two institutions on which transatlantic peace and security are based: NATO and the CSCE.

In the wider world, our betrayal of Bosnia exposes the end of America's military commitment to European peace and security. It reduces the power of the United Nations and the U.N. Security Council to that of the League of Nations in the 1930's. It poisons relations between the West and the Islamic world, and strengthens fundamentalism in the latter. It emboldens aggressors everywhere.

In short, the idea that writing off Bosnia will settle the Balkan crisis is as misguided as it is immoral. The Bosnian people are paying a terrible price for this now. We will all pay a heavy price for it down the road.

What is happening in Bosnia is not something we can afford to treat as a "distraction" from pressing domestic issues, as the President has suggested. It is not something we can afford to sweep under the rug in embarrassment. Bosnia and the Western policy response should be the subject of serious national debate. it is the defining moment of the post-cold war era, and so far it is defining nothing but trouble ahead.

□ 2310

Again, I thank the distinguished majority whip.

Mr. BONIOR. I thank my colleague for his articulate and passionate response to the tragedy in the Balkans.

Mr. Speaker, I now yield to my friend, the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman very much for yielding. I thank him very much for his leadership that he has continued to provide on this issue. I want to associate myself with the remarks both of the gentleman as the Member from Michigan but also our majority whip, and also the Member from Indiana, who has just given a most articulate discussion about what he sees as the downside of what has happened in the Balkans here and our role in it.

I do not have that kind of a prepared statement here tonight. My statement

is scratched across a page in my frustration and my anger over what it is that has happened. But that is not going to deter me from making a fairly lengthy, perhaps, statement here.

Today it seems to me that the U.N. drove one more nail in the coffin that they, the U.N. themselves, built for Bosnia. Bosnia, a member of the United Nations, probably the most multiethnic, multicultural, multireligious nation within the United Nations at the time of their admission to the United Nations, a nation where there is at least a strong argument that the very membership in the United Nations was afforded to Bosnia in order to give them the protection of international law, the protection of recognition by the whole world community, and then admittance to the United Nations in order to give them protection of international law, and then to have the United Nations be the very instrument of the withdrawal, of the removal, of that international law in that Bosnia was not allowed from the first, from its very admission into the United Nations, to have the very fundamental right to defend themselves as every nation has a right to defend themselves, by the impact of an embargo which had been placed long before, actually months before, the actual admission of Bosnia to the United Nations, but still suffering under that embargo and unable to gain the kind of arms that would allow them to defend themselves.

As I say, they were a multiethnic, multireligious, and multicultural people in Bosnia, all Slavic people, Croats, largely Catholic, Serbs, largely Serbian Orthodox, and the Bosnians, those who called themselves Bosnians, some of whom were Roman Catholics, some of whom were Eastern Orthodox, a great many of them who happened to be Muslims. That people, that intermixed people, 25 percent of the population, has been estimated to have been intermarried among those different ethnic and religious groups. In fact, they all spoke the same language, and the other minorities that were in that country also, the Albanians and the Jews, and sizable populations, interestingly enough, of Slovaks and Hungarians in that country, all part of what was very close to a melting pot there in the Balkans.

Bosnia for 15 months has been under attack by a portion of the Serbian ethnic group, the Serbian nationalists, who want to build a greater Serbia there, and in that period of time we have seen the creation of concentration camps, mass rape used as a policy, the destruction of mosques. One night the five mosques in the district of Bijeljina were destroyed all in one night.

□ 2320

The old and historic mosques in the city of Banja Luka, a community that had nearly equal numbers of Serbs and Moslems in that community before this most tragic war, those old and venerated and historic mosques, hundreds of years old, were destroyed in a single night, simply blown up.

Can you imagine the outrage that we would feel if someone were in this country of ours destroying the religious institutions of one of the ethnic groups within, and what would come of that?

During all of this process when the whole of the Islamic culture in that country, in that country where in fact the Moslems were the largest ethnic group—44 percent at the beginning of this tragic era were Moslems, about 31 percent were Serbian, and about 17 percent were Croatian, with the remainder being of those other ethnic groups which I mentioned—who were part of that mix in the Balkans, their libraries, the people, the whole families who had been taken out and slaughtered, they had lived through that for 15 months while time after time the United Nations has debated whether or not they should be allowed their right of self-defense.

The right of self-defense for a nation, a member of the United Nations, is denied to them totally in this process that has gone on.

Mr. BONIOR. It is quite remarkable, is it not, when one considers what took place tonight? The Security Council of the United Nations, with countries as powerful and renowned as France, Great Britain, Russia, Spain, voted to deny a member nation the right to defend themselves. It is incredibly historic and sad and significant.

And if we let this go without a challenge, without calling to question the moral bankruptcy and, to a large extent, the sovereign bankruptcy of this action today, we will, I think, come to regret this very deeply in the months and years ahead.

Mr. OLVER. I think we will regret it deeply, and it will not take long for us to regret, because what is happening there is a signal to dictators, and people in positions like Milosevic all over the world who have watched already Mr. Tudjman taking over, have gotten the virus, in essence, and decided that, "Well, if they are going to dismember Bosnia," then he is going to get his part of that nation and that portion, more than he was even given that he never deserved in any of the proposals that had come out at earlier times.

It is almost as if these nations have forgotten what their history was. As my colleague from Indiana [Mr. McCLOSKEY] has so carefully pointed out, it should have been Britain and France that were complicit in the dismemberment of Czechoslovakia, that they should be in the forefront of keeping Bosnia from having that right of self-defense.

Looking back even further to those nations, it is such a common thing; when Poland was dismembered by Austria and Russia and Germany in three separate partitions, with no relationship, no consideration for the Poles in that process.

Well, of course that is a couple of hundred years ago, but one hopes that there is human progress. We have a United Nations. We have a United Nations built on principles here of attempting to avoid this sort of thing, and we have lost now, have lost in the severest kind of way, the moral suasion that would be necessary to act effectively.

In fact, that may be the only way that effective action can come because there is only one superpower now, when if there is not leadership with a very clear and very well-driven goal on the part of this country, then I think we are likely to see this sort of thing happen in place after place, which is a heavy burden, but it is a burden that we as the only superpower in this country have to bear, at least in part, for the level of leadership that we provide.

During all of this, during all of these proposals, that while there were resolutions deploring and condemning what has happened over the last 15 months, none of those have been enforced, none of those have been enforced even to the latest point of safe havens, the effort of safe havens.

When the U.N. forces, as the gentleman himself pointed out, have to act in order to be able to move into an area that is supposedly under safe haven, as the Serbian nationalists concentrate and constricted the area and then bombard the civilian populations, first in Srebenica and then more recently in Goradze, which has been virtually out of contact with the outside world for months now and where the Serbians once in a while will let one or two observers in, where those people are without food and medicine as the safe haven; the latest way in which the United Nations has backed off its commitments to the idea of safe havens. There are ghettos, a little bit like Indian reservations that have been built up in our own Nation over a period of time to put the people who are not wanted into.

Mr. BONIOR. Expendable people in expendable places.

Mr. OLVER. People expended in expendable places, in high concentrations. That is one thing that the Serbian nationalists have added to this mix, is that they have then used modern weapons of bombardment against a population which is a United Nations member which has been denied the right to get the very arms to defend itself while the Serbian nationalists have had full access and have had access throughout this 15-month period to the armaments that were available to the old Yugoslavian army, which now is in the hands of Serbia and Montenegro and has been completely at the disposal of the Serbian nationalists, first

as they have attacked Croatia and then as they have attacked Bosnia.

Well, the proposals that have come out as these resolutions have not been enforced, first we remember there was a proposal by the negotiators. Mr. Vance, a man that I have met, that I do not and cannot believe that he would be rewarding aggression in this kind of a way, rewarding genocide in this kind of a way. And Mr. Owen, sometimes called Lord Owen, a term that we do not use much, that certainly implies certain qualities that I do not see in Mr. Owen whatsoever for the activities that he has conducted over the last few months.

In that instance, the Vance/Owen plan awarded 30 percent of the territory of Bosnia to the Croats, of all things, the allies in this multiethnic state of the Moslems of the Bosnian state, part of the Bosnian state, and the allies of the Moslems in Bosnia, awarded 30 percent when they never had more than 17 percent of the population and where they were awarded areas which were majority-Moslem areas, whole districts, whole areas that were vast majority Moslem in their population. Yet that was awarded, even in the earliest of these plans, to the Croatians, while the Serbs were being rewarded for their aggression and for their genocide along the way.

Frankly, I have to ask is there no shame in this whole process? The 44 percent Moslem population which occupied at least 40 percent of the territory and were the more urban areas, lived in the more urban areas, for the most part, in every single one of the plans put forward by the European Community and by the negotiators for the United Nations have been repeatedly placed at disadvantage. They are the United Nations member.

□ 1130

They are the nation that has been recognized by the whole civilized world, the member of the United Nations that has been denied the right to defend itself, and yet they time after time have been put at disadvantage first in that proposal put forward by Vance and Owen, which was indeed flawed.

President Clinton and Secretary Christopher properly showed it to be flawed.

Mr. BONIOR. At its outset, they properly recognized it at its outset, and then of course changed course as this process went on.

Mr. OLVER. Indeed, they recognized that it was flawed at its outset. Then those negotiators moved to the concept of safe havens, safe havens with no enforcement, safe havens that ended up being ever smaller living ghettos for Moslems in Srebrenica, Gorazda, and Tuzla and Zepce and Sarajevo. Each of of those locations ended up as an ethnic ghetto.

Then finally the proposal for the ultimate give-in to aggression and genocide, the proposal for partition into three parts, where indeed each one of the parts would be allowed to ethnic cleanse the areas that they held and where the Moslems would be given no more than 20 percent of the territories in a state that would be completely unviable along the way.

Well, that is where we are at the present time. How did we get there? I want to say something about how we got there, because one can go back and look at this and ask, did it start in 1200 or 1386 when the Turks defeated the Serbs at Kosovo Field in what is now Kosovo, or whether it was in 1571 or it started at the gates of Vienna or started under the Empress Maria Teresa and the movements of people that she caused in that period of time in her reign in the 1700's in order to create a buffer zone against the very Turks that mixed up the populations in a different kind of way than they had been before, or whether in 1878 or 1914 with the start of the First World War, or after that First World War when for awhile there was an effort to put together that kingdom of Slovenia, Croatia, and Serbia, or whether it started in the Second World War when the partisans in the then-Yugoslavia, Moslems, Serbs, and Croats all fought against the Germans, but also fought against each other and created hatreds which simply exacerbated older hatreds. Whatever was the history, and one could go to each one of those places and see one piece of what has finally come about in the Balkans, whatever it was, for a period of time Tito managed to hold things in a repressive state under control in a constitutionally constructed six Republics within Yugoslavia and two constitutionally constructed autonomous provinces within.

In my sense, when Tito died there was always talk about how Yugoslavia would burst apart.

Certainly we could have gone back to think about it at that time and do something to prepare for that, but the real beginning of this, and it will come around to this again, the real beginning was in Kosovo in 1990, 3 years ago, before the attack by the Serb nationalists in Croatia or in Bosnia, but in Kosovo where that population which is 90 percent Albanian, Albanian Moslems almost totally, but 90 percent Albanians, which are an ethnic group that comes from an older group living in that same Balkan area even before the Slavic peoples moves in, even before those majority peoples of Slovania and Croatia and Serbia and Bosnia moved into that part of the Balkans, in Kosovo in 1990 the Serbs put in 100,000 troops and closed the schools and arrested all the leadership.

Since that time they have been repressing that 90 percent Albanian population in that heavily and densely populated autonomous province of Kosovo. I call it Kosovo because that is the Albanian way of pronouncing it, which had had constitutionally within Yugoslavia autonomy. Essentially the autonomy was removed unilaterally by Serbia at that time and that sent a signal to each of the Republics within Yugoslavia to Slovenia, Croatia, Bosnia, and Macedonia, that they were going to be the subject of similar kinds of repression.

Indeed, as a followup, Slovenia and Croatia and Bosnia declared independence, as did Macedonia.

The Serb nationalists tried first to attack Slovenia, discovered that there there was no fifth column.

Then they attacked in June 1991 Croatia. It was then that the United Nations if they did not understand what exactly was happening had an obligation to move, and with all the deploring resolutions and all of the condemnation, they did essentially nothing.

The United Nations and the European community as territories within Croatia, some of them heavily Croatian in their population, were bombarded, destroyed, and taken over.

In fact, peace finally came there when the United Nations sent in troops to hold a truce, which ended up being a way for the United Nations forces in Croatia to hold that territory for a greater Serbia, to initially at its very start to reward the aggression and the genocide that was already starting at that time, though it did not yet become as severe as it has in the case of Bosnia.

In fact, that process I believe has ended up with the United Nations forces holding the territory for the Serb nationalists and leaving them free to attack Bosnia some 15 months ago; but by that time they knew because there had been no enforcement of the previous resolutions and no enforcement of the condemnation of the actions on the part of Serbia in supporting the Serbian nationalists who now control one-third of Croatia.

In that process the Serbian nationalists and Milosevic in Belgrade understood perfectly well that there was no will anywhere on the part of the international community to do anything.

Mr. BONIOR. And the question is whether there will be any will on the part of the international community, especially the United States, to stand up in Kosovo if indeed the Serbs press further their onslaught on the Albanians in Kosovo or whether the international community and the United States will stand idly by if Macedonia is threatened. All these questions now rise higher in the eyes of the probability with respect to further Serbian aggression because of the inaction.

In fact, as the gentleman just correctly pointed out, the ironic support that the United Nations has given Serbia through the United Nations troop

deployment in Croatia and through the actions they have taken today and in other days in New York at the United Nations, it is a very frightening thing what path we are on, and for us to stand by and continue to allow this type of aggression, this type of ethnic cleansing, is just a very sad mark on the international community.

Mr. OLVER. Well, I think the gentleman now really has put the mark on it, because it is in fact a sad thing to see the direction in which this is going, because the process that I have described has led, as my colleague, the gentleman from Indiana, has pointed out, to 200,000 plus or minus, not very many minus, perhaps plus slaughtered, human beings slaughtered merely because they were of a different religion in that area.

□ 2340

No other, since Cambodia of a decade or so ago, in the killing fields in Cambodia, or the kind of history that went on in Uganda a matter of maybe two decades ago; no other kind of numbers of that sort on the part of deliberate slaughter of people and a member of the United Nations has occurred. Two million people have been uprooted from homes that they lived in for generations, and sometimes centuries, in the same family. Mosques, virtually every religious institution in the area, destroyed. Churches, by the way, as well, on the part of the Serbian nationalists, Catholic churches in those areas as well. Families, from the youngest child to the oldest, to the oldest fifth generation, slaughtered together, in total, and we have seen it on our TV sets and in our newspapers, and then the last episodes of the concentration of those populations in those safe havens, the declared safe havens by the United Nations in Srebrenica, and in Zapa, and in Gorazda, which have resulted in forces of the United Nations having to ask the Serbian nationalists committing this genocide whether they could go in, and of course that incredible incident of the vice president of Bosnia dragged from a U.N. vehicle under the very eyes—allowed to be dragged by U.N. forces, and shot and executed summarily right then and there, as if he was the criminal, as the President, duly elected, of Bosnia, a member of the United Nations was simply executed by the Serbian nationalists who were—who had gotten hold of that particular U.N. convoy.

Mr. BONIOR. It is an incredible story. I mean, if you were to write this and publish it without having known the facts, or seen it and viewed it, you would say it was preposterous, the irony and the tragedy of what has gone on here, not only to people, but to the established institutions which were supposedly put in place to safeguard the very sovereignty and safety of these people. It is just the most incredible story.

Mr. OLVER. Well, for it to have happened within 50 years of the Second World War in a European country is truly remarkable.

There are some who did not know, and perhaps a great number who legitimately did not know what happened in the 1940's in the slaughter of Jewish people, and Polish people and other lesser peoples, so-called lesser peoples according to the Nazi regime. But in this instance we all know it. We all know it in this country, and every one of the European countries knows what is going on, and in every instance it would appear that there is no will anywhere there to stop this slaughter of Moslems in Bosnia.

And in that process it seems to me that the U.N. has come perilously close to losing moral persuasion, its right to moral persuasion, in other kinds of situations, and it becomes absolutely clear that only the United States is the superpower, and only if we are willing to act and take strong action will we end up getting the kind of action that would be necessary to stop this kind of thing because those nations seem not capable of taking an action that would stop the kind of genocide that has gone on.

And then we come full circle, I think, to Kosovo because, if it is clear that that is going to go on, that there will be no enforcement, that all that they have to do now with Mr. Tudjman in Croatia, seeing the horrible example that has been put forward and seeing that Serbia is going to get away with it, that he then is going to expect to have 30 percent of Bosnia when never at any time did Croatians occupy more than a few rather small districts within that territory, mostly in the southeastern area near the Dalmatian coast and where it never represented more than perhaps 15 to 20 percent of the territory, even though some of those were relatively low-populated areas. Then we are going to see coming back to Kosovo, we are going to see further repression, the killing of people, the driving of the Albanian population out in that area where two million people live, more than two million, and of whom almost two million are Albanians, 90-percent Albanian population in Kosovo, and who would like to be able to practice their autonomy and, perhaps, their independence.

We are going to see it come full circle to Kosovo because there is nothing in any of the actions that have occurred up to now that the United Nations has taken or that the United States has taken that would lend any credence whatsoever to the idea that action would be taken when the exact kind of ethnic cleansing starts for sure in Kosovo, and then what happens when that occurs and in Latvia, where there is nearly 50-percent Russian ethnics in Latvia, largely because 60 years ago large numbers of Latvians were driven out and taken to Siberia, resettled in Siberia, and replaced by Russian ethnics in Latvia. What then is going to happen when that one blows up? There will be no moral persuasion or no position left for the U.N. to take given what they will have done in the Balkans and what they have done in the case of Croatia and Bosnia.

And then what I believe will happen in Kosovo has already started, the kind of repression which leads to genocide in that territory, and I could go on, as the gentleman might suspect, at this stage, that I could for some time, listing other places where the same sort of thing could happen.

Mr. BONIOR. The gentleman from Massachusetts [Mr. OLVER] is a fountain of knowledge on this area of the world, and in the history of the Balkans and in southeastern Europe, and more importantly he is a person of compassion and virtue who is willing to stand up and voice his concerns about this moral bankruptcy that we are witnessing, and I thank him for his time and for participating this evening in this special order. Hopefully at some not too distant future the policy of this country will reflect the moral values that we would have hoped would have been evident in the vote that took place today in the United Nations, but, regrettably, was not.

Mr. OLVER. Mr. Speaker, I thank the gentleman very much for allowing me to take part in this special order, to join him and my colleague, the distinguished gentleman from Indiana, in once again speaking about this issue.

The action today in the United Nations once more has denied the right of this member of the United Nations to defend itself. They were admitted to the United Nations after that embargo was placed, and they should have had the right to defend themselves, and it is an outrage that nine members of the United Nations, nine members of the Security Council, would deny them the right to defend themselves.

That is all they have asked. They have never asked for American troops or anyone else's troops to be placed on the ground. They merely asked for the right to defend themselves against genocide, and for that to have been denied to them is unconscionable in the world community, and it will come back to haunt the world community in this next decade in many different ways.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution, and I thank my dear friend, the gentleman from Indiana [Mr. MCCLOSKEY] for his contribution.

□ 2350

NATIONAL NYSP DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on

Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 88) to designate July 1, 1993, as "National NYSP Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. GENE GREEN of Texas). Is there objection to the request of the gentleman from Maryland?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, I do not object, but I do yield to the gentleman from Indiana [Mr. ROEMER], the joint resolution's chief sponsor, to explain this legislation.

Mr. ROEMER. Mr. Speaker, I would like first of all to thank the gentleman from Florida [Mr. McCOLLUM] for allowing me to get up and talk about this.

Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 88, designating July 1, 1993, as "National Youth Sports Program Day." I am proud to have introduced this legislation, with strong bipartisan support, in recognition of the accomplishments of this outstanding program.

When I first introduced this bill with the distinguished gentleman from Florida [Mr. YOUNG], we worked very hard with both our staffs working day in and day out to get the necessary 218 cosponsors to bring this bill to the floor.

This year marks the 25th year of existence for the National Youth Sports Program, which is sponsored by the Department of Health and Human Services and the National Collegiate Athletic Association. Since its inception in 1968, this program, through sports instruction and other enrichments, has helped thousands of disadvantaged youth gain much needed support for their overall personal growth and development.

Last year, at 175 selected colleges and universities, more than 69,000 disadvantaged youth aged 10 to 16 received sports instruction, USDA-approved meals, medical examinations, math and science instruction, and education and career counseling. For most of these youngsters, this program provides a first-time exposure to a collage campus, and often results in the necessary encouragement to stay in school.

My alma mater, the University of Notre Dame, which has a long history of supporting community activities, received funding for the first time in 1992 to participate in this very worthwhile program.

I would like to salute the president of that university, Father Edward Monk Malloy, and the director of the program, Demetrius Marlow, for their hard work in bringing a number of disadvantaged youth to the campus, which I visited over the past summer.

I believe that the National Youth Sports Program is a proven, effective tool, designed to help disadvantaged youth break the cycle of poverty.

Passage of this resolution will be a fitting tribute to the efforts of the people associated with the program throughout the country who have helped make the National Youth Sports Program such an extraordinary success. I urge my colleagues to support this resolution.

Mr. McCOLLUM. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation. I know that the gentleman from Florida [Mr. YOUNG], who, as the gentleman acknowledged, was a cosponsor of this effort, would have appreciated the opportunity to be here tonight, but he could not be. The gentleman strongly support it, as we all do.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in support of this resolution which designates July 1 as National Youth Sports Program Day in recognition of this outstanding program's 25th anniversary of serving children.

For a quarter of a century, the National Youth Sports Program has been providing at-risk youth aged 10 to 16 with an opportunity to build self-esteem and to aspire for a high school diploma and a college degree. Under the sponsorship of the Department of Health and Human Services and the National Collegiate Athletic Association, this program has proven to be an effective tool to help disadvantaged youth break the cycle of poverty.

Since its creation in 1968 by the President's Council on Physical Fitness and Sports and the National Collegiate Athletic Association, this program has helped thousands of disadvantaged youngsters gain much needed support for their overall personal growth and development through sports instruction and other enrichment programs. The program's name does not do it justice because the program involves much more than just sports instruction. While sports may be the way to interest children in participating in the program, once in the door they receive free medical exams; hot lunches; career discussions; and education on important issues such as preventing AIDS and teen pregnancy and the importance of avoiding alcohol and drugs.

As part of the program's comprehensive health care services provided for participating youth, each child receives a medical examination. Last year, more than 71,000 medical examinations were given and as a result, 20,000 children, or 28 percent of the program participants, were referred to physicians for followup attention.

As a complement to the health care services, the National Youth Sports Program serves a hot, U.S. Department of Agriculture approved, meal daily. For many participants, this is the only nutritious meal they receive during the summer months.

With funds provided by the Appropriations Subcommittee on Health and Human Services I serve on, the National Youth Sports Program, has expanded its offerings to provide math and science instruction from professors, utilizing college facilities and resources. Dr. Maurice Nott, the National Youth Sports Program coordinator for the St. Petersburg Junior College, the program in my congressional district, was a pioneer in encouraging the addition of math and science instruction. Over the past 2 years, students tell me that math and science instruction is the program in greatest demand. It has proven to be such a success, and with the addition of funds by our committee, the number of campuses offering math and science programs is expanding throughout our Nation.

Mr. Speaker, for the thousands of youngsters enrolled in the program at college campuses throughout our Nation, this first-time exposure to college facilities and programs has provided the impetus for many of them to stay in school with the hope of pursuing the dream of a college education after graduation from high school. The programs allow these children to realize that they can transcend their surroundings through education, and that they do not have to give up to a life of despair.

Having visited with children participating in the program, I have seen, first hand, the children's excitement and enthusiasm. Last year, more than 69,000 youngsters participated in the National Youth Sports Program at 175 selected colleges and universities throughout our Nation, and I rise to commend the Department of Health and Human Services, the NCAA, and the many people responsible for the program's remarkable success.

Mr. Speaker, tomorrow the House will consider the 1994 Health and Human Services appropriations bill which includes $12 million for the National Youth Sports Program. The committee approved my request to increase funding for the program by $2.6 million over the 1993 level.

It is only appropriate that the House recognize the valuable contribution of thousands of college and university personnel, teachers, and volunteers who have such a tremendous impact on thousands of children every summer. Now in its 25th year, the mark of the program's success is the number of adults who have come back to assist the program after having had the chance to be a National Youth Sports Program participant as a child. They recognize the impact the program had on their lives and want to give back a part of their experience to today's youth.

Mr. Speaker, this is a program which works and which helps children in so many ways. It is a model program which gives hope and encouragement to children throughout our Nation.

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

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 88

Whereas the National Youth Sports Program (hereafter referred to as "NYSP") is a highly effective and comprehensive youth sports and educational instruction program in the United States for economically disadvantaged youth, ages 10 to 16 years old;

Whereas over 69,000 economically disadvantaged young people participated in NYSP last year at United States colleges and universities in 153 cities, 44 States, and the District of Columbia;

Whereas NYSP provides over 70,000 medical and follow-up examinations as well as health instruction by medical professionals to enrolled youth;

Whereas NYSP provides hot United States Department of Agriculture-approved meals and snacks daily to all participating youth;

Whereas the NYSP staff includes professional instructors with undergraduate degrees who offer educational instruction in drug education, AIDS, higher education, nutrition and health, and math and science, and who offer counseling on such topics as career opportunities, teen pregnancy, antigang strategies, and suicide prevention in an effort to promote personal responsibility;

Whereas NYSP is administered by an advisory committee composed of community leaders and college and university personnel, and collaborates with local community action agencies and mayors' offices;

Whereas the NYSP partnership between the public and private sectors ensures that Federal funds are used to provide direct services for youth, that institutions of higher education contribute facilities and personnel and pay the indirect costs of the program, and that public and private businesses donate equipment and supplies; and

Whereas 1993 marks the 25th year that NYSP has provided economically disadvantaged youth with the opportunity to participate in healthy sports activities in order to encourage these youth to build good habits, to direct the competitive urge toward constructive ends, to stimulate the imagination to reach new goals, and to satisfy the human desire to belong: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 1, 1993, is designated as "National NYSP Day". The President is authorized and requested to issue a proclamation calling upon State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL LITERACY DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 213) designating July 2, 1993, and July 2, 1994, as "National Literacy Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from New Jersey [Mr. PAYNE], who is the chief sponsor of House Joint Resolution 213, for an explanation.

Mr. PAYNE of New Jersey. Mr. Speaker, I want to thank my friend, the distinguished chairman of the House Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], for his assistance in bringing this resolution to the floor today, and I thank Representative WYNN for presiding here tonight.

Each year since I began serving in Congress, I have had the privilege of introducing a measure to set aside one day a year, July 2, as National Literacy Day. I appreciate the outstanding show of support I have had from my colleagues with 231 cosponsoring this resolution and for their assistance in drawing attention to one of the most crucial challenges facing our society: the need to impart literacy skills to all of our people.

As a member of the House Education and Labor Committee, I am frustrated by the fact that in a well-education nation like ours, where we have schools and universities that attract students from all over the world, we continue to have 42 million Americans who read at a level less than necessary for full survival needs. I am frustrated by the fact that, as we strive to increase our national competitiveness and create new technologies, we still have 30 million adults who cannot read, whose resources are left untapped, thus preventing them from making a full contribution to society.

I am frustrated too by the fact that each year, the number of illiterate people in the United States grows by 2 million.

Most of us have fond memories of a favorite book, a poem, or a psalm we read as youngsters, opening up new worlds of adventure and stimulating our imaginations, knowledge and understanding. The sad reality is that today, one million children in the United States between the ages of 12 and 17 cannot read above a third grade level.

The price of illiteracy is very high. Consider that 85 percent of juveniles who appear in criminal court are functionally illiterate, and the public must bear the costs of prosecuting offenders and housing them in jail. Illiteracy takes a toll on our Nation's businesses. It has been estimated that the total cost of errors, accidents and missed opportunities in business has reached a staggering $225 billion annually. I believe that we can eliminate illiteracy if we all pull together and make a concerted effort to address the plight of our fellow Americans who are now shut out of the mainstream because they lack the necessary skills to participate in a meaningful way in our society.

We are fortunate to have many hardworking and committed volunteers all across America who are giving up their time to help others acquire reading skills, and we honor them as we commemorate National Literacy Day.

Mr. Speaker, the date of July 2 is special for another reason, as well—it is the birthday of a man who worked tirelessly to promote education and to break down the barriers that kept people illiterate—the late Thurgood Marshall. Justice Marshall's determination to help those who had been shut out of the system for too long prompted him to fight many legal battles.

He successfully argued 29 cases before the Supreme Court before being appointed a Justice himself by President Lyndon Johnson in 1967. His victory in the historic Brown versus Board of Education decision in 1954 captured worldwide attention, and serves as a lasting tribute to this great American, whom we were saddened to lose earlier this year.

Again, I thank my colleagues for their support of this measure and I extend my deepest appreciation to all of the literacy volunteers across this nation who are making such a difference in the lives of so many people.

I hope that literacy tutoring will play a prominent role in President Clinton's National Service plan, so that we can use the talent and energy of our young people to build a better America. On July 2, National Literacy Day, let us resolve to win a victory over illiteracy, a victory that will benefit us all and move this country forward.

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

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 213

Whereas forty-two million Americans today read at a level which is less than necessary for full survival needs;

Whereas there are thirty million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as two million three hundred thousand persons, including one million two hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13

per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 per centum illiteracy rate among black youths is expected to increase;

Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1993 and July 2, 1994 are designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on Senate Joint Resolution 88 and House Joint Resolution 213, the joint resolutions just considered and passed.

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

There was no objection.

□ 0000

TERM LIMITATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 60 minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise this evening on special order time to talk about a subject that is very important to the American public but gets very little attention these days, and that is the limitation on terms of we Members of Congress.

Those of us who have served in this body for some time understand the problems and the reasons why the American public are very frustrated with the whole subject of the way we conduct our business here and the fact that their wishes overwhelmingly, in the latest poll, I think 75.6 percent believe that there should be an amendment to the U.S. Constitution to limit the terms of Members of Congress.

Yet, for what reasons are pretty apparent to many of us around here, this subject simply does not get discussed, let alone acted upon.

As a result of that fact, some 15 States have proceeded already in the past few years to enact their own efforts to try to limit the terms of their Congressmen and women who serve in this body. There are several more who are proceeding through an initiative process to do precisely the same thing and, in one case, through a State legislature, to do the same thing for those Congressmen in those States.

That is simply not an acceptable way to ultimately resolve this matter. There needs to be uniformity across the country. There needs to be one constitutional amendment to the U.S. Constitution that applies to every single Member of the U.S. House and Senate that limits the length of time that he or she may serve in this body.

Since 1981, in every Congress I have been here, I have introduced such a resolution for a constitutional amendment. This year that resolution is House Joint Resolution 38. It is for a period of six 2-year House terms and six 2-year Senate terms. Those 12-year terms for each of the bodies is the most commonly accepted numbers of years, though the precise number of years is always subject to debate and concern.

This year, for the first time, we have gone over the 30 to 35 cosponsor number and have now reached the number of 89 Members of the House of Representatives who have cosponsored this resolution for a constitutional amendment. That is far from the number necessary to pass it, which requires, of course, two-thirds in the House and two-thirds in the Senate. But it is a significant measure of the public sentiment and the improvement of the climate for term limits that exists out there today.

The fact of the matter is that despite this increased support and the obvious support in the polls and in the votes that have gone on in the States where this issue has come up in the past couple of years, we still do not have an opportunity in this body to even have a hearing, let alone to get a vote, on this subject.

All of the cosponsors of this amendment, as of several months ago, signed a letter to the chairman of the subcommittee of the Judiciary in the House that holds this particular document and this particular legislative matter, asking, if nothing else, that a simple hearing be allowed during this session of Congress that would let us voice our concerns and bring to the public attention the various arguments of the proponents and the opponents.

And there are people who have legitimate arguments opposed to this. But that has not occurred, and it does not appear that it will occur for the simple reason that the leadership of this Congress does not wish that to happen.

In fact, the Speaker of the U.S. House of Representatives himself, the Honorable Tom Foley has instituted a lawsuit in his home State of Washington attempting to throw out and overturn the actions of that State in limiting the terms of its Congressmen and Congresswomen.

I think that is indicative of the problem that we have in getting anywhere with this issue in this Congress, the way it is presently constituted. For this reason and for the reasons of the concern of these supporters of term limits, who are here and representing the interests of the vast majority of the American people, on Thursday of this week, those of us who are cosponsoring this measure will offer a discharge petition that we hope most of the cosponsors and maybe a sizable number of other Members seeking to have the opportunity given to us to debate this issue and to have it discussed and voted on in hopes that they will sign this discharge petition in sufficient number of 218, which is the majority of the House, to let it come out here and have a vote.

I presume, since we only have 89 cosponsors, that it is unlikely we will achieve the 218 number. But it seems to us that it is absolutely essential that some vehicle be provided, in the absence of at least a hearing, let alone a vote in the committee, to let this particular matter have a day and a say in the House of Representatives.

We are determined to use the means of special order, the means of press attention in every way, from 1-minute speeches or whatever it may take and, yes, perhaps even a rump hearing or two over the course of the next several months to bring the attention of the American public to this issue and to the fact that their voice is not going unheeded, that there are substantial numbers of the U.S. House of both political parties, Republican and Democrat, who believe in this cause and who want to see a constitutional amendment uniformly enacted throughout this Nation and who do understand that it is very, very important.

This evening I am not going into all of the details. I have two or three of my colleagues here tonight who are going to share, though, for a few minutes, some of the arguments, some of the history and some of the rationale behind why we need this.

From my personal perspective, from observing this body for some time, it seems to me that the bottom line reason that kind of sums it all up is that

over the years the Members of the House and the Members of the Senate have become too career-oriented.

If you go back to the history of our great Nation, you will see that the Founding Fathers did not envision serving as long as the Members now serve for the most part. They envisioned a citizen legislator who went to Washington, particularly to serve in the House of Representatives, and that that person serve only a term or two and go home to his or her business and do whatever was left about the way of life that they had come from and that somebody else would take their place here.

In fact, of course, for many years this body did not engage nor did the other body in sessions that lasted more than a month or two. Today Congress has become a full-time job. Whether we like it or not, that is not going to easily be reversed because the business of this Nation and the role of the Federal Government has increased to such a degree that it does require a full-time job for the duration of the service in Congress.

Going along with that over the years is the increasing phenomenon of Members who stay here for long, long periods of time. While some may argue that we do have a turnover percentagewise, that still is fairly high of the total body over a period of 4-to-6 years. Those who are in power in the key positions in leadership and in committee chairmanships and really running the business of the House and Senate have been here for years and years and years.

I might remind my colleagues that Speaker FOLEY, whom I mentioned a moment ago, who is out testing this matter and opposes term limits so much, was first elected in 1964, when the average price of a new Oldsmobile was $3,495.

Chairman JACK BROOKS of the Committee on the Judiciary, the committee where this is bottled up and cannot come out, was elected when Arthur Godfrey was a radio star and the Braves played baseball in Boston in 1952.

□ 0010

All of this was brought out recently in a column that many of the Members may have read in their newspapers by George Will, but it is a fact. We could go on and on with regard to putting this in perspective, but the bottom line is that those who are serving today in this body who control the system, who have not let their amendment see the light of day in terms of debate, let alone in terms of getting action on it, are Members with vested reason for wanting to be here. They are career-oriented.

I would submit that that career orientation is really the root of the problem; that is, the desire of so many Members to get reelected, to stay here, and that desire, whether it is open and apparent to them on the surface, is a very significant reason why so much legislation continues to flow from this body that creates the budget deficits and the tremendous debt this Nation has piled up over the last few years, not to mention the many other inefficiencies and rather strange things that the public continues to see emanate from the bodies of the House and the Senate.

It is, of course, not the only reason that we have a problem. It is not the only reason why we need term limits. There are many more: to energize this body, to have younger and more energetic Members coming in with more regularity, to get the chairmanships of committees in the position where they should be, of new blood and new thoughts and new actions, and yes, to encourage people to run for Congress.

If we had term limits, I am convinced there would be many more people willing to serve if they thought they could come here for a few years, give that service, come out of their business life, give that service and really make a contribution; in other words, be able to get to a position where they could be influential in either being chairmen of the committees, if they are the Majority party, or being the senior Republican or Minority Member, if it is a Democrat, a Democrat who is the ranking Minority member on the committee.

That is not the case presently, and many do not choose to run for Congress, good men and women who otherwise would, in my judgment.

The list of reasons goes on and on. I hope now that, rather than my taking up a long-winded approach to the subject of explaining the history, that I could yield to a couple of my colleagues, and three of them are here tonight. I do not know which one wishes to ask me first to yield to him, but I would be delighted to do that.

Mr. Speaker, I yield first to my good friend, the gentleman from Louisiana [Mr. GOSS], who has now arisen.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Florida for yielding to me.

Mr. Speaker, let me begin by thanking my colleague, the gentleman from Florida [Mr. MCCOLLUM] for allowing me to join him tonight to discuss term limits. He has been a leader and strong supporter of this reform for many years, and I commend him for his efforts to bring the issue to the floor of Congress.

Regrettably, the majority leadership in the House continues to stymie our efforts to get term limits to the floor for debate and a vote. We are here at this late hour, using one of the few avenues available to the minority, because term limits have been repeatedly and deliberately denied a debate or vote during regular business on the House floor. The powers that be in the House have clearly signaled that, on this issue, the people's voice will not be heard. In this case the people's House does not seem to belong to the people. Take back the Government from entrenching leadership.

To many Americans, stonewalling term limits simply does not make sense. Millions of Americans support and voted for term limits last November. Yet from their Congress—and I stress it is supposed to be their Congress, we work for them—they have seen nothing to bring them closer to the goal of national term limits.

Opponents of term limits know they cannot win at the ballot box because of the grassroots support that is the backbone of the term limits movement. Some 70 percent of Americans now back term limits, and that support cuts across party lines, demography and geography. In every State where the term limits issue was on the ballot last November, voters approved them in convincing fashion. In my State of Florida, term limits passed almost 4 to 1. Fifteen States now have imposed term limits on their elected officials. By anybody's judgment, the tide is flooding in.

But instead of hearing and acting on calls for reform, the leadership in Congress seems tied up in a conspiracy of silence. The House Democrat leadership is using its absolute control to block our way and obstruct our progress. It is literally standing on the shore trying to hold back the incoming water.

In at least one instance, the conspiracy of silence has turned into outright defiance. According to published reports, the Speaker of the House, an ardent, outspoken opponent of term limits, has joined in suit against the people of Washington State after they passed term limits last November. The American people are beginning to understand that some very powerful, influential, and senior Members of this body do not want term limits to happen.

Nonetheless, there are things that can and must be done to keep the momentum going. That is why on the first of July, I will join Mr. MCCOLLUM and 87 other Members of Congress in signing a discharge petition to force House consideration of term limit legislation. This petition, if successful, would force legislation out of the Judiciary Committee where it now languishes, and bring it to the floor for a vote.

I urge those watching tonight to call and write their Representatives and ask them to sign this petition. And next fall during election time, I hope they will ask those who wish to represent them where they stand on the issue. Term limits will go as far as we push them, and our success depends on vocal and sustained support from the

American people. If we leave it to the Democrat leaders of the House—we leave it to certain extinction.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for his comments, and I certainly thank him for his leadership on this. We have been here fighting this battle for some time.

The good news this year is that with the freshman class coming in, this new class designed, I think, almost ideally in its composition for reforming the institution, we have gained this additional support and gone up from the 33 cosponsors now to 89 cosponsors. That is the reason.

We have two of that freshman class group here tonight, two of the ones that brought us to this point.

Mr. Speaker, I am pleased to yield to the gentleman from California [Mr. HORN], one of those Members.

Mr. HORN. Mr. Speaker, I thank the gentleman from Florida for yielding to me, and as did Mr. GOSS, I congratulate the gentleman on his dedicated leadership to bring this matter not only before the House, but come before the American people.

We hope this little discussion tonight, which will be the first of a number of such discussions, will arouse the American people to write their Representative in Congress and to urge them to support House Joint Resolution 38, which the gentleman from Florida and the cosponsors he has noted, including those here, have supported and endorsed.

Mr. Speaker, it is very difficult when these worthwhile reform proposals that are supported by 70 percent of the American people get bottled up, lost in the cabinets of some of the committees, in this case, the Committee on the Judiciary, made up of very fine people, but there is a difference of view, and every parliamentary device will be used to try to prevent this issue from coming to the floor of the House where the people's representatives could vote it up or down, go on record and let the voters be the judge in the next campaign.

One of the problems that term limits seeks to solve is the fact that in many States the voters simply do not have a choice. They think they have a choice. There may be a Republican competing with a Democrat on the ballot, but usually it is either a safe Democratic seat or a safe Republican seat.

I happen to come from a State that has just that electoral history. I would just like to take a moment to note in the 1980's, under the reapportionment of the 1980 Census, we had five elections for Congress in that decade: 1982, 1984, 1986, 1988, 1990.

Roughly, there were 470 individual elections, the primaries and the generals; 235 primary contests, 235 general election contests. How much change occurred in terms of the clash of ideas with incumbents and challengers that resulted in an incumbent being defeated?

The answer is not very much.

□ 0020

Two Republicans who were incumbents were defeated in the primaries. Four Members of Congress were defeated in the general. Three were Democrats, one a Republican. Now that is not very much change out of 470 potential opportunities. And that is because the State legislature divided the State so that the majority party, the Democratic Party would automatically gain a majority. The Republicans would forever be a minority. If you go to other States, a Republican State legislature does the same thing only in reverse. Republicans are the majority, Democrats are the minority. That does not give the voters a choice.

How can the voters get a choice when it takes millions of dollars in some races to either defeat an incumbent in the primary or to defeat an incumbent in the general, and this body has not acted on effective campaign finance reform? We hope it will in this session, but we have lacked leadership to do that. Certainly the gentleman's proposal is a worthwhile device to say once we get that reform we can also assure that some change will occur.

Many will argue well, that is sad. We love Representative so-and-so, and many are worthy of that devotion. But how can we exist without them? Well, some will remember from history when Henry Clay came here from Kentucky he was elected Speaker his first day in the Chamber during the War of 1812. Did he serve the next 30 years in this Chamber? No. He left for a diplomatic assignment to end the war, and someone else was Speaker. He came back. His colleagues elected him Speaker again, he was such a magnetic force. Again he went away, and it happened three times, and what happened with Clay no one else has ever achieved to be so popular that his colleagues had faith in him and put him in the highest office this Chamber can bestow on one of its Members, and yet he was not a career politician. Indeed, he served in many assignments in the executive branch and the legislative branch. But the people had the choice of sending him here, and he willingly put himself to the test of the people.

There are many others like that, and there is no question we might lose some real statesmen or stateswomen, people that are very wise, very effective, and in many, respected by all of us. And we know a number in this Chamber. We have known a number in every Chamber. But the fact is in America we are not limited on talent. There are people in every city, in every county, in every State that can certainly be the equal of any of us in this Chamber in terms of ability, in terms of dedication, in terms of patriotism, any standard you want to use. Yet many of those people do not want to run for office, given the tremendous structural impediments that face them when they try to take on an incumbent.

Now, we are incumbents, and maybe we are sort of foolish to sit here and encourage challenges. But the fact is that is the basis of our democracy, is to have a contest of ideas and have the willingness of the incumbent and the challenger to debate, to go out and face the people, to raise questions with them. And if we are on the wrong side of an issue, to try to educate the electorate that that was the right decision to make. And certainly when people become entrenched, and we see the entrenchment here. I happen to be 62 years of age. My party, the Republican Party, has only controlled this Chamber for 4 of the 62 years, and for the last 40, one party has controlled this Chamber.

Now there are wonderful people in that party, just as there are wonderful people in our party. But I would argue, as Lord Actin once said, power corrupts, and absolute power corrupts absolutely. The fact is no matter what party controls, when you have controlled for 40 years, no matter how hard you try, there is a tendency to say we are living in the best of all possible worlds. What more could you want. We are in charge. And we see that in terms of minority rights in this Chamber. The attempt to take away special orders as we are engaging in now at the beginning of the session, backing off and now other attempts at it. The fact is that would shut off the freedom of not only Republicans but Democrats as we heard earlier this evening discussing one of the crucial foreign policy issues that confront this country in Yugoslavia, Bosnia, Macedonia, Croatia and Serbia.

So we need a device which will assure change in this Chamber.

I am optimistic, because you see those 15 States that face up to the challenge where 2 to 1 in many States the voters said we want this changed.

Now there is one difference between some of those proposals and your proposal, and that is some of them have 6-year limits for the House, 12 for the Senate, two 6-year terms. Your proposal I think correctly has 12 for the House and 12 for the Senate, since we are coequal bodies under the Constitution that make up the Congress of the United States. And there is going to be a very fascinating test that we are put to. The gentleman from Florida [Mr. GOSS] mentioned that already the clock is running. We face that in California. We have 52 Members in the delegation. I was for term limits. In fact, I first suggested them in 1973 at a meeting Time magazine had.

But the fact is the clock is running, and within 5 years many in this country who are incumbents in this Chamber will have to face the fact that under the laws of their State, if they are not overthrown or sent back by the court for rethinking, they will be leaving this Chamber. And I would hope those who are so dug in already, that they will not prevent your worthy resolution, House Joint Resolution 38, coming out of committee and will realize if they do not let that out of committee those variety of State rulings and laws will affect their political destiny. And it ought to be in their self-interest to get for once constitutional standard across this land so one State could not play off the other as the State of Washington did when it first turned down term limits with ads saying if you have term limits, the Californians will control all of the committees and we in Washington will not.

Despite that scare tactic, the State of Washington had approved an amendment to the Constitution which assured that the Members that represent that State would also be subject to the limits similar to the ones in California and other States that have adopted that.

We also hear that well, you know, we might have able people at all levels. But gee, we ought to keep the ones we have got because they have done so much for us, and we like our Member of Congress; we just do not like all of those others we read about. And you know, if we have all of this change, why the lobbyists will take over, the staff will run us and everything else.

I must say, as I am sure you must think, that sort of bemuses me. Some would argue the lobbyists already control some of the committees and some of the Members. Granted, you see a profile in courage every day here as President Kennedy once said about the United States Senate when you know that Members vote the national interest on many occasions, not simply the parochial State or local district interest. But the fact in term limits would help assure responsiveness not only by Members, but by staff, because often the power of the staff comes with the power the Member has in longevity and seniority, and if you had a turnover you would have fresh faces supporting you at the staff level, or you would have a change in attitude and perception that guided those staff judgments, which often you do not have now.

Mr. McCOLLUM. I would like to comment on what the gentleman is saying, because in the time that I have served here, which is a little longer than he has, I have observed the fact that it is not unusual when a new chairman comes onto a subcommittee or a committee that all of a sudden the whole process just shapes up where it was not before, because he gets in there, and he wants to find out what it is all about. And staff control it less when the new chairman is there than they did when the older or longer term chairman was in there, and he just sort of lets the staff do it, and that is something most people do not see.

I hear that criticism, like you do, every day that that is the thing that will happen that will be so horrible if you adopt term limits, that somehow staff will run this place and not the Congressmen.

□ 0030

It is really just the opposite of that. We will take it back over again.

Mr. HORN. The gentleman is absolutely correct. I happen to be serving on some subcommittees this year where there are new Chairs and new staff members. That does not mean we should get rid of all of the staff when we are lucky enough to be Chairs of a subcommittee, but the fact is that change does occur within the institution. But one of the problems is that we need the turnover to assure that more people have an opportunity to be subcommittee Chairs, to be ranking members in the case of the minority party, and as the gentleman knows, the Republican Conference has adopted just such a rule to put a 6-year limit on the service of ranking members. Hopefully the majority party, the Democratic Party, will also do that with the Chairs.

Because there is talent in this Chamber in depth in a lot of committees, and it seems that over time you get just the result the gentleman mentions, which is the desire to rethink some of the programs, not just take the past and what we approved a year or two or a decade ago for granted, but to challenge and to question regardless of what party is in control of the administration downtown. And that is certainly going to be encouraged when you are trying to represent the people.

And we are in an era of change in this Nation, in the globe at large.

Now, some might say, "Well, would shorter periods of service really gain the goals we are talking about?" Well, I think so. Would we be more responsive to the people? You bet we would be more responsive to the people, because any who came here would have to be sort of like Abraham Lincoln in 1847 when he came here. He only stayed one term, but he made an impact in that one term with the spot resolution that challenged the Polk administration on the conduct of the Mexican War. He was not a silent person in this Chamber.

Other Members we have seen develop, as the gentleman mentioned, recently, DICK ARMEY, who is a good example who made a major contribution as a junior Member and solved a problem that this Chamber had not solved, and that was how do you close a military installation that is no loner needed. The Chamber had not been able to close them, and he thought up a creative process of a Base Closure Commission which we have just all gone through here, appointed by the President, the majority, and the minority leaders of both Chambers, and the way the recommendations work, at last some results occur. That was a creative idea by a fairly junior Member in this Chamber. And that has made a major impact on public policy in this country.

As I mentioned earlier, with the cost of campaign finance, we need these structural changes. We need campaign finance reform, and a lot of us that are here tonight are working for that. But until we get that assured, this is still necessary, and this will be necessary after we get it assured.

So I would like to thank the gentleman again for the leadership in this area and hope that the American people will not just sit there and say, "Well, that is an interesting debate," but will say, "That debate, how it comes out, will make real change in my life," when you are talking about the deficit, when you are talking about health care, when you are talking about economic prosperity, the three issues that practically every Member of this Chamber ran on.

But health care is a good example. We are going to have gridlock, not between parties, not between Congress and the executive, but we are going to have gridlock between interest groups down there at the grassroots, and many subcommittees will consider that. That is because, over time, many Members, regardless of party, have become dug in with certain interests, and it will be hard to change that, because some of them come from very safe districts where only if the people know what is going on will change really come about.

Your proposal will assure that change will be made.

Mr. McCOLLUM. I thank the gentleman very much for coming out tonight and making those observations, and I would like to amplify one of the earlier comments that he made that if this is going to be effective, if we are going to accomplish what we want using this discharge petition and the time we are taking and so forth, we need to have folks who are willing to monitor what their Congressman or Congresswoman is doing in this regard, whether they are cosponsoring this particular resolution, House Joint Resolution 38, which is the number of it, and whether or not they are signing the discharge petition that will be out here on the floor of the House this Thursday and will be here through the duration of the rest of this Congress.

We need for this to be brought up, and we need to have people monitor it, and then hold their Congressman or Congresswoman accountable in the

next election cycle, because it is obvious the numbers have to increase in this body for this to become effective.

But that is the bottom-line reason why we are here.

Mr. HORN. In brief, what you are saying is, "Go to the fax machine, Mr. and Mrs. Citizen, and write your Member a friendly note that you are watching, that you want the support of term limits, and you want a national policy in this area, not simply scattered policies around the country?"

Mr. McCOLLUM. That is right. That you want to find out where that person stands. Maybe you do not know. Then you can tell your neighbors, and it can be part of the next election debate, if that Member is not aboard in this, because this resolution, even though we may differ exactly on what the length of terms ought to be, is the one that everybody virtually who is involved in term limits of either party has decided to make as the vehicle for this debate.

So nobody should be allowed to duck away from it.

Now, we have one other freshman here tonight with us representing the middle part of the country. I realize that we have got the Southern and the Eastern part, and we have got the Western part, and we also are represented from that class, that great freshman class, by the gentleman from Michigan [Mr. KNOLLENBERG], and I am happy to yield to him.

Mr. KNOLLENBERG. I thank the gentleman very much for yielding.

I am delighted to be here to indicate my strong support for your resolution for term limits for all the Members of Congress, not just a few.

I want to commend you for the effort that you have made, for your leadership and the strong tone of your eloquence this evening as to exactly where you stand on this matter. I think you have highlighted in very great detail, as have my colleagues on either side here, just what it is we want with this business of term limits.

One reason that I ran for office is the firm conviction that Congress required some fundamental reform. I think an important step to improving our system would be to let the entrenched interests here in Washington know that the days of the career politicians are numbered and should be numbered. The Representatives in the People's House should be more concerned about the well-being of this country than they are with building their own political empires.

Right now, most Americans believe just the reverse, and that is corroding the trust for this body. I think we are here as representatives of the people, and we should be listening to what the American people are saying.

There is no question that public sentiment in this country is for term limits. As has been mentioned, in 15 States since last fall, including my own State of Michigan, term limits passed by overwhelming majorities. This spring I did a study through my newsletter that I sent out, and tens of thousands of responses came back indicating they supported term limits, limiting congressional terms. The answer of the report was some 81 percent were in favor of term limits, which exceeds most of the studies and most of the surveys that have been done, but that is for my own particular district in Michigan.

Our Founding Fathers envisioned a government of citizen-legislators who would have firsthand knowledge of how the actions they were taking would affect their families and their neighbors back home. Now, until January, I was one of those people. I ran a small business. I could not understand why politicians kept saying they were concerned about jobs and seemed to be determined to bury the small businesses and bury jobs and bury businessmen like me with this impossible regulation and all the tax burdens that come along with it.

Now I am sitting in Congress as a Member of Congress. I am serving on the Small Business Committee, which is one committee, and I am still dismayed by the assault that is made on small business, on America's entrepreneurs, on America's job creators. But I do have a better understanding of why this is happening.

The reason I believe is too many people here in Washington are totally out of touch. They may be well-intentioned. I truly think they are. But they fail to realize that the laws that they are passing are not academic experiments. They do not feel the burdens from these laws, because they exempt themselves, and it is impossible when you exempt yourselves to feel the impact of the law. They cannot understand then what these burdens do to everyday Americans who are trying to earn a living, trying to raise a family, and because they have breathed this rarefied air, and I am talking about the politicians now, they have breathed this rarefied air here in Washington for far too long and, Mr. Speaker, if we thwart the will of the American people and let the term-limit amendment languish in committee, the American people will be justified in writing this body off, because it frankly will have ceased to serve them.

I urge my colleagues to sign the discharge petition, bring the amendment up on the floor, and sent it to the American people for ratification. I believe reform starts here.

I know that the hour is late. I do not intend to go any further, but I do want to come back and salute the gentleman from Florida [Mr. McCOLLUM] for the leadership he has displayed. He has been at this for a long time. I have just come into this arena, but I strongly feel, as he does, this is important to America. It is the reform that the American people want. I salute you for all the efforts you have made and my colleagues for being here.

Mr. McCOLLUM. I thank you for coming out tonight and letting us know how you feel about this, as I know you represent a lot of other folks who are not here tonight who are particularly from your class who feel so strongly about this issue.

You make one particularly good point about signing the discharge petition.

□ 0040

Because a Member of Congress does not have to be in favor of this particular proposal to sign the discharge petition. That Member of Congress does not even have to favor term limits to understand that it is fundamentally unfair not to let this issue come out for debate. In order to provide fairness for the voice of the American people to be heard, Members of Congress of all persuasions on this issue should sign the petition for House Joint Resolution 38. I would hope, too, that the American public, who are ultimately going to hold our colleagues responsible in the election process and in their town meeting which they hold and in the letter writings and so on, would recognize that distinction, and even where their Member may have legitimate concern and opposition to this position, could at least argue with them, and I believe argue very correctly, that they should sign the discharge petition to let the debate occur whatever the result might be.

That is a very important point the gentleman is making at this juncture, and I thank him for doing that.

I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I think the gentleman has used a term, "discharge petition," which we understand here, but I am not sure everybody in the world does.

Mr. McCOLLUM. That is a good point.

Mr. GOSS. It seems odd, I am sure, to many Americans that so many Congresspersons seem to support the idea of term limits. Why is it that there are only 89 or so, however many, out of 435, or 440, counting the delegates, who have gotten involved with the discharge petition? Of course, there is the down side. Perhaps the gentleman would like to explain why there is sometimes some reluctance to sign discharge petitions.

Mr. McCOLLUM. I would be glad to take a bite at that. There is some reluctance because you go on the record here with the leadership of this body, who does not want to see this out here. If you are particularly involved in the majority party, it becomes very difficult to sign a discharge petition and put your name on the line. And then if it becomes a factor, we get the 218 to sign it, and it comes out to the floor,

there is going to be a recorded vote and everybody is going to get to see who stands for what rather than your being able to go home and say, "Well, I will skate around this, maybe I do favor this, I do favor this, I do favor that." You are not on the record then. But you would be on the record if we got that discharge petition out here.

What that means is that it goes around the Rules Committee, as the gentleman was going to point out, I think. The gentleman serves on that committee, and he knows that even if we got a bill out of the committee, the regular Judiciary Committee, for example, it would still not get to the floor unless the Rules Committee of the leadership which controls it allowed it to do that. But this circumvents all of that, the committee, the Rules Committee, everybody, brings it straight to the floor for a vote, for debate, of course, and then a vote.

I yield to the gentleman from California.

Mr. HORN. Is it not true that the public will never know who signed that discharge petition because under the rules of the House, who signs is a confidential matter.

Mr. McCOLLUM. That is right.

Mr. HORN. There is a proposal to charge that rule. In fact, there is a discharge petition there to get that rule out of committee so that we can vote on it so the public will know.

Mr. McCOLLUM. That is the discharge petition No. 2. I signed it, as the gentleman probably did, in the last day or two to change that rule.

Mr. HORN. That is right. But we need to get open rules where we know who is willing to put their name on the dotted line because, as both gentlemen indicate, there have been notorious examples in this chamber in the last decade where key powerful Chairs go up and practically lead a member of the majority party by the nape of the neck to cross their name off the discharge petition.

And it seems to me one of the things we are going to do to try to remedy this, when we have sort of discharge Thursday around here, with the gentleman's proposal, to see if people who sign that will sign sort of an exit poll survey that they have signed the discharge petition. So at least the voters can have an indication from the Members as to who signed that petition and the voters, suitably informed, can take whatever appropriate action they would like to take.

Mr. McCOLLUM. I think the gentleman has stated it very well. I think in conclusion tonight we need to make a point of the fact that while the ones of us here tonight are Republicans who are discussing this and there was mention in the discussion about the frustrations that we particularly share, the fact of the matter is there are Democrat cosponsors of this legislation, there are members of the Democrat Party, this House of Representatives, who plan to sign the discharge petition. And while they may be in a minority here, they represent the vast majority of their political party.

This is not a partisan issue. In the American public opinion polls that have been taken, the most recent of which was the Fabrizio-McLaughlin national poll that I mentioned earlier, not by name but by statistic, shows the 76.6 percent support nationwide of all demographic and makeup of the entire country. Interestingly enough, when asked to break that down by political party, 74.9 percent of all Democrats polled in this national poll were in favor of term limits. So that says that maybe there is half a percentage point or so difference between Republicans and Democrats on this issue in the country and no more.

It just does not matter what region of the country you are from, it does not matter what political party you are registered with, it does not matter what your ethnic or any other background might be the American people, by 75 percent-plus margin favor limiting the terms of Members of Congress. and yet we have not been able to get even a hearing on this subject, despite the fact that we have 89 Members who signed onto one particular proposal, which is the leading proposal.

It is for that reason tonight, wrapping up, that we are here to announce the fact that we are using the device of this discharge petition to try to draw attention to this, to try to get the debate going on it and to give the public a chance to hold their Members accountable for whether or not they sponsor the bill or piece of legislation to, at the very least, declare themselves in favor of bringing this out through signature on the discharge petition for debate and for a vote on the floor of the House so that it can be resolved, so that we can determine, as my colleagues so ably pointed out tonight, who is really for this and who is not for this and let the elections and the American public hold all of the Members of this body accountable on the terms of this issue.

I want to thank the gentleman for joining me tonight. There will be other opportunities for some discussion. This is just the beginning of this debate. We will make sure that many other occasions occur in this Congress for that to happen.

Again I thank them for this and hope that anyone who wishes to will remember the resolution No. 38 and make sure their Congressman or Congresswoman hears about it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUTE (at the request of Mr. MICHEL) for today, on account of the arrival of the newest member of the family, James Geremia Blute.

Mr. YOUNG of Florida (at the request of Mr. MICHEL) until 2 p.m. today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. McCOLLUM) to revise and extend his remarks and include extraneous material:)

Mr. BILIRAKIS, for 30 minutes, on June 30.

(The following Members (at the request of Mr. ROEMER) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. BONIOR, for 60 minutes each day, on August 2, 3, 4, 5, and 6.

(The following Member (at the request of Mr. WYNN) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR, for 60 minutes each day, on September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30; October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29; November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30; and December 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McCOLLUM) and to include extraneous matter:)

Mr. HERGER.

Mr. GALLEGLY in two instances.

Mr. SANTORUM.

Mr. SHUSTER.

Mr. GOODLING.

Mr. BILIRAKIS.

Mr. CRANE in three instances.

Mr. KOLBE.

Mr. SAM JOHNSON of Texas in three instances.

Mr. RAMSTAD.

Mr. PORTMAN.

Mr. SUNDQUIST.

Mr. FRANKS of Connecticut.

Mr. SOLOMON.

Mr. MANZULLO.

Mr. ISTOOK.

Mr. DORNAN.

(The following Members (at the request of Mr. ROEMER) and to include extraneous matter:)

Mr. BECERRA.

Mr. SYNAR.

Mr. LAFALCE.

Mr. GLICKMAN.

Mr. CARDIN.

Mr. LIPINSKI in two instances.
Mr. CLAY.
Mr. TOWNS in two instances.
Mr. HAMBURG.
Mrs. EDDIE BERNICE JOHNSON of Texas.
Mr. POSHARD.
Mr. KLEIN.
Mr. SHEPHERD.
Mr. MINETA.
Mr. MAZZOLI.
Mr. KANJORSKI.
Mr. BISHOP.
Mr. FAZIO.
Mr. MURPHY.
Ms. ESHOO.
Mr. PETERSON of Minnesota.
Mr. MENENDEZ.
(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)
Mr. KLUG.
Mr. LEWIS of Florida.

ADJOURNMENT

Mr. MCCOLLUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 48 minutes a.m.), the House adjourned until today, Wednesday, June 30, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

1489. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's private reinsurance study, pursuant to Public Law 102-242, section 322(b)(1) (105 Stat. 2371); to the Committee on Banking, Finance and Urban Affairs.

1490. A letter from the Chairman, National Commission on Acquired Immune Deficiency Syndrome, transmitting the Commission's final report entitled, "AIDS: An Expanding Tragedy," pursuant to Public Law 100-607, section 245(b)(1) (102 Stat. 3106); to the Committee on Energy and Commerce.

1491. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 93-22), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1492. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 93-23), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Japan (Transmittal No. DTC-14-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1494. A letter from the Assistant Secretary of State for Congressional Relations, Department of State, transmitting notification of the removal of items from the U.S. munitions list, pursuant to 22 U.S.C. 2778(f); to the Committee on Foreign Affairs.

1495. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the report of political contributions by Andrew J. Winter, of New York, to be Ambassador to the Republic of the Gambia and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1496. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to authorize the transfer of $20,000,000 in addition to United States war reserve stockpiles for allies in Thailand to support the implementation of a bilateral agreement with Thailand; to the Committee on Foreign Affairs.

1497. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the first quarter of fiscal year 1993, pursuant to 22 U.S.C. 2877; to the Committee on Foreign Affairs.

1498. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1994 arms control impact statement, pursuant to 22 U.S.C. 2576(b)(2); to the Committee on Foreign Affairs.

1499. A letter from the Director, Office of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1500. A letter from the Secretary of Labor, transmitting the semiannual reports of the Pension Benefit Guaranty Corporation and the Office of Inspector General for the period October 1, 1992, through March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2501. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1502. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report of the inspector general for the period October 1, 1992, through March 31, 1993, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1503. A letter from the Secretary of Transportation, transmitting the annual report on "Collision Avoidance Systems" for the fiscal year 1992, pursuant to 49 U.S.C. app. 1348 note; to the Committee on Public Works and Transportation.

1504. A letter from the Secretary of Transportation, transmitting the Department's annual report, entitled "Transportation Security" for calendar year 1992, pursuant to Public Law 101-604, section 102(a) (104 Stat. 3068); to the Committee on Public Works and Transportation.

1505. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled, "Extension of VA Contract and Grant Authority in the Philippines Act of 1993"; to the Committee on Veterans' Affairs.

1506. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled, "Persian Gulf Veterans Treatment Act of 1993"; to the Committee on Veterans' Affairs.

1507. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled, "Veterans' Program Improvement Act of 1993"; to the Committee on Veterans' Affairs.

1508. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay the actual cost of a contract burial, not to exceed $600, to bury a nonservice-connected veteran who dies in a Department of Veterans Affairs [VA] facility and for other purposes; to the Committee on Veterans' Affairs.

1509. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled, "Philippine Veterans Currency Act of 1993"; to the Committee on Veterans' Affairs.

1510. A letter from the Secretary of Transportation, transmitting a copy of a report entitled, "Use of Recycled Paving Material," pursuant to Public Law 102-240, section 1038(b)(5) (105 Stat. 1988); jointly, to the Committee on Public Works and Transportation and Energy and Commerce.

1511. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide to employees appointed under that title protection from prohibited personnel practices; jointly, to the Committee on Veterans' Affairs and Post Office and Civil Service.

1512. A letter from the Assistant Secretary for Legislative Affairs, Department of State; transmitting a draft of proposed legislation entitled, "Foreign Relations Authorization Act, Fiscal Years 1994 and 1995," pursuant to 31 U.S.C. 1110; jointly, to the Committee on Foreign Affairs, Post Office and Civil Service, Ways and Means, Natural Resources, the Judiciary, Merchant Marine and Fisheries, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of the committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. House Resolution 214. Resolution waiving certain points of order against the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-163). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 215. Resolution providing for the consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes (Rept. 103-164). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GLICKMAN: Permanent Select Committee on Intelligence. H.R. 2330. A bill to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment; referred to the Committee on Armed Services for a period ending not later than July 16, 1993, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(c), rule X (Rept. 103-162, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself, Mr. DELLUMS, Mr. LIPINSKI, Mr. TAYLOR of Mississippi, Mr. FIELDS of Texas, Mr. BATEMAN, Mr. HUGHES, Mr. TAUZIN, Mr. ORTIZ, Mr. MANTON, Mr. PICKETT, Mr. HOCHBRUECKNER, Mrs. UNSOELD, Mr. REED, Mr. LANCASTER, Mr. ANDREWS of Maine, Ms. FURSE, Ms. SCHENK, Mr. HASTINGS, Ms. ESHOO, Mr. BARLOW, Mr. STUPAK, Mr. THOMPSON, Mr. ACKERMAN, Mr. SCOTT, Mr. SAXTON, Mr. CUNNINGHAM, Mr. KING, Mr. DIAZ-BALART, Mrs. BENTLEY, and Mr. HAMBURG):

H.R. 2547. A bill to improve the economy of the United States and promote the national security interests of the United States by establishing a national shipbuilding initiative to provide support for the U.S. shipbuilding industry in order to assist that industry in regaining a significant share of the world commercial shipbuilding market, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

By Mr. DEUTSCH:

H.R. 2548. A bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes; jointly, to the Committees on Public Works and Transportation, Armed Services, and Science, Space, and Technology.

By Mr. FALEOMAVAEGA (for himself and Mr. ABERCROMBIE):

H.R. 2549. A bill to establish administrative procedures to extend Federal recognition to certain Indian groups; to the Committee on Natural Resources.

By Mr. GLICKMAN (for himself and Mr. WYDEN):

H.R. 2550. A bill to establish a Markets and Trading Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; jointly, to the Committees on Agriculture, Energy and Commerce, and Banking, Finance and Urban Affairs.

By Mrs. MEYERS of Kansas:

H.R. 2551. A bill to authorize the award of the Southwest Asia service medal to any member of the Armed Forces who was assigned to duty outside the United States during the Persian Gulf war with a unit that actively engaged in combat operations during that war; to the Committee on Armed Services.

By Mrs. MINK:

H.R. 2552. A bill to require that all Government records that contain information bearing on the last flight and disappearance of Amelia Earhart be transmitted to the Library of Congress and made available to the public; jointly, to the Committees on Government Operations and House Administration.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. ROWLAND, and Mr. SMITH of New Jersey):

H.R. 2553. A bill to provide for a grant by the Secretary of Defense to be made for the support of establishment of research facility to study low-level chemical sensitivity, particularly in Persian Gulf war veterans; to the Committee on Armed Services.

By Mr. MURPHY (for himself, Mr. GOODLING, Mr. SARPALIUS, Mr. LEWIS of Florida, Mr. GORDON, Mr. BILIRAKIS, Mr. HASTINGS, Mr. LIVINGSTON, Mr. BRYANT, Ms. DANNER, Mr. DEUTSCH, Mr. PAYNE of Virginia, Mr. NEAL of North Carolina, Mr. GOSS, Mr. TOWNS, Ms. WOOLSEY, Mr. KLECZKA, Mr. FAWELL, Mr. FILNER, Mr. BAKER of Louisiana, Mr. JACOBS, Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. BROWN of Ohio, Mr. KREIDLER, Mr. EMERSON, Mr. DIAZ-BALART, Mr. LIPINSKI, Mr. SANDERS, Mr. DE LA GARZA, Mr. PETERSON of Minnesota, Mrs. MORELLA, Mr. BLACKWELL, Mrs. CLAYTON, Mrs. MEYERS of Kansas, Mr. HOAGLAND, Ms. THURMAN, Mr. POSHARD, Mrs. MEEK, Mr. GALLO, Mr. MACHTLEY, Mr. HYDE, Mr. SHAW, Mr. COPPERSMITH, Mr. MCNULTY, Mr. PORTER, Mr. ROTH, Mr. PASTOR, Mrs. UNSOELD, Mr. MORAN, Mr. BOUCHER, Mr. MAZZOLI, Mr. HUGHES, Mr. WELDON, Mr. FALEOMAVAEGA, Mr. STUMP, Mr. CUNNINGHAM, Ms. SHEPHERD, Mr. SISISKY, Mr. KILDEE, Mr. ZIMMER, Ms. ENGLISH of Arizona, Mr. ANDREWS of New Jersey, Mr. MEEHAN, Mr. REED, Mr. REYNOLDS, Mr. CRANE, Mr. EVERETT, Mr. GENE GREEN of Texas, Ms. BROWN of Florida, Ms. MCKINNEY, Ms. MARGOLIES-MEZVINSKY, Mr. TUCKER, Mr. PICKETT, Mr. BATEMAN, Mr. KOPETSKI, Mr. SERRANO, Mr. LAFALCE, Mr. RAMSTAD, Mr. KNOLLENBERG, Mr. YOUNG of Alaska, and Mr. HANSEN):

H.R. 2554. A bill to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; to the Committee on Education and Labor.

By Mr. PORTMAN:

H.R. 2555. A bill to designate the Federal building located at 100 East Fifth Street in Cincinnati, OH, as the "Potter Stewart United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. ROHRABACHER (for himself, Mr. BARTLETT of Maryland, Mr. KING, Mr. SCHIFF, and Mr. FISH):

H.R. 2556. A bill to amend the Federal Election Campaign Act of 1971 to provide for partial removal of limitations on contributions to candidates whose opponents exceed personal contribution limitations in an election; to the Committee on House Administration.

By Mr. SOLOMON (for himself, Mr. KING, and Mr. LEVY):

H.R. 2557. A bill to discourage States and local governments from providing general welfare assistance to able-bodied individuals unless such individuals are participating in workfare programs; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 2558. A bill to establish a congressional commemorative medal for veterans of the Battle of Midway; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WHEAT:

H.R. 2559. A bill to designate the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building"; to the Committee on Public Works and Transportation.

By Mr. FAZIO (for himself and Ms. HARMAN):

H.R. 2560. A bill to establish a program in the Department of Defense to promote and demonstrate electric vehicle and infrastructure development for military and civilian use; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Ms. ESHOO:

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of Connecticut:

H. Res. 212. Resolution relating to State actions to protect children from injury in motor vehicle accidents; to the Committee on Energy and Commerce.

By Mr. SANTORUM:

H. Res. 213. Resolution providing for savings in the operations of the House of Representatives to be achieved by transferring functions to private sector entities and eliminating staff positions; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

214. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to Medicaid prescription drug restrictive formularies that were contained in the Omnibus Budget Reauthorization Act of 1990; to the Committee on Energy and Commerce.

215. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to the construction of a four-lane limited access highway connecting the New Iberia, Morgan City, Thibodaux, and Houma metropolitan areas to Interstate 49; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Miss COLLINS of Michigan, Ms. BYRNE, Mr. REED, Mr. BACCHUS of Florida, and Mrs. LLOYD.

H.R. 94: Mr. MANZULLO.

H.R. 300: Ms. PRYCE of Ohio.

H.R. 345: Mr. MURTHA.

H.R. 349: Mr. GENE GREEN of Texas.

H.R. 428: Mr. GOODLING.

H.R. 559: Mr. FRANK of Massachusetts, Mr. RICHARDSON, Mr. ENGEL, Ms. NORTON, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. SCHUMER, Mr. DIXON, Mr. BARCIA of Michigan, Mr. MARTINEZ, and Mr. SHAW.

H.R. 563: Mr. RANGEL and Mr. CRANE.

H.R. 584: Mr. PETERSON of Minnesota.

H.R. 585: Mr. SMITH of New Jersey.
H.R. 667: Mr. MOORHEAD.
H.R. 688: Mr. WALSH.
H.R. 741: Mr. SHAYS, Mr. MCCOLLUM, Mr. YOUNG of Florida, Mr. CALLAHAN, and Mr. BAKER of Louisiana.
H.R. 911: Mr. MORAN.
H.R. 935: Ms. THURMAN and Mr. WASHINGTON.
H.R. 937: Mr. PETE GEREN of Texas, Mr. TUCKER, Mr. LAUGHLIN, Mr. WILLIAMS, and Mr. THOMPSON.
H.R. 1012: Mr. BALLENGER, Mr. BORSKI, Mr. DIAZ-BALART, Mr. DUNCAN, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. LANCASTER, Mr. LEWIS of Georgia, Ms. MCKINNEY, and Mr. SCOTT.
H.R. 1036: Mr. MENENDEZ, Mr. GENE GREEN of Texas, Mr. BROWN of Ohio, and Mr. BORSKI.
H.R. 1088: Mr. HUTCHINSON.
H.R. 1206: Mr. RANGEL.
H.R. 1251: Mr. ROEMER.
H.R. 1285: Mr. MARTINEZ.
H.R. 1296: Mr. OWENS, Mr. ACKERMAN, Mr. SARPALIUS, Mr. LEVIN, and Mr. EDWARDS of Texas.
H.R. 1304: Mrs. UNSOELD.
H.R. 1310: Mr. COMBEST, Mr. ROGERS, and Mr. PARKER.
H.R. 1322: Mr. NATCHER and Mr. SWIFT.
H.R. 1360: Mr. PETERSON of Minnesota.
H.R. 1457: Mrs. MEEK and Mr. PETERSON of Minnesota.
H.R. 1480: Mr. BOEHNER, Mr. PETE GEREN of Texas, Mr. HYDE, Mr. MINGE, and Mr. RAVENEL.
H.R. 1490: Mr. BISHOP and Mr. CALVERT.
H.R. 1521: Mr. LEWIS of Georgia, Miss COLLINS of Michigan, and Mr. NADLER.
H.R. 1529: Mr. HOKE and Mr. HUTCHINSON.
H.R. 1532: Mr. INGLIS of South Carolina, Mr. SHAYS, Mr. COX, Ms. PRYCE of Ohio, Mr. PETERSON of Minnesota, Mr. HALL of Texas, and Mr. COBLE.
H.R. 1533: Mr. KREIDLER, Mr. DEUTSCH, Mr. CLYBURN, Mr. DIAZ-BALART, Mr. PALLONE, Ms. PELOSI, Mr. NADLER, and Mr. KLINK.
H.R. 1539: Mr. GENE GREEN of Texas and Mr. MCCURDY.
H.R. 1636: Mr. MANZULLO.
H.R. 1645: Mr. OWENS, Mr. SWETT, Mr. TEJEDA, and Mr. HAMBURG.
H.R. 1670: Mr. YOUNG of Alaska and Mr. TORKILDSEN.
H.R. 1683: Mr. SCHIFF, Mr. OWENS, Mr. BROWN of California, and Mr. PETERSON of Minnesota.
H.R. 1696: Mr. DELLUMS, Mr. ABERCROMBIE, and Ms. ESHOO.
H.R. 1697: Mr. SERRANO.
H.R. 1707: Mr. ANDREWS of New Jersey, Mr. BARCA of Wisconsin, Mr. SCHIFF, and Ms. MALONEY.
H.R. 1788: Mr. GUTIERREZ.
H.R. 1801: Mr. TOWNS, Mr. EVANS, Mr. HOUGHTON, Mr. SMITH of New Jersey, and Ms. KAPTUR.
H.R. 1827: Mr. GINGRICH, Mr. DICKEY, and Mr. SARPALIUS.
H.R. 1877: Mr. HUGHES, Ms. DELAURO, Mr. OBERSTAR, Miss COLLINS of Michigan, Mr. SERRANO, and Mr. FISH.
H.R. 1911: Mr. KILDEE, Mr. INSLEE, Miss COLLINS, of Michigan, and Mr. FISH.
H.R. 1912: Mr. KILDEE, Mr. INSLEE, Miss COLLINS, of Michigan, and Mr. FISH.
H.R. 1933: Mr. PARKER, Mr. ROMERO-BARCELO, Mr. PETE GEREN, of Texas, and Mr. KREIDLER.
H.R. 2050: Mr. BARCIA of Michigan.
H.R. 2076: Miss COLLINS of Michigan, Mr. HAMBURG, and Mr. CONYERS.
H.R. 2101: Mr. PETERSON of Minnesota, Ms. MCKINNEY, and Mr. DARDEN.
H.R. 2110: Mr. MCDERMOTT, Ms. VELAZQUEZ, Mr. DELLUMS, Mrs. MINK, Ms. MALONEY, Mr. MANTON, Mr. JEFFERSON, Mr. FILNER, Mr. SCOTT, Ms. NORTON, Mr. ACKERMAN, Mr. BERMAN, Ms. WOOLSEY, Ms. PELOSI, Miss COLLINS of Michigan, Mr. GUTIERREZ, Mr. OWENS, and Mrs. MEEK.
H.R. 2130: Mr. PASTOR, Mr. GUNDERSON, and Mr. FROST.
H.R. 2219: Mr. GENE GREEN of Texas.
H.R. 2253: Mrs. MEYERS of Kansas.
H.R. 2254: Mrs. MEYERS of Kansas.
H.R. 2261: Mr. PETRI.
H.R. 2315: Mr. GUTIERREZ.
H.R. 2340: Mr. ROMERO-BARCELO and Ms. FURSE.
H.R. 2346: Mr. FRANK of Massachusetts and Mr. FILNER.
H.R. 2367: Mr. CRANE.
H.R. 2451: Mr. EDWARDS of California.
H.R. 2456: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ROMERO-BARCELO.
H.R. 2494: Mr. LEWIS of Georgia and Ms. PELOSI.
H.J. Res. 111: Ms. PELOSI, Mr. GILMAN, Mr. HOEKSTRA, Mr. PAYNE of New Jersey, Mr. YOUNG of Florida, Mr. WYNN, Mr. LEVIN, Mr. CRAMER, Mr. CONYERS, Mr. CARR, Mr. GALLO, Mr. SAXTON, Mr. SCHIFF, Mr. CLAY, Mr. BARRETT of Wisconsin, Mr. DURBIN, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON of Texas, and Miss COLLINS of Michigan.
H.J. Res. 112: Mr. MCDERMOTT and Mr. MARTINEZ.
H.J. Res. 131: Mr. KLUG, Mr. PACKARD, Mr. TRAFICANT, Mrs. MEYERS of Kansas, Mrs. FOWLER, and Mr. PORTER.
H.J. Res. 191: Mr. SLATTERY, Mr. BONIOR, Ms. NORTON, Mr. HUGHES, and Mr. FROST.
H.J. Res. 195: Mr. ENGEL, Mr. HINCHEY, Mrs. SCHROEDER, Mr. MENENDEZ, Mr. BECERRA, Miss COLLINS of Michigan, and Mr. LEWIS of Georgia.
H.J. Res. 196: Mr. BALLENGER, Mr. MCDERMOTT, and Mrs. THURMAN.
H.J. Res. 213: Mr. DE LA GARZA, Mr. OBERSTAR, Mr. BARCIA of Michigan, Mr. KLECZKA, Mr. SUNDQUIST, Mr. BILBRAY, and Mr. REGULA.
H. Con. Res. 66: Mr. NADLER.
H. Con. Res. 69: Mr. HAMBURG.
H. Con. Res. 80: Mr. SLATTERY.
H. Con. Res. 91: Mr. LEACH, Mrs. BENTLEY, Mr. WELDON, Mr. RIDGE, Mr. PACKARD, Mr. LEWIS of California, Ms. ROS-LEHTINEN, Mr. BARTLETT of Maryland, Mr. THOMAS of Wyoming, Mr. GUNDERSON, Mr. KING, Mr. ARMEY, Mr. FRANKS of New Jersey, Mr. RAVENEL, Mr. GILLMOR, Mr. STEARNS, Mr. UPTON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. KINGSTON, Ms. MOLINARI, Mr. COLLINS of Georgia, Mr. BARTON of Texas, Mr. BAKER of Louisiana, Mr. GRANDY, Mr. GOODLING, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. WALSH, Mr. FRANKS of Connecticut, Mr. PORTMAN, Mr. INHOFE, Mr. BALLENGER, Mr. THOMAS of California, Mr. SAM JOHNSON, Mr. DORNAN, Mr. GALLO, Mr. MCCRERY, Mrs. ROUKEMA, Mr. LEWIS of Florida, Mr. ROBERTS, Mr. SPENCE, Mr. HERGER, Mr. DREIER, Mr. QUINN, Mr. KYL, Mr. HORN, Mr. SOLOMON, Mr. KOLBE, Mr. EWING, Mr. ZIMMER, Ms. PRYCE of Ohio, Mr. FINGERHUT, Mr. DIAZ-BALART, Mr. MCCOLLUM, Mr. CAMP, Mr. MCINNIS, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. ROYCE, Mr. SAXTON, Mr. SANTORUM, Mr. LIVINGSTON, Mr. BUYER, Mr. BONILLA, Mr. CALVERT, Mr. COX, Mr. SMITH of Texas, Mrs. VUCANOVICH, Ms. FOWLER, Mr. SMITH of New Jersey, Mr. HOKE, Mr. LINDER, Mr. LAZIO, Mr. LEVY, Mr. PAXON, Mr. KASICH, Mr. HUNTER, Mr. LIGHTFOOT, Mr. HUTCHINSON, Mr. HANSEN, Mr. HOUGHTON, Mr. RAMSTAD, Mr. HYDE, Mr. BLILEY, Mr. MCHUGH, Mr. BATEMAN, Mr. HANCOCK, Mr. BACHUS of Alabama, Mr. EVERETT, Mr. MOORHEAD, Mr. PETRI, Mr. KLUG, Mr. MYERS of Indiana, Mr. QUILLEN, Mr. DELAY, Mr. EMERSON, Mr. SKELTON, Mr. CRANE, Mr. ALLARD, Mr. BUNNING, Mr. HEFLEY, Mr. GILCHREST, Mr. BOEHLERT, Ms. SNOWE, Mr. DICKEY, Mr. MACHTLEY, Mr. MCKEON, Ms. DUNN, Mr. HOBSON, Mr. REGULA, Mr. CANADY, Mr. HASTERT, Mr. OXLEY, and Mr. SHAYS.
H. Con. Res. 99: Mr. FISH.
H. Res. 122: Mr. FISH and Mr. BUYER.
H. Res. 175: Mr. DELAY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. KYL, Mr. WALKER, Mr. WOLF, Mr. GINGRICH, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. COBLE, Mr. BURTON of Indiana, Mr. DORNAN, Mr. FAWELL, Mr. HASTERT, Mr. HYDE, Mr. SAM JOHNSON, Mr. KASICH, Mr. KOLBE, Mr. MCCOLLUM, Mr. MCCRERY, Ms. MOLINARI, Ms. ROS-LEHTINEN, Mr. ROTH, Mr. SCHIFF, Ms. SNOWE, Mr. STEARNS, Mr. SUNDQUIST, and Mr. WELDON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2010

By Mr. BALLENGER:

—In section 129(d)(2) of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike "(including labor organizations)".

—In section 130(b) of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike paragraph (12) and insert the following:

"(12) A description of the manner and extent to which participants, representatives of the community served, and community-based agencies with a demonstrated record of experience in providing services contributed to the development of the national service programs referred to in paragraphs (1) and (2).

—In section 130 of the National and Community Service Act of 1990, as added by section 101(b) of the bill—

(1) strike subsection (e), and

(2) redesignate subsection (f) as subsection (e).

—In section 131(c) of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike paragraphs (1) through (3), and insert the following:

"(1) provide in the design, recruitment, and operation of the program for broad-based input from—

"(A) the community served and potential participants in the program; and

"(B) community-based agencies with a demonstrated record of experience in providing services, if these entities exist in the area to be served by the program; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

—In section 114(d)(5) of the National and Community Service Act of 1990, as added by section 103(a) of the bill—

(1) strike subparagraphs (A), and

(2) redesignate subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

—In section 119(d)(2) of the National and Community Service Act of 1990, as added by section 103(a), strike subparagraph (B) and insert the following:

"(B) assurances that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

H.R. 2518

By Mr. GORDON:

—Page 46, beginning on line 2, strike "direct loans as authorized by title IV, part D, of the

Higher Education Act, as amended," and insert the following:

the direct loan demonstration program authorized by section 451 of Public Law 102-325 (106 Stat. 569),

—Page 46, line 3, strike "as amended" and insert "as in effect on June 30, 1993".

By Mr. MANZULLO:

—Page 62, after line 10, insert the following new section:

SEC. 507. None of the funds made available in this Act may be used to provide assistance to any individual who was a soldier for Iraq during the Persian Gulf conflict, or to any spouse or dependent of such individual.

EXTENSIONS OF REMARKS

TRIBUTE TO 1993 SENIOR CITIZEN ACHIEVEMENT AWARD RECIPIENTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to share with my colleagues the accomplishments of 20 remarkable senior citizens from my district who received my 1993 Senior Citizen of the Year Award on June 5, 1993. Each award recipient provides an invaluable service to the community. Not only do they serve at various volunteer organizations, but they also serve to remind us of how precious and needed our older citizens truly are. Senior citizens such as these provide an excellent example to the younger generations; their community involvement conveys the message that retirement does not mean the end of a person's livelihood. As the U.S. population ages, it is important that we continue to honor the senior citizens that serve as role models not only to their peers, but to the Nation as a whole. It is my pleasure to share with you some information about each of the recipients to show why these seniors are so special.

Ann Bennett, in addition to writing a weekly column for a local newspaper, is the current secretary of Ladies Auxiliary VFW and is in her second term as president of the Johnson-Phelps Ladies Auxiliary. Ann also serves as the patriotic instructor and Americanism chairman of the ladies auxiliary.

Lucille Farrell, a nurse for 29 years, is involved in a host of community and church activities which include serving as a lay minister for the homebound sick at St. Julie's Parish, decorating for all Orland Township activities, volunteering regularly for Misericordia, and serving on the board of directors at both St. Julie's Golden Agers and the Renaissance Academy for Seniors at St. Xavier.

Theodore Haraf serves the St. Mary Star of the Sea parish as president of the Seniors Club and as a member of the Ushers Club. In addition, Mr. Halas donates his time to Marquette Park Special Olympics and West Lawn boys baseball.

Jerry Jablonski, former president of the St. Symphorosa Parish Senior Club and the Supper Club, is currently a member of the VFW Des Plaines Post #6863 and the Five Holy Martyrs Father's Club. Mr. Jablonski also won first prize for his work as the historian for the Catholic War Veterans.

Although Father Charles Kelly retired after 45 years in the priesthood over 6 months ago, he still visits the elderly and shut-ins and makes visits to the hospitals. In addition to being a moderator in the Apostolate of the Handicapped for the Archdiocese of Chicago, he belongs to PRIMA, an asociation which cares for and houses retired priests.

Peter Klisurich, a veteran of World War II and former employee of the U.S. Post Office, remains active as a member of Des Plaines Valley VFW #6863, the southwest chapter of AARP, the National Association of Federal Employees, St. Symphorosa Holy Name Society, and Citizens Against Pollution.

The hospitable atmosphere at North Stickney's Senior Center each week is due mainly to the efforts of Estelle Kozin. Estelle has been a long-time member of the Stickney Council on Aging, the Stickney Golden Age Club, the North Stickney Meal Site Program, and is currently treasurer of the Stickney Women's Civic Club.

Edward Metz, a veteran of World War II, currently belongs to the St. Alexander's Senior Club, the Palos Senior Club, the Palos Historical Society, and the Friends of the Park. Mr. Metz takes particular interest in the beautification of his community and, therefore, organizes the plant growing at St. Alexander's Parish and the landscaping at Lake Katherine Nature Preserve.

An active member and officer in the Garfield Ridge Civic League and the Garfield Ridge Senior Club, and a member of St. Daniel's Widower's Club and Golden Dinner Club, Lucille Mocadlo still finds time to visit nursing homes and hospitals almost every day, often delivering lap robes, wheel chair bags, and arm rests that she has been crafting for the past 10 years.

Mr. Patrick O'Block had a distinguished career in public service, ranging from mayor of Hazelcrest to many years in the Illinois Senate. His accomplishments in local government earned him the honor of having a bridge overpass named after him. Presently, Mr. O'Block is the director of Cook County Animal Control Program and is an active member of St. Cletus Parish through membership in various clubs.

Donald Porter, a father of 5, a grandfather of 15 and a great-grandfather of 15, serves as president of the Bremen Township Seniors Organization, which is an 800-member organization that encompasses 18 separate organizations.

Rose Roe, a mother of three and regular volunteer for veteran's affairs, is a member of senior council of Orland Park Township Catholic War Veterans, a Eucharist minister for St. Julie's Parish, on the Golden Agers board of directors, and is a solicitor for Miserciordia and Cancer Society.

A resident of Stickney for 69 years, Josephine Ruzek has served the community all of her life. Presently, she is the president of the Stickney Township Council on Aging, a 700-member organization that encompasses 11 clubs.

Although Helen Rygula is a member of over half a dozen different senior organizations, she still finds time to visit patients at local hospitals and to volunteer at the local grammar schools. In addition to receiving the 1993 Senior Citizen of the Year Award, Helen was also inducted into the Senior's Hall of Fame in the city of Chicago.

Formerly very active in the Girl Scouts of America, Evelyn Scott now directs her time toward her duties as president of the Riverside Golden Agers, volunteering for the Riverside Recreation Department, and organizing the Riverside Public Library Tuesday morning drop-in for seniors.

Patrick Sullivan was awarded Man of the Year from the Sertoma Club because he is a remarkable senior who serves the community in a number of facets. Mr. Sullivan's activities range from serving on the advisory board of Christ and Hines VA hospitals, organizing programs for disabled war veterans, volunteering with parish clubs, as well as being a loving father of five.

Emily Tetrev has built a reputation in her community as a woman who gives of herself for others. For the past 12 years, Mrs. Tetrev has been the president of the ESP Senior Club in Berwyn, often keeping the 225 member organizations alive with her leadership and dedication. In addition, Mrs. Tetrev is a member of many various clubs and often helps the less fortunate in her community.

Emily Tobolski, who is recently retired, is the treasurer for St. Daniel's Senior Club and has taken on the responsibility of taking the linens from church home to wash and iron them weekly. Emily is also a member of the Polish Roman Catholic Union and is often called on to be an interpreter for Polish immigrants.

Vicki Vlasis has a degree in nursing from Cook County Hospital and has accumulated over 40,000 hours of volunteer service at local hospitals. She is currently the director of volunteers at Christ Hospital, a member of the Illinois Hospital Association Region 2–A volunteers and is also active in a number of volunteer and auxiliary groups.

Sophie Walczak is a delegate to the Chicago Senior Senate Program and activities cochairperson for the Central Stickney Golden VIPS. In addition to her work for the Stickney Township food pantry, Sophie also volunteers at St. Camillus, often offering rides to church activities for handicapped and aged persons.

I hope my colleagues will join me in honoring these 20 seniors for their dedication and commitment to their community. These Seniors of the Year provide not only an inspiration for the young, but also an example. These individuals add meaning and illustration to Eleanor Roosevelt's words: "Life was meant to be lived, and curiosity must be kept alive. One must never, for whatever reason, turn his back on life." The senior citizens that were honored have not turned their backs on life but, rather, have embraced fully the needs of the community and have worked to address these needs without asking anything in return. For this reason, Mr. Speaker, I am thrilled to share the activities of these model citizens. The United

States is strengthened by the actions of such patriotic and active citizens who continue to serve their country even as they reach their golden years.

LET CONSUMERS CUT HEALTH CARE COST

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. CRANE. Mr. Speaker, rising health care costs have been of great concern to the people of this country. As we continue to search for solutions, it is important that we resist the socialization of medicine, which will lead to a rationing of services and a deterioration of quality. Instead, we must empower consumers. There must be a greater connection between the consumer and the cost of health care—that is, give consumers an incentive to look for the most cost-effective treatment. William Raspberry in his article, "A Consumer Driven Approach to Cutting Cost of Health Care," suggests using a medical savings account that would be controlled by the individual—an idea he credits to Pat Rooney of Golden Rule Insurance Co. I submit Mr. Raspberry's article, which appeared in the March 15, 1993 issue of the Chicago Tribune, to my colleagues attention and urge them to consider his proposals.

[From the Chicago Tribune, Mar. 15, 1993]

A CONSUMER-DRIVEN APPROACH TO CUTTING COST OF HEALTH CARE

(By William Raspberry)

WASHINGTON.—C. Everett Koop, the former surgeon general whose tough-minded fight against smoking made him an American hero, is off on another crusade. He wants to re-educate physicians—away from technology and "greed" and toward improved doctor-patient relationships.

It's a wonderful idea, but I wish he had waited a few months. Coming now, his campaign is likely to confuse the already difficult problem of controlling health-care costs.

There's no disputing his main criticism of American medical practice: that too many doctors are tempted into high-tech, specialized medicine.

Anyone who's been shuttled from doctor to doctor (because the internist approaches a skin rash or a shin splint with the reluctance of a front-end man asked to deal with a slipping transmission) or who has been packed off to expensive imaging labs (because, one suspects, the referring physician owns a piece of the imaging machine) will accept Koop's point.

But we might also be tempted to believe that attacking high-tech and specialized medicine is a useful way to attack the high cost of medical care in America.

I don't think it is. The big reason medicine costs so much is the way it is paid for—mostly through employer-subsidized insurance plans that give patients little reason to care about the cost of service.

Consider two different ways of buying a family car. The first is the old-fashioned way. You look at your paycheck and your expenses and then decide how much car you can afford.

The second way: Your boss gives you a card good for 80 percent of your transportation costs (after a $1,000 deductible) and 100 percent of any costs exceeding $12,000.

Under which system do you suppose a car dealer would be motivated to bring his prices down? The first, of course. Indeed, a dealer confronting the second system might well decide not to bother stocking low-cost "basic transportation" models.

It doesn't matter how well we understand that the transportation plan is in fact a part of our compensation package. It feels like we are spending the boss' money—and for two reasons. First, money we never get our hands on—that doesn't even show up on our pay stubs—doesn't feel like ours; second, the money doesn't come into existence unless we spend it. (It's the same attitude that makes some employees feel cheated if they accumulate 500 hours of "useless" sick leave while their colleagues use virtually all of theirs.)

Most of the proposals for containing health-care costs run along one of two lines. One is to put a cap on physician and hospital charges—in the analogy, a limit on what a dealer could charge for a car. The other—the various single-payer schemes—amounts to forming a group of employers into a buyer's club that might wield enough clout to the dealer to force him to cut his profit margin. The weakness of both is that the benefits tend to flow to the payer rather than to the consumer, who, as a result, has little incentive to consider costs.

So what else is possible? I'm still attracted to a proposal I first heard from Pat Rooney of the Golden Rule Insurance Co. Rooney, who is based in Indianapolis, sees the problem as one of incentives, and this is how he'd cure it.

He would have an employer put two-thirds of the annual cost of a worker's health-care plan into a special account out of which that worker would pay his own medical costs. The remaining third of the employer's contribution would buy an umbrella policy to cover doctor and hospital bills in excess of $3,000.

Say your employer has been contributing $4,500 a year for your health coverage—about average for a medium-size city. Under Rooney's scheme, $1,500 of that amount would buy protection against major illness or injury. But the remaining $3,000 would go into your medical-care account out of which you would pay your own medical bills. Anything left in the account at the end of each year would be yours to keep.

Rooney's idea does not address Koop's crusade to change the relationships between doctor and patient. "My doctor of the next century," said Koop, now a professor at Dartmouth College, in a recent speech in California, "will reflect human values rather than greed.* * * We put too much emphasis on curing and too little attention on caring. Curing costs billions. Caring is very cheap. It comes from the heart."

Nor does his idea offer any help for the millions of Americans without health insurance.

All it would do would be to give most of us some incentive for shopping around, comparing charges and asking (as most of us seldom do under the present arrangement): Is this procedure—this test—really necessary?

Come to think of it, that by itself might help to curb some of the high-tech emphasis that Koop is crusading against.

SALUTE TO DR. OTTO AUSTEL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. GALLEGLY. Mr. Speaker, I am pleased to rise today to honor a good friend and an outstanding community leader, Dr. Otto Austel, for his many contributions to our hometown of Simi Valley, CA, and for his dedicated work on behalf of the Simi Valley Free Clinic.

Since coming to Simi Valley in 1967, Dr. Austel has been a highly successful private practice physician and has been involved in a wide range of activities that have helped make our community a better place to live and work.

Among his many endeavors on behalf of the people of Simi Valley, he has been active with the Simi Valley Jaycees, recruiting members and assisting with the annual Pioneer Days parade; been instrumental in the formation of the Boys and Girls Club of Simi Valley, and serving as a member of the club's board; and been active in the Simi Valley Rotary Club, including recruiting new members.

However, Mr. Speaker, I would most like to commend Dr. Austel for his selfless work on behalf of the Free Clinic of Simi Valley. He was instrumental in establishing the center and has generously given of his time over the years. His many contributions include recruiting numerous volunteer physicians and nurses to help the Free Clinic serve the less fortunate, along with helping provide much-needed medical equipment.

On Sunday, the many friends of the Simi Valley Free Clinic will gather to honor Dr. Otto Austel at a dinner. I ask my colleagues to join me in saluting his service to his community.

CONGRATULATING NEAL GAY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to take this opportunity today to tell my colleagues about a man who has helped define our Nation's heritage and culture. Neal Gay, best known as an original founder of the Mesquite Championship Rodeo, has been selected as one of five nominees who will be inducted into the ProRodeo Hall of Fame.

Neal Gay has now been involved with rodeo for over 49 years, working every side of the business. He began competing in 1945 and joined the Professional Rodeo Cowboys Association a year later. Since that time, Neal Gay has devoted his time to the Mesquite Championship Rodeo with five other partners. We have seen it grow from a small struggling project into a thriving enterprise. Today, the Mesquite Championship Rodeo has a multi-million-dollar facility, hosts some 250,000 spectators a year, and broadcasts to a cable audience of over 3 million homes.

Neal Gay's induction into the Hall of Fame will have added significance, since he will join his son Donnie who was inducted just a few

years ago. This will mark the first time a father-son duo has accomplished this feat.

Mr. Speaker, Neal Gay certainly deserves this recognition after helping to bring rodeo such success and popularity. I would like to thank him for all of his hard work and hope that you will join me in congratulating him on his success.

TRIBUTE TO "HAPPILY EVER AFTER"

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. TOWNS. Mr. Speaker, I am sure many of my colleagues and their families will have the opportunity this summer to see an unprecedented creative marriage of entertainment and public awareness in the May 28, 1993, theatrical release of the all new Snow White, "Happily Ever After." I am prompted to commend this effort that has brought several firsts to motion picture distribution, including the announcement of a national Snow White Scholarship Program.

The feature premiered to audiences during the Memorial Day holiday period on more than 1,000 theater screens across the country. First, National Film and its chairman, Milton Verret, are to be congratulated for meeting a public need with outstanding all-family G-rated entertainment during the summer holidays. The producer, Lou Scheimer, noted for quality "Made in America" animation, brought together a blockbuster superstar cast. The roster of celebrity voices includes Dom DeLuise, Ed Asner, Tracey Ullman, Carol Channing, Zsa Zsa Gabor, Phyllis Diller, Sally Kellerman, Malcolm McDowell, and Oscar and two-time Grammy winner, Irene Cara as Snow White.

A major innovative aspect of this film is that it was conceived to be the first animated production designed to portray a female heroine in the lead. As a continuation of the fable, Snow White comes to the rescue of the prince, with the assistance of an all-female group of supporters. Additionally, First National Film Corp. undertook a progressive policy position by developing the National Snow White Scholarship Program.

Milton Verret, chairman of First National Film has stated that, "The Snow White Scholarship Program signifies the commitment that this film company has made to further the education of children. Our primary focus is on all-family entertainment. This highlights the enduring positive values so important to the development of children and the bonding of family and society."

Children from ages 3 to 13 were given an opportunity to win a $10,000 scholarship toward their college education when they entered the "Happily Ever After" Snow White scholarship drawing sponsored by First National Film.

To provide this opportunity, First National Film shipped 15 million Snow White scholarship applications to 35,000 schools across the country. Five $10,000 scholarships were drawn and awarded from the entries for a total of $50,000 in college scholarships. First National Film, a NASDAQ company, has incorporated innovations that have generated attention at the box office and the boardroom.

Milton Verret has been nominated by Jay McDonald of Merrill Lynch for entrepreneur of the year. He was nominated for his dedication, perseverance, and success in founding First National Film, and for bringing to the motion picture screen the animated Snow White sequel, "Happily Ever After." This prestigious award is sponsored by Merrill Lynch, Ernst & Young, and by INC. magazine.

Mr. Speaker, I congratulate Milton Verret, First National Film, Lou Scheimer the producer, and his fine staff of professional management and marketers, including Barfield Public Relations Inc. I believe it is vitally important to highlight this landmark theater animation effort for my House colleagues, individuals at the FCC and persons interested in motion picture and home video entertainment.

THE 50TH WEDDING ANNIVERSARY OF EDMUND AND ELIZABETH KORNOWICZ

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary couple from the Third Congressional District of Illinois, Mr. and Mrs. Edmund E. Kornowicz. On Sunday, July 4, 1993, Edmund and Elizabeth will celebrate their 50th wedding anniversary with their family and friends at a solemn Mass at Saint Turibius Church.

On July 4, 1943, Edmund and Elizabeth were married by Monsignor Bobal at Saints Cycil and Methodius Church, at 50th and Hermitage in Chicago.

Ed and Elizabeth were both born and raised on the southwest side of Chicago. Ed served for 40 years in city, county, and State government. He served for 8 years as a representative in the Illinois State General Assembly. Throughout the years, Elizabeth has been very active in several civic, church, and charitable organizations.

Edmund and Elizabeth have two daughters, Sharon Natanek and Deborah, and two grandchildren, Kimberly and Mark Natanek. The entire Kornowicz family joins me in saluting Edmund and Elizabeth on this special occasion.

Their commitment to each other and their family is impressive and deserving of special recognition and honor. I am sure that my colleagues join me in congratulating Edmund and Elizabeth on their many years of love and commitment. May their life together continue to be an adventure and offer them many more pleasant memories.

RESOLUTION OF THE REPUBLICAN ORGANIZATION OF SCHAUMBURG TOWNSHIP

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. CRANE. Mr. Speaker, as the Representative of Illinois' Eighth Congressional District, I have been blessed with strong party organizations at the township level. The largest township in my district, Schaumburg, boasts one of the best organized and politically active Republican organizations in the entire State of Illinois. The members of this organization are committed to the principles of their party and to preserving and promoting the values that are the backbone of our Nation.

It is in the context of promoting these critical values that I would like to call to my colleagues' attention a copy of a resolution recently adopted by the Republican Organization of Schaumburg Township. Their resolution identifies policies that advance traditional family values, school choice, holding fathers responsible for the support of their offspring, and welfare reform as being critical to the well-being of our Nation. I urge my colleagues to work toward these goals.

RESOLUTION OF THE REPUBLICAN ORGANIZATION OF SCHAUMBURG TOWNSHIP

Whereas the success of democracy in a rational society requires that its members have the requisite intellectual and moral virtues for ruling themselves and one another well, and

Whereas the discussion of family values is not frivolous as was portrayed by many in the 1992 presidential campaign, but rather involves an analysis of our nation's marked social regression over the last three decades, and

Whereas, there has been an enormous governmental undertaking to improve American life since 1960, manifesting as a fivefold or $600 billion increase in social spending, and

Whereas there has been a 560 percent increase in violent crime, contributing to what is the largest prison population per capita in the Western world, and

Whereas social science research has shown that a quadrupling of divorce rates and a tripling of the percentage of children living in single-parent homes is harmful to many children, and

Whereas there has been more than a 400 percent increase in illegitimate births, more than a 200 percent increase in the teen-age suicide rate, and an overall drop in student performance, and

Whereas, despite all this government effort, many modern-day social pathologies have gotten worse and seem immune to government's attempts to cure them, and

Whereas the nurturing of the appropriate ethical standards remains the most important task of enlightened statesmen and citizens, and

Whereas government does concern itself with the inner lives of its citizens through what it requires, regulates, encourages, and prohibits, and

Whereas a growing intolerance of First Amendment protected religious expression has helped to erode religion's positive influence on the development of moral character, Therefore be it

Resolved, That government should not be neutral on the family structure since when the traditional family structure breaks down, society bears huge financial costs in the form of bureaucratic programs addressing child abuse, behavior disorders, welfare, foster care, drug abuse and a rising tide of violence among youth, and Therefore be it

Resolved, That the Republican Organization of Schaumburg Township will back and hold accountable political leaders who support responsible social policies that affirm the stable family structure, such as a tough-minded criminal justice system; a reform of education and emphasizing high academic standards and school choice; child-support collection, whereby fathers would be made to take responsibility for their children; a rescinding of no-fault divorce laws for parents with children; radical reform of the welfare system, and other like policies which will not undercut our social and civic institutions—families, churches, schools, neighborhoods and civic associations.

MOORPARK CELEBRATES 10TH ANNIVERSARY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to help the people of Moorpark, CA, celebrate their 10th anniversary as a city.

During the past decade, Moorpark has gone through its share of growing pains, but it has overcome them to become a prosperous, established suburban community. In fact, the Census Bureau reports that Moorpark has the highest median household income in my congressional district.

Since 1983, the city has seen the construction of thousands of houses, new parks, a new city hall, new schools—including a new high school, new shopping centers, a new senior citizens' center, and the inauguration of commuter rail transportation to downtown Los Angeles. This year, if all goes well, the long-awaited freeway connector will open and dramatically relieve traffic congestion on city streets.

Yet despite the growth that has in many ways transformed what was a quiet, rural town, Moorpark has kept a smalltown feel that distinguishes it from many of its neighboring communities.

Although Moorpark has been incorporated for only 10 years, its roots go back a century, to when the farming community—named for a species of apricot—was the hub of the eastern part of Ventura County. Hollywood still seeks out its rustic downtown when filmmakers are looking for a smalltown look.

And I would be remiss if I didn't take a moment to recognize the civic leaders who have given so much of their time over the past decade to help shape their city—the members, past and present, of the city council, the school board, the parks and recreation commission, and the service clubs, along with the citizen volunteers who have done so much to make Moorpark a better place to live.

Mr. Speaker, this Saturday the city will mark its 10th anniversary with a commemoration ceremony at Arroyo Vista Community Park. I ask my colleagues to join me in saluting the people of Moorpark on this historic occasion, and in wishing the city well as it faces the challenges of the years to come.

COMMENDING THE INSTITUTE IN BASIC LIFE PRINCIPLES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize 501 outstanding individuals who have filled a significant role as citizen-ambassadors in developing Russian-American public relations.

The Russian Ministry of Education is now completing the first full school year of non-Communist education under the new republic, and the group of citizen-ambassadors has been commended by the Moscow Department of Education as leaders in their educational and domestic reforms. These young men and women from America along with the youth representatives from other freedom-loving nations, have sacrificed personally and with the support of their families, relatives, and churches, have traveled to Moscow, Russia, for service periods varying from 2 weeks to 8 months.

Their humanitarian work in Russia has been facilitated through official agreements and coordination by the Moscow Department of Education and has been personally commended by President and Mrs. Yeltsin. Grateful recognition has also been given by the Russian Supreme Soviet, the Russian Ministry of Education, the Russian Ministry of Interior, Moscow Mayor Yuri Luzhkov, the Moscow City Council and other official and community leaders.

In addition to developing and introducing a new character-quality school and family curriculum, these youth have taught and accomplished remodeling work in Moscow orphanages, conducted special family training seminars, provided material aid and encouragement to the elderly, and performed other activities that have established good will between members of the general population and also government officials in Moscow and the people of America. These youth have also provided the example of character and responsibility which are necessary foundations for lasting freedom, and in many cases family qualities have been exemplified through parents and brother-sister teams traveling to Moscow together.

In addition to those who have been directly involved in this opportunity, the work of these young people has been praised before millions of viewers on Russian television, and over American radio and news media, thus greatly broadening the scope of this program's significance.

This kind of direct people-to-people good will is a vital ingredient for successful diplomatic relations between countries. Therefore, I ask my colleagues to join me in commending this group for their service to our Nation and to the people of the Republic of Russia.

TRIBUTE TO MR. AND MRS. JEFFIE HAYES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. TOWNS. Mr. Speaker, today I rise in tribute to two wonderful people, Mr. and Mrs. Jeffie Hayes. Mr. and Mrs. Hayes are celebrating 50 years of dedicated and devoted love. Since 1935, Jeffie Hayes, the son of Emma Lee and Plumer Hayes, and Leslie Harry, the daughter of Lucy and Will Harry, have been sweethearts. It was on Friday, June 8, 1943, that the two were joined in holy matrimony by the justice of the peace in their hometown of Mendehall, MS.

In 1944, shortly after Jeffie Hayes received an honorable discharge from the U.S. armed services, he moved his bride to the greatest borough in New York City—Brooklyn. The Hayes have resided in four different locations, all of which have been located in the Bedford-Stuyvesant section of Brooklyn: 29 MacDonough Street; 156 Pacific Street; 746 Macon Street; and their present address, 513 MacDonough Street.

Mr. and Mrs. Hayes have given 45 years of outstanding community service, working as officers of the 500 MacDonough Street Block Association, serving senior citizens through the 81st precinct, supporting community petitions of many politicians and local leaders, and serving on the Model Block Program. They are members of Mt. Lebanon Baptist Church and the Community Roundtable of Bushwick for Senior Citizens. Mr. Hayes is also an active member of the Unity Democratic Club.

When asked what they most remembered about the "good ole days," Mr. and Mrs. Hayes recalled a chair which was the first piece of furniture they purchased together from the Iris Furniture Store, formerly located on Fulton Street. This chair still sits today in their front room parlor. They have both commented that their love is the same today as it was 50 years ago. Mrs. Hayes says that her husband is wonderful, and Mr. Hayes says that his wife is beautiful.

Mr. and Mrs. Hayes thank God for their marriage and for giving them 50 years of dedicated and devoted love. They plan to renew their vows on July 16, 1993.

CONGRATULATIONS TO THE HERRIN LADY TIGERS SOFTBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. POSHARD. Mr. Speaker, I rise to salute the achievements of the Herrin High School girls softball team.

Herrin, IL, is a town in my district which has a longstanding tradition of producing outstanding softball teams, and this year is no exception. This year the Lady Tigers made it all the way to the final game of the Illinois Class AA

softball tournament, falling short by one run of winning a State title.

The Lady Tigers went through the season with a record of 28–3, capturing their 13th south seven conference softball title and their 14th regional softball title.

The Lady Tigers do more than just win ballgames—they also demonstrate the team spirit and sportsmanship which are an important part of the softball legacy of Herrin High School. As a former teacher and coach, I have always encouraged young people to participate in athletics because of the valuable lessons they learn through winning and losing. It is easy to see that the young people who have been involved in Herrin softball have taken those lessons to heart and have achieved great things both on and off the field.

I am honored to represent the city of Herrin, its fine citizens, and its legendary softball program in the U.S. House of Representatives.

I would like to enter into the CONGRESSIONAL RECORD the names of the students and adults who have worked so hard for this success so they may receive the recognition they deserve.

Nicole Murray, Robyn Houghlan, Jamie Shuttek, April Long, Marty Calcaterra, Maggie Calcaterra, Shelley Davis, Kimmy McNeal, Linda Capogreco, Kelly McCree, Melissa Brown, Yvonna Jones, Shandra Miller; Bruce Jilek, head coach; Byron Kuehne, assistant coach.

THE HOLLOW PROMISE OF DEFICIT REDUCTION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. HERGER. Mr. Speaker, it is a pleasure to bring to the attention of my colleagues a recent editorial from the Chico Enterprise-Record. This impressive column explains why the Clinton tax plan will fail to cut the deficit. The promise of deficit reduction made by the President and his congressional allies rings as hollow as the promises made about a similar plan in 1990, which I voted against.

I encourage my colleagues to read this insightful discussion:

DEFICIT REDUCTION TRICKERY

In 1990, a Democratic Congress slapped the American people with what was then the highest tax hike in history, including a nickel-a-gallon boost in the federal gas tax and in increase in the top individual income tax rate, from 28 percent to 31 percent.

Lawmakers said the new taxes would be coupled with spending cuts, which would result in $492 billion in deficit reduction over five years. The taxes took effect, the cuts didn't, and since 1990 the annual deficit actually has grown by $90 billion.

Now the Senate is doing the deficit dance again, but this time with a Democrat as a partner in the White House, Democratic senators are promising more than $500 billion in deficit reduction over the five years, $263 billion of which is to come from new taxes and $261 billion in alleged spending cuts to be made later by Congress.

Once again, American motorists will be hit with a higher fuel tax (4.3 cents a gallon). Once again, the top individual income tax rate will be jacked up from 31 percent to 36 percent. And once again, the much belaguered taxpayers can expect the higher taxes to take effect, the promised spending cuts never to materialize, and the deficit to go higher rather than lower.

In a commencement speech at Boston's Northeastern University, President Clinton promised the American people "brutal honesty' as he tackles the nation's economic woes. But it is the president himself who could use a dose of brutal honesty.

In his heart of hearts, he must know that the Senate Democrats' budget plan will not really produce $500 billion in deficit reduction (remember 1990). He must realize that the $261 billion in new taxes the Senate stands ready to impose on American businesses and workers threatens to choke the budding economic recovery and kill job creation.

The Senate's $24 billion fuel tax, for instance, is inflationary because it would raise the prices of all goods shipped to the market. It also would cause significant job losses, according to the Congressional Research Service. The job losses and other wage reductions would mean that the federal treasury will net only 75 cents of revenue for every dollar the tax is projected to raise.

Similarly, the Senate's new 10 percent surtax on capital gains would reap far lower revenues than the lawmakers project. Back in 1986, Congress raised the capital gains tax from 20 percent to 28 percent, expecting a $268 billion windfall by 1991. So how much did this new tax actually raise? Only $108 billion.

As to spending cuts that's where the Senate Democrats get really creative. The only real cuts are in defense spending—$74 billion worth over five years. The rest of the so-called cuts are dubious.

For instance, the Senate bill assumes $60 billion in lower interest payments on the federal debt and calls that a spending cut. It also considers as a spending cut, rather than as a tax increase, $15.5 billion in higher user fees. Perhaps the most dishonest accounting gimmickry employed by the Senate Democrats is claiming $44 billion in spending cuts that actually were enacted in 1990.

The Senate Democrats' 1993 deficit reduction bill is as much a fraud as the vaunted deficit reduction package of 1990.

OPENING HEALTH CARE REFORM DOORS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. CRANE. Mr. Speaker, although health reform has been the subject of considerable debate in the 103d Congress, President Clinton has delayed the release of his reform proposals several times since he came to office. Speculation on the Clinton plan has centered around a managed competition form of health care that the Director of the Congressional Budget Office, Robert Reischauer, has said will end up costing taxpayers $33 billion in 1994. I firmly believe that other options to our health care problems must be explored. In his article, "Opening Health Care Reform Doors," Cal Thomas discusses eliminating third-party health insurance and replacing it with medical IRA's. I submit Mr. Thomas' article, which appeared in the March 12, 1993, issue of the Indianapolis Star, to my colleagues' attention and urge them to read and consider its conclusions.

OPENING HEALTH CARE REFORM DOORS

(By Cal Thomas)

The director of the Congressional Budget Office, Robert Reischauer, may have pierced the darkness enveloping Hillary Rodham Clinton's secret meetings on health care reform even before a federal judge Wednesday barred further meetings until they abide by federal open meeting laws.

Testifying before a House subcommittee prior to the no-secrecy court ruling, Reischauer said any effort to bring health care costs under control will mean reduced medical services for all.

Reischauer said managed care, an overhaul in malpractice litigation and cutting red tape will result in only modest savings. He said that covering the estimated 35 million uninsured will cost $33 billion in 1994 alone. "Someone will have to pay these additional costs," he said. We know who that will be.

"If the savings from health care reform are used first to cover the uninsured," said Reischauer, "and then to reduce the high costs of private payers, not much will be left to reduce the costs of the federal programs."

With so much at stake, it was outrageous that Mrs. Clinton had barred the door to the public while she plotted in secret with her radical activist "friends," whose names and qualifications are secret.

(In the decision on Wednesday, which came in response to a suit by two health care associations and a public interest group, U.S. District Court Judge Royce C. Lamberth said the veil the White House has placed around the task force violates the 1972 Federal Advisory Committee Act.)

PLAN IS SOCIALIZED MEDICINE

There could be only one reason for the attempted secrecy. The plan is socialized medicine, and as much effort is going into strategies to mask that fact and to sell it as something else as into reforming the health care system itself.

If government manages health care, it will no longer be the best.

Consider the Canadian health system, which many point to as a model America should follow. Socialized medicine in Canada has brought waiting lists for some surgical procedures. Many Canadian patients come to the United States for what they believe is better and more accessible health care.

Twenty-seven years after universal health insurance was adopted, Canada is now feeling the pinch. Canada uses tax money to pay most medical bills. It also regulates hospital budgets and doctors' fees. Yet, medical costs are rising rapidly, and for the first time patients are being required to pay extra for common medical services.

A New York Times story catalogues the decline in Canada's health care dream. Despite efforts to control costs, revenues in the public sector are not increasing fast enough. While the government once paid half the cost of the health system, it now pays only 30 percent. The provinces have been forced into ever larger deficits to finance health care, which now consumes about one-third of total spending.

Would you like to be told by the government which doctor you may see? Would a surgeon who receives controlled fees have the incentive to increase his knowledge and improve his skills?

So how do we control medical costs without sacrificing quality care? The answer may

lie in eliminating or drastically limiting dependence on third-party health insurance, which is insurance provided by the government, an employer or an insurance company. Most payments to hospitals and doctors involve other people's money. Workers think this is a "benefit" from their employer, but it results in lower wages to the employee.

HOW ABOUT MEDICAL IRA'S?

Instead of third-party insurance, how about trying medical IRAs? Employers now pay, on average, $3,605 annually per worker for employee health plans, not counting employee contributions, according to the Employee benefits Research Institute in Washington. If the employer put $3,000 annually into an employee medical IRA, which the employee would use to pay the first $3,000 of his medical costs, and bought a health insurance policy with the rest, perhaps adding some money to the pot so that all medical expenses above $3,000 would be covered, perhaps the problem could be solved.

The employee would get to keep in the IRA any unspent portion of the $3,000 in a calendar year. As long as it is spent on medical care, including dental care and eye wear, the money remains tax-free.

Because most people spend less than $3,000 annually on health care and because the medical IRA carries a built-in incentive to spend only when necessary, such a plan could control costs. A medical IRA would also follow an employee to a new job or stay with him if he lost his job.

We haven't been able to tell if anything like this is being discussed because of the closed doors. Now open those doors and let the sun shine in, as the judge has ordered. It is our health and our money, and we have a right to know what Mrs. Clinton and her "friends" are doing.

STUDENT DELEGATION TRAVELS TO TAIWAN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, in accordance with the spirit of the Taiwan Relations Act passed by Congress in 1979, a delegation of 163 young people and parents traveled from America to the Taiwan Republic of China Capital of Taipei for a series of high-level conferences and school visits.

Among the official meetings conducted by the Taiwan Government for these American citizen-ambassadors was a meeting with President Lee Teng-hui in his Presidential offices. In addition to conveying his appreciation for the example of these youth among the Chinese schoolchildren and families, the President expressed his own desire for personal counsel in applying character and Biblical principles to his leadership. A channel was opened by him for direct, daily contact for this input to be given.

Other government meetings and briefings of significance included a historic conference with the Republic of China Ministry of Education, meetings with the Republic of China Ministry of Foreign Affairs, and the Taipei City Bureau of Education.

The Taipei Education Bureau also hosted an official full-day training seminar for 1,000 of their principals and educators to attend and learn from the American youth and teachers how to implement principles and concepts of successfully dealing with teenage conflicts and juvenile delinquency problems.

In addition to these official meetings, teams of young people gave training and had personal interaction with literally tens of thousands of Taiwanese children, representing 1 percent of the population of Taiwan, through daily school and university visits and a city-wide youth rally.

An all-day training seminar was also provided for over 1,000 pastors, and the group was further invited to present a week-long seminar on character and basic life principles for an unprecedented audience of over 3,000 from the general public of Taiwan.

It is amazing to consider that within the 7-day period of May 23–29, 1993, at least 25,000 Taiwanese, including the President of the nation, national and city government officials, and also school teachers, pastors, families, and children were met by the delegation.

The delegation also spent a week in Singapore to meet with the Senior Minister of State Education and to respond to similar training requests as Taiwan for Singapore leaders and families. Hundreds of parents, youth, business executives, and national leaders also traveled from seven other Asian countries to meet with the group as they were in Singapore.

I hope my colleagues will join me in commending the 163 individuals who presented a most exemplary representation of American ideals to literally tens of thousands of others from throughout Asia.

TRIBUTE TO LUCILLE M. HENNIGE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SHUSTER. Mr. Speaker, I rise today to bring the attention of my colleagues to a member of my staff who is retiring after 28 years of service to the House of Representatives. However, as happy as I am to do this, I feel a touch of sadness at losing a valued member of my staff and a good friend.

It was almost 15 years ago today that Lucille M. Hennige joined my staff. Right from the beginnings she had a sense of professionalism and compassion that is too often missing in Government service. At first, I attributed her wonderful touch to her years of experience in other Hill offices, but I soon learned that the way she cared for people was something from deep within.

As much as I and my staff will miss Lucey, I know that the people who will miss her most are the citizens of Pennsylvania's Ninth Congressional District. Throughout her years as a case worker, Lucey solved uncountable problems for constituents of every age. From getting veterans their correct benefits to making bureaucrats of the Federal Government treat people with respect, she has made a difference in thousands of lives by caring and never taking "no" for an answer.

As I think back on the past 15 years, many moments come to mind. The times that Lucey had to convince the Social Security Administration that certain senior citizens were indeed alive and still entitled to benefits is just one example. I'm also certain that she is responsible for several marriages by getting the fiancee of U.S. citizens the entry visas necessary for marriage.

When I think of Lucey it's not only her excellent career that comes to mind, but another aspect of her life that I feel warrants special merit. When Lucey was only 12 years old, she received a pair of shoe roller skates designed for indoor rink skating. Endless practice coupled with natural talent led Lucey to membership in the Roller Skating Rink Operators Association of the United States and to a long series of Virginia State, regional and national competitions.

Lucey captured the Virginia State Title as novice ladies free style in 1945 and 1946; and won the Virginia State Intermediate Ladies Championship in 1947. Ultimately in July of 1947, Lucey and members of her pairs team spinned, jumped, and used fancy foot work to Gershwin's "Rhapsody in Blue" to capture the U.S. Championship in Oakland, CA.

It's been a wonderful 15 years and my only regret is that she will not be with me for 15 more. Someone once said that the true measure of a person's life is how much good they do for other people. I like that standard and know that in the case of Lucille M. Hennige, her life will measure as a successful and fulfilling one. She is herself an inspiration. I know that in her retirement, her outlook will only continue to brighten the lives of others.

Lucey, I thank for your dedication and service and want you to know that your coworkers, the people of the ninth district and I will miss you. We wish you much happiness in your retirement and know that you will enjoy seeing more of your two children and three grandchildren. Enjoy your new house, go to the beach often, and remember to come back and visit us.

JUNE IS TURKEY LOVERS' MONTH—MINNESOTA

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. PETERSON of Minnesota. Mr. Speaker, for the last 50 years, Minnesota has been one of the turkey industry's undisputed trailblazers in production, innovation, and technology. And, as the American turkey industry has grown and changed over the last half-century, one thing has remained the same: Minnesota's leadership in turkey production.

That's why I'm proud to congratulate the Minnesota Turkey Grower's Association and the National Turkey Federation on another successful "June is Turkey Lovers' Month" campaign.

The latest USDA figures tell the story of Minnesota's contributions to the turkey industry. Last year alone, Minnesota growers raised more than 44 million turkeys, making our State

the second-largest turkey producer in the Nation. Our production represents over 15 percent of the U.S. total.

I have seen first-hand the growth created by Minnesota's turkey industry, since many of the turkeys are produced right in my district. Statewide, the industry employs more than 50,000 people—and production generates about $300 million in annual gross value for more than 500 farms.

Minnesota's position in the modern turkey industry is the result of tremendous work and dedication. It is no coincidence that more Minnesota turkey growers have served as president of the National Turkey Federation than representatives from any other State. Just consider this honor roll:

John Wickliffe, 1989; Vance Larson, 1986; John Holden, 1985; Glen Harder, 1977; Lloyd Peterson, 1970; Glen Thurnbeck, 1960; and Graydon McCulley, 1949. Frank Gessell, another Minnesotan, today serves on the National Turkey Federation executive committee.

With turkey consumption rising rapidly across the Nation, I know the turkey industry will thrive for years to come. I am equally confident that you will see many, many Minnesotans playing a key role in that success story.

INTRODUCTION OF LEGISLATION REGARDING MANDATORY RETIREMENT AGES

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. MURPHY. Mr. Speaker, in 1986, Congress debated and passed an amendment to the Age Discrimination in Employment Act of 1967 [ADEA] which bars most employers from setting mandatory retirement ages. During that debate, I successfully offered an amendment which created a 7-year exemption for State and local governments allowing them to set mandatory retirement ages for firefighters and law enforcement officers. The vote was 394–0. This exemption is set to expire on December 31, 1993. Today, I am introducing legislation that would make this exemption permanent.

Throughout my years of public service, I have championed the rights of America's older citizens. I have always believed that there are many people of advanced age who have the capacity and the ability to continue working. Many of us in Congress watched with great admiration the work and dedication of the late Congressman Claude Pepper. The fact that mandatory retirement ages no longer exist in most professions, stands as a testament to the dogged determination of that remarkable man.

Unfortunately, while there are numerous positions that senior citizens can hold well past the age of 65, I submit that fire fighting and police work do not count among them. I firmly believe that we should not confuse our belief of what is advantageous for the public sector employee with what is reasonable and secure for the public-safety employee and the community. No one can honestly say that the public would be adequately protected by 87-year-old police officers chasing drug smugglers down the street or fighting in pitched battles with dangerous, well-armed criminals. Also, picture the fireman who is there on the line of duty in his thirties, or forties, or fifties, who has to serve alongside a person who is in his eighties, who cannot be removed from the front lines.

Making this exemption permanent allows State and local governments to use their own discretion in establishing proper retirement ages for public safety officers. I do not believe that Congress should impose its judgment in place of theirs. I believe that the right course is to allow the local councilman and State legislator to determine whether or not State troopers should be serving at 72 or 82 years of age. This was the original intent of the law, and this judgment is still correct.

Upon introduction of this bill, I want to thank my 84 colleagues who have agreed to serve with me as original cosponsors of this important piece of legislation.

BEWARE THE IMMOVABLE OBJECT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. KOLBE. Mr. Speaker, I want to share with my colleagues an outstanding success story about jobs. The Industry Education Council of California is a 30-year-old nonprofit civic organization. Recently, it proposed an innovative plan to build an effective bridge between disadvantaged or displaced citizens and local employment, career, and training opportunities.

Kathy Masera, publisher of the California Job Journal, is the primary author of this plan. The simple, but effective, idea of the program is to match the thousands of hidden or unadvertised jobs with potential workers in the inner city. Kathy and her colleagues in this exciting pilot program are to be commended for their hard work and vision which might ease unemployment in the Los Angeles area.

But the story is not one of easy success. Kathy and her crew ran into a Kafkaesque-like wall of bureaucracy as they tried to implement the plan. Their story, recently highlighted in the June 28, 1993 edition of US News and World Report is a reminder of how Government can stand in the way of good programs which try to help people.

I urge my colleagues to read the article that follows:

If you think it will be easy to reinvent government, as President Clinton proposes, just ask Kathy Masera. A California businesswoman, she also directs a project born after the Los Angeles riots to help find jobs for L.A.'s minorities, poor and unemployed. Hers is a tale of how new ways to aid the jobless can get lost in a Bermuda Triangle of bureaucratic indifference. And it suggests that although Clinton speaks of "putting people first," lots of folks in Washington haven't quite gotten the message.

Masera's project is the brainchild of the Industry Education Council of California, a nonprofit group of business, government, labor and education leaders aiming to improve the quality of the state's work force. Searching for ways to address the causes and consequences of the May 1992 riots, the group conjured up a novel idea. One curiosity of labor markets is that employers often have thousands of unfilled jobs that, for various reasons, they don't advertise. What if information about this hidden job market could be made available to unemployed residents of the areas hardest hit by the riots? The council recruited Masera, publisher of the Sacramento-based California Job Journal, to run the project. It seemed a perfect fit: Masera's for-profit journal reports on the hidden job market in Northern California; now, on a volunteer basis, she would help develop a similar nonprofit publication for Los Angeles County, where unemployment currently hovers at about 10 percent.

Masera eventually put together a broad plan for a publication listing about 700 jobs each week that would be distributed for free in riot-torn areas like South Central and Koreatown. Job fairs and training sessions would be held for interested applicants; meanwhile, roughly 40 Los Angeles radio and television stations agreed to tout the journal gratis and even to carry on-air "résumés" of people looking for work. Masera added up the cost—$2.6 million a year—and then went looking for money.

"Not invented here." Her first stop, in September 1992, was George Bush's Labor Department, which was mildly interested but suggested that she approach the state first. But California's Employment Development Department turned her down, arguing that the project would overlap with existing state efforts for the unemployed. Masera returned to Washington, this time to Clinton's Labor Department, where she ran foursquare into the familiar "Not

Frustrated, Masera rallied support on Capitol Hill, where 28 congressmen wrote Labor Secretary Robert Reich on the program's behalf. One congressman's aide had a brainstorm: Since the project would also help workers laid off by the area's many shrinking defense contractors, why not pay for it out of a government program to help people hurt by defense cuts? Labor staffers rejected that approach as well, arguing that department regulations forbade using such funds to help anybody other than those jobless because of defense cuts. "You mean that rather than running the risk that you'd help more than just unemployed defense workers, you'd help nobody?" asked the incredulous Hill staffer in a recent meeting. Yes, came Labor's reply.

So many backers in Congress are steamed up at the runaround that they've vowed to ensure Masera's project is funded, even if they have to write a special appropriation into law. "The bureaucracy has been trained to say no from the very beginning," complains Rep. Matthew Martinez, a California Democrat who met with Reich on the program. So it will eventually get going—about a year, and some 40,000 unfilled jobs, later than expected.

But there's a larger issue here. In an economy racked by structural changes—global competition among them—the government clearly has to do more to help the jobless find work. Existing federal programs won't do the job; the roughly 1,700 federally funded Employment Service offices, for example, manage to find positions for only about 1 in 6 of those who apply for them. But as Clinton recently told the Washington press corps, changing government takes time because it's really all about changing people. The most important change is this: Government has to

do what works—not just what works for government. And one good way to start would be for Clinton to pick up the phone, call Kathy Masera and tell her the check is in the mail.

INTRODUCING THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT OF 1993

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. GLICKMAN. Mr. Speaker, America's financial markets have become the first choice of investors and traders around the globe. Innovation here has set the pace and is the example for the rest of the world's markets, with one glaring omission. Today's 21st century markets are regulated by a system designed in the 19th century. If the U.S. intends to maintain its lead, it is time for the Government to catch up. The legislation I am introducing, along with my colleague Mr. WYDEN, will do that.

This bill, the Markets and Trading Reorganization and Reform Act, will consolidate the Federal Government's financial markets regulatory system into one independent commission and establish a new body to oversee related institutions and markets. The current, outdated bifurcated structure will be replaced with a single entity responsible for overseeing futures, securities, and derivative markets.

The new body, the Markets and Trading Commission, will replace both the Commodity Futures Trading Commission and the Securities and Exchange Commission. It will take over all of their functions and authorities. The legislation will also create the Federal Financial Markets Coordinating Council to coordinate policy with respect to all markets and institutions.

With enactment of the Futures Trading Practices Act of 1992, Congress made major progress in addressing one of the most important issues in the financial community, oversight of the growing market for off-exchange instruments: Swaps, derivatives, and other hybrids. As significant as this step was, that legislation did not complete the longer journey of overhauling and modernizing the Nation's entire financial markets regulatory system.

Ten years earlier, in the 1982 CFTC legislation, Congress directed the CFTC, SEC, and Federal Reserve System to conduct a special study of the futures markets. One of its most important conclusions was that for the most part, investors and traders in securities and futures markets are one and the same, not surprisingly since today's trading strategies depend on both markets. Over time, especially with new technology, markets have become inextricably linked. Consequently, the fastest growing part of the market is trading in instruments bridging traditional securities and futures, swaps and other derivative instruments.

But the regulatory system has not evolved. It is duplicative; it requires traders who are active in both securities and futures to answer to two Federal regulators, incurring twice as many costs. If for no other reason, it is time to reorganize the system to ease the bureaucratic burden on the traders and lessen the Government imposed costs they must bear.

Having two regulators has not made the markets twice as secure nor half as susceptible to failure. The more important reason for this legislation is to remedy those fundamental flaws in today's system. The driving idea of the bill is ensuring greater coordination among regulators and removing institutional barriers preventing effective and efficient regulation of these related markets.

Important strides have been taken in recent years, such as developing cross-market measures following the market crash of October, 1989. Still, the remaining obstacles to broad ranging, interdependent oversight and regulation will not fall until all regulatory functions are consolidated under one roof.

With computer trading strategies, billions of dollars are switched between markets in no longer than it takes for a trader to bark an order into a telephone or type a few keystrokes. This presents an ominous threat: A problem in one market can snowball, cascading across markets just as quickly. To ensure that U.S. markets retain the highest possible level of investor confidence, government must have the ability to react to trouble spots in the same comprehensive, instantaneous manner.

I am convinced if we were to start anew, none of us would propose creating the kind of system we have today. We would not propose pencil and paper record keeping for a computer driven system. We would not restrict its vision; we would make sure it a clear view of the entire playing field. In short, we would pattern it after the way the markets really work. We might also take lessons from the way other governments regulate their markets. Unfortunately, the U.S. retains the dubious distinction of being one of a few countries with a separate regulatory structure for its stock markets and a separate one for its futures markets.

Under the 1992 CFTC reauthorization bill, the Commission is undertaking a new study about these markets, this time to examine derivatives and swaps within the context of creating a single regulatory structure. The study is due later this year, as Congress takes up new legislation extending the life of the CFTC. I hope this bill, whose main provisions are outlined in the following summary, will complement that report, serving as the pattern for much needed and long overdue reform.

SUMMARY OF THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT OF 1993

The Markets and Trading Reorganization and Reform Act of 1993 consolidates the federal oversight of futures, securities, and related markets into one independent regulatory commission, the Markets and Trading Commission. The three main provisions of the legislation are:

1. Establishing of the Markets and Trading Commission.
2. Creation of the Federal Financial Markets Coordinating Council.
3. Provision of a transition period to the new regulatory system.

I. MARKETS AND TRADING COMMISSION

The legislation established the Markets and Trading Commission, an independent regulatory commission, and transfers to it all of the functions and authorizes of, one, the Commodity Futures Trading Commission; two, the Securities and Exchange Commission; and three, the authority of the Board of Governors of the Federal Reserve System to set margin on securities. The Commission is authority to set margin on futures and options.

Five commissioners all of whom must have a demonstrated knowledge of the markets regulated by the Commission and appointed by the President and subject to confirmation by the Senate will compose the Commission. No more than three may be of the same political party.

The legislation stipulates that in organizing itself, the Commission must have an Office of General Counsel, headed by a General Counsel appointed by the President and confirmed by the Senate. The Commission must establish one division responsible for markets in physical commodities, such as agricultural commodities.

II. FEDERAL FINANCIAL MARKETS COORDINATING COUNCIL

The legislation establishes the Federal Financial Markets Coordinating Council to coordinate regulatory policy relating to all financial institutions and markets composed of representatives of the following offices: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Department of the Treasury, Markets and Trading Commission, National Credit Union Administration, Office of Thrift Supervision, and Federal Deposit Insurance Corporation.

The Council must establish an advisory committee composed of five representatives of the futures, commodities, options, and securities exchanges and the banking industry and provide regular reports to Congress on its activities, the first of which must include recommendations for legislation to improve the federal regulation of financial markets and institutions generally.

III. TRANSITION PERIOD

The legislation provides a two-year transition period for the establishment of the Commission and becomes effective no sooner than October 1, 1995. For the transfer and consolidation of CFTC and SEC functions, personnel, and facilities into the new entity, the legislation authorizes $10 million for two fiscal years following the effective date.

The bill also contains several miscellaneous administrative provisions relating to the establishment of the Commission, in personnel, facilities, and general operating authorities and procedures.

BUILDER OFFERS $15,000 TO CUT DEFICIT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. CARDIN. Mr. Speaker, I would like to call attention to the efforts of one of my constituents, Frank J. Scott.

Over the past dozen years, the Federal budget deficit has risen steadily from under $100 billion, to $200 billion in the mideighties, to over $300 billion by the end of the eighties. If we just keep talking about the deficit and do nothing, the deficit in fiscal year 1994 will be $300 billion.

Mr. Scott, a homebuilder from Anne Arundel County, MD, is doing his part to help eliminate the deficit. He has agreed to donate $50 for each luxury condominium he sells in a 300-unit complex. Through his contribution, Mr. Scott hopes to persuade others in the home

building industry to emulate his action and help the country in its time of need.

I have attached a June 18, 1993, article from my hometown newspaper, the Baltimore Sun, which explains in further detail Mr. Scott's efforts on behalf of the deficit. I applaud Mr. Scott's actions and encourage other Americans to follow his example.

The article follows:

BUILDER OFFERS $15,000 TO CUT DEFICIT

(By Lorraine Mirabella)

Frank J. Scott concedes that some of his friends and business colleagues might think he lost his head when they hear he plans to send $15,000 to the White House.

But he hopes they'll follow his example.

Think of your children and their children, he urges them. Think of the national debt.

The Anne Arundel County homebuilder says he's doing his part to help cut the $360 billion deficit by contributing $50 from the sale of each luxury condo at the 300-unit Village of Crystal Springs at Cromwell Fountain in Glen Burnie.

Buy a condo, save America?

"This is not an advertising gimmick," the 56-year-old insists. "Nor is $15,000 going to wipe out the deficit. It's sort of a cry for help."

Mr. Scott sounds a bit like Ross Perot on the stump when he attacks Washington gridlock.

The founder of Scott Family Homes, who has five children and five grandchildren, speaks of reviving the American Dream. A ninth-grade dropout, he rose from stake driver on a construction crew to president of a company whose communities dot the county.

The federal government's drowning in red ink. And no one in Washington's minding the store.

"But we can whip this thing," he says. "Be part of the solution, not part of the problem."

If other builders and business owners would just follow his lead, he says; if citizens without the means would just pressure their representatives for deficit-reduction measures such as an energy tax; if everybody would just band together, stop talking and start doing, there'd be no end to the possibilities.

Is he onto something? Will he inspire his colleagues to follow?

"They'll either say, 'Frank's crazy, throwing his money down the drain,' or it will stimulate thinking," he says. "It may cause them to say, 'Gee, if Frank is doing this, maybe it's something we should think about."

"This is the biggest plague we have," he says of the deficit. "It's robbing us of so much in so many ways. "We're mortgaging our children's and grandchildren's future; there's no question about it. If we all sit and complain and don't do anything about it, we deserve what we get."

For starters, with this weekend's opening of the third section of Cromwell Fountain—eventually a 996-unit community of one- and two-bedroom condos—Mr. Scott has drawn a check for $5,000. It represents his first 100 sales. Fourteen prospective buyers have signed contracts.

And backing up his belief that government should govern and the private sector should furnish services, Mr. Scott also has pledged $25 per condo, with an initial $2,500 donation, to Arundel Community Development Services Inc. The private agency raises money for housing for low- and moderate-income residents.

Mr. Scott gave the housing agency its check yesterday. And he says he'll send the other one along as soon as someone from the White House can tell him to whom he should make it out and where, exactly, he should send it.

The White House press secretary, Dee Dee Myers, has assured Mr. Scott's staff she'll get back to them.

Mr. Scott says he never really expects to know for sure whether his money gets earmarked for the deficit.

"It's a leap of faith," he says. "What has this nation been built on?"

TERRORISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to recent remarks by our colleague, the gentleman from New York [Mr. BEN GILMAN] before the European Parliament/U.S. Congress 41st meeting in San Francisco regarding terrorism.

In his remarks, Representative GILMAN succinctly outlines the nature of the threat facing both our Nation, and our European allies, and notes that this threat is growing, and must not be ignored. Rather, he recommends that through enhanced cooperation among governments, we can and should earnestly fight this criminal scourge on all of our societies.

I have worked closely with the gentleman from New York on this issue, including the introduction of my legislation, H.R. 1241, the Domestic Anti-terrorism Reward Act. A measure to increase the reward for information on domestic terrorism from $500,000 to $2 million.

Furthermore Representative GILMAN has introduced the Antiterrorism Act, of which I am an original cosponsor, and which imposes a full embargo on imports from nations which continue to support international terrorism, addresses the threat of nuclear terrorism, and creates a government-business antiterrorism council to seek out additional measures which our Government and businesses can take to counter terrorist activities. Last, the bill calls for the death penalty for terrorists who murder Americans, whether at home or abroad.

I am inserting the full text Representative GILMAN's remarks along with the text of a recent Wall Street Journal article on terrorism by Steven Emerson dated June 25, 1993, and a July 5, 1993 Newsweek article in support of the Gilman legislation.

STATEMENT OF CONGRESSMAN BENJAMIN A. GILMAN AT THE MEETING OF THE EUROPEAN PARLIAMENT ON INTERNATIONAL TERRORISM, SAN FRANCISCO, CA, JUNE 26, 1993

Chairman Donnelly, Chairman Lantos, my colleagues: It is a privilege to speak to you regarding a mutually important issue to the European Community (EC) and to the U.S. international terrorism. Most recently in the United States, we have felt the sting of terrorism with the New York World Trade Center bombing. This terrible, premeditated attack cost the lives of six Americans, one of which was a constituent of mine. In addition, it resulted in more than 1,000 injuries and more than $600 million in property damage and business disruption. Fortunately, based upon excellent police work, most of the suspects were swiftly captured, charged, and are now awaiting trial.

The threat of state-sponsored terrorism is still serious. We recognize that the threat of terrorism is well-known on your continent. America received a wake up call this year with the events at the New York World Trade Tower, the arrest by the FBI of several Abu Nidal terrorists in St. Louis who were intent on attacking the Israeli Embassy in Washington, D.C., the killing of two CIA employees outside CIA headquarters, and the reported Iraqi-sponsored and planned attack on former President George Bush. In addition, on Thursday of this week, the FBI in New York arrested several terrorists as they were mixing the chemicals for bombs intended for the United Nations complex, several federal office buildings, and the tunnels leading in and out of New York. The specific individuals targeted by the terrorists included a U.S. Senator and the Secretary General of the U.N.

Unfortunately, some within our own government didn't get the message from that billowing dark smoke of the New York Trade Center bombing, and these other recent events, and are still intent on downgrading the focus on international terrorism.

Last week, through a Floor amendment to our State Department authorization bill, I was successful in mandating that the State Department keep the high level—and very visible—the Office of the Coordinator of Counterterrorism. The Department sought to downgrade that office by merging it into a new international narcotics control and crime bureau. The message that combatting terrorism must be a top priority of any government has not been an easy sell. It often takes a major jolt, such as the World Trade Center bombing, to force us to keep our guard up.

Fortunately, we were able to favorably present this important antiterrorism message to the whole House of Representatives, and this action will help us ensure continued emphasis by the U.S. Government on ending worldwide terrorism.

Additionally, earlier this year, I introduced the Antiterrorism Act of 1993. That measure includes a provision which will impose a full embargo on imports from nations which continue to support international terrorism. Without the support of the Soviet Union, several of these states are increasingly dependent upon the United States and the nations of the European Community. Accordingly, I urge our European colleagues to join the United States in imposing an embargo on these states, and sending a strong message that support for international terrorism is no longer acceptable.

There are currently six countries on the U.S. list of countries which support international terrorism: Libya, Syria, Iran, Cuba, North Korea, and Iraq.

All of our governments must work together to battle against this scourge of international terrorism. This very real danger threatens world order, and in some instances, the very stability of our democratic institutions. Prevention, based upon information sharing and mutually beneficial cooperation among the nations of the world, is the obvious first preference. This must then be followed by swift, sure, and severe punishment when terrorists are identified.

The challenges in the fight against terrorism are particularly great for the democracies and free governments around the globe. Freedom to travel, to engage in open commerce, to associate with whomever you

choose, and free speech are often used by terrorists to maximize their advantage against these free societies. Your challenge in the EC will be even greater now as European borders continue to open, as business and commerce flow more freely, and as those who mean harm can more easily move about and acquire the means, tools, and materials of international terrorism. We will all have to work harder and more cooperatively against this scourge as freedom prospers in today's post-Cold War world.

The recent Basque separatist attacks in Madrid, and the deplorable Kurdish militants' coordinated terrorist attacks across Europe against Turkish government facilities and diplomats, makes it clear that we all need to stand ready to cooperatively share information and support mutual efforts to thwart the evil of international terrorism, no matter where or why it raises its ugly head.

We must not surrender to terrorists one inch of ground or one ounce of outward fear and intimidation. If we do, they—the terrorists—will have our people and our institutions at their mercy and in their grasp, which no one dares envision. Our Members of Congress stand ready to work with our European allies. We must provide the leadership and tools that our governments need to counter terrorism. We must make certain that fear and intimidation do not dictate how free peoples and institutions function.

America has been particularly fortunate in the last few years, experiencing few terrorist incidents on our own soil. Many experts attribute our success at home to the high priority and vigilance that the U.S. Government, particularly the FBI, has given counterterrorism here in the U.S. The arrests in New York of several terrorists by the FBI this past Thursday before the U.N. and other targets could be hit, is proof positive of the validity of this high priority and vigilance approach.

We recognize that your security forces are as equally dedicated and effective in this difficult and challenging task of combatting terrorism. With even greater cooperation and intelligence sharing between our governments, our security agencies, and law enforcement entities, we will be able to deny terrorists the fear and intimidation they seek to gain over our institutions, our people, and our very freedoms.

Let us direct our mutual efforts to strengthening the rule of law and to apply the law to terrorists. Let us be diligent in identifying, tracking, apprehending, prosecuting, and stringently punishing terrorists for their crimes.

THE GREAT SATAN WINS ONE

(By Steven Emerson)

The arrests yesterday in New York of eight militant Muslim fundamentalists on charges of plotting to blow up the United Nations, two tunnels under the Hudson River and a federal office building should lay to rest any notion that radical Islamic fundamentalism is only a "Middle East problem."

The arrests, coming close on the heels of February's World Trade Center bombing, show firmly that the fundamentalist jihad has now taken aim at the heart of the Great Satan. And while the law enforcement officials who made the arrests yesterday deserve credit for their brilliant detective work, ultimately the problem cannot be treated as a law enforcement problem only. The problem can be solved only in the larger context of a comprehensive solution—involving legislative, diplomatic and intelligence agencies.

There are important lessons for the future.

First, radical Islamic fundamentalism cannot be reconciled with the West. The hatred of the West by militant Islamic fundamentalists is not tied to any particular act or event. Rather, fundamentalists equate the mere existence of the West—its economic, political and cultural systems—as an intrinsic attack on Islam. The sooner Americans realize that no compromise or reconciliation is possible, the sooner radical fundamentalists will realize that the West cannot be manipulated.

A recent article in a fundamentalist periodical called Khilafah Magazine, published in Britain, is entitled "Capitalism: It's a Crime." The article urges Muslims in the West to reject capitalism and not to obey Western treaties such as NATO, and calls democracy a "sin" against Islam. Sheik Omar Abdel-Rahman, the blind Muslim cleric who lives in New Jersey and is the spiritual mentor of several of the suspects in the World Trade Center bombing, routinely calls the U.S. a "den of evil and fornication."

The terms "foreign" and "domestic" do not apply. One of the points made at the FBI's press conference yesterday was that there was "no evidence of foreign involvement." For all practical purposes, this is a meaningless statement. Militant Islamic fundamentalism transcends all borders. Increasingly, radical organizations—such as the Jihad Group (centered around Sheik Abdel-Rahman), the Palestinian Hamas and the Lebanese Hezbollah—have established infrastructures in the U.S., Germany and Britain in addition to their bases of operation throughout the Middle East.

There is no one ringleader or country orchestrating the attacks. While there is no doubt that Iran and Sudan provide money and training to Islamic fundamentalists in the Middle East, the emergence of fundamentalist terrorist attacks in the West is part of the decentralized structure in which fundamentalists scattered around the world assume the obligation to strike blows against the West in their own communities. This means saying something that is politically incorrect: That all militant radical fundamentalists are potential members of this loose federation of terrorists.

Members of the Islamic fundamentalist network cannot be classified under one nationality or political allegiance. Those arrested in the World Trade Center bombing and the aborted attacks yesterday come from Sudan, Egypt, the West Bank and Gaza, Jordan and Pakistan. Not insignificantly, they also include at least two Americans. "This shows that in a sense there now exists an Islamic internationale," says Khalid Duran, a Muslim expert on fundamentalism at the Free University of Berlin. These militants "collaborate with one another, thus putting aside any local cultural and regional political differences."

The political and religious arms of radical Islamic fundamentalism are one and the same. Traditionally, terrorist groups have established separate cells whose only mission was to carry out terrorism. This made penetration by law-enforcement agencies relatively easy. Radical Islamic fundamentalists, however, use their mosques and their religious leaders to form the nucleus of their terrorist infrastructure. Moreover, the traditional immunity given to religious institutions can no longer apply if the battle against Islamic fundamentalist terrorism is to be won.

One positive sign emerged yesterday. After the World Trade Center bombing, the FBI refused to issue an arrest warrant for Sheik Abdel-Rahman's Jersey City home—they said they were "not interested in him." The FBI planned to execute one yesterday.

The U.S. needs to adopt a coordinated antiterrorism strategy involving the entire West and our many domestic law enforcement and intelligence agencies. Today, collaboration occurs only when there is an immediate threat of violence. An international data base, which does not now exist, would allow all countries to keep tabs on potential terrorists at all times. Congress should pass legislation introduced by Rep. Benjamin Gilman (R., N.Y.) that would computerize the State Department's consular and visa data bases. Congress should also reject the State Department's proposal to downgrade the Office of Counterterrorism and cut the budget of various antiterrorism programs in the Bureau of Diplomatic Security.

The U.S. must lend support to the overwhelmingly vast majority of moderates in America's Muslim community. In the past the vast majority of law-abiding Muslim Americans have been intimidated by the few militants in their ranks. They have feared to speak out against terrorist acts. With enough encouragement from our public officials—along with assurances of physical protection—this trend could be turned around.

It took the FBI 20 years to infiltrate the Mafia. Unless there is an integrated approach to counteract radical Islamic terrorism, yesterday's victory will be shortlived. So far this year the U.S. has one victory and one failure against radical Islamic terrorists. A 50% success rate isn't good enough.

COUNTERTERRORISM: VICTIM OF SUCCESS?

(By Douglas Waller)

President Clinton called Sen. Alfonse D'Amato—one of the alleged targets of the bombers—to reassure him that the United States is deeply committed to the fight against international terrorism. Clinton clearly meant it, given the missile strike, a day later, to punish Iraq for the reported assassination plot against George Bush. But experts say that behind the triumphal headlines is troubling evidence that over the years Washington may have lost some of its edge in the fight against international terrorism. "The Clinton administration's ability to combat terrorism is being quietly dismantled," a knowledgeable State Department official said last week.

Critics say the decline actually began during the last year of the Bush administration. In the mid-1980s, the bombing of the Marine barracks in Beirut and a series of high-profile hijackings exposed serious weaknesses in U.S. counterterrorism strategy, including turf battles among military and intelligence agencies. The Reagan administration created the State Department post of Coordinator for Counter-Terrorism, a job with ambassadorial rank and the clout to force warring bureaucracies to work together. Reagan's first appointment to the job in 1986, L. Paul (Jerry) Bremer, enjoyed direct access to Secretary of State George Shultz. But Bremer's Bush-era successors were not as influential, and the decline has continued. Secretary of State Warren Christopher plans to downgrade the coordinator's position to that of a lower-ranking deputy assistant secretary. Whoever fills the slot will have to push through several layers of bureaucracy before even setting foot in Christopher's office.

Budget cuts and turnover are also taking a toll. According to internal State Department figures supplied to Newsweek, 80 percent of the seasoned experts in the counterterrorism

office will be reassigned or replaced by this fall with less experienced personnel. "The institutional memory will be virtually erased by October," predicts a State Department source. Other agencies are facing similar cutbacks and compromises. At the National Security Council, the top counterterrorism official now has multiple responsibilities, including the United Nations and drug policy. At the Pentagon, Defense Secretary Les Aspin has yet to

Judging from last week's arrests in New York, the FBI is still very much on the case. But the bureau got lucky: an informer proved to be the crucial break. The harder work of counterterrorism is pressing the investigations abroad, where leads inevitably point. "We should fight as far forward as we can," says Noel Koch, the Pentagon's top counterterrorism official in the Reagan administration. "You have to be overseas."

WORLDWIDE NETWORK

Washington's counterterrorism bureaucracy is arguably a victim of its own success. Strong performances in recent years by the CIA and foreign intelligence agencies have unmasked and dissolved many terror groups like the Red Army Faction in Germany and the Red Brigades in Italy. And with the end of the cold war, some terrorist cells have lost their haven in Eastern Europe. Iraq's worldwide network was broken up during the Persian Gulf War. International terrorist attacks declined to 361 in 1992, the lowest total in 17 years. With fewer headlines, political attention has focused elsewhere, forcing counterterrorism to cede part of its share to problems that are on the rise, like crime and drugs.

The evidence suggests that America won't be able to stay out of the fight. More than 200 Pentagon officials and counterterrorism experts met in early June to consider future terrorist threats. They concluded that the proliferation of ethnic and regional conflicts will spawn new radical movements, leading inevitably to new terrorism. "We're going to see a global increase in anarchy," says one Defense Department analyst. Some at the meeting worried about what they term "mass terrorism," like the ethnic cleansing rife in Bosnia. Others were more concerned about what they are calling "single issue" terrorism, attacks by radicals who share no ideology, only the hatred for a particular enemy.

Inevitably, such fears have brought pressure to tighten up the nation's border controls. Congressional committees are investigating the loophole-ridden immigration regulations that allowed Sheik Omar Abdel-Rahman, the blind Muslim cleric suspected of links to terrorist activity in New York, to slip into the country. Rep. Benjamin Gilman, a member of the House Foreign Affairs Committee, has attached an amendment to the State Department's annual funding bill to restore the power of the counterterrorism office. After last week's arrests in New York—and the strike against Iraq—the White House may think twice about thinning its counterterrorism ranks.

NAFTA LABOR SUPPLEMENTAL HAS NO TEETH

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. LAFALCE. Mr. Speaker, those undecided about NAFTA are waiting for completion of three supplemental agreements to the text now being negotiated before deciding their position on the agreement. President Clinton said in October that it will be important for NAFTA to support recognized labor standards and that laws be enforced. U.S. Trade Representative Kantor has promised that the supplemental agreements, including that for labor, would have teeth. In examining U.S. proposals, it appears that neither of these conditions will exist. In fact, as pointed out in a recent letter to U.S. Trade Representative Kantor from the chairman of U.S. Trade Representative's Labor Advisory Committee [LAC] for Trade Negotiations and Trade Policy, U.S. proposals for the labor supplemental may actually weaken existing remedies under U.S. law.

Among the disappointments cited by the chairman of LAC is failure to identify minimal labor rights and standards, the lack of a requirement to investigate complaints brought to the proposed Commission by individuals or nongovernmental organizations, the focus on law enforcement rather than law violations, and the absence of subpoena power, investigating authority, or time restrictions for examining cases. The process for review is long, bureaucratic, restricted to Government entities, and neither a deterrent to abusing the rights of workers nor a real means of enforcing acceptable labor standards.

This inexcusable refusal to seriously give weight and recourse to workers' rights—including the inevitable impact on United States labor when standards and rights are ignored in Mexico—is a poor omen on how the current NAFTA would operate and what is in store for United States workers. While negotiators apparently are willing to respond to big business by providing strong protections for foreign investment and intellectual property, they appear unwilling to put workers' rights and standards strongly on the line.

The letter from the chairman of the Labor Advisory Committee and secretary-treasurer of the AFL–CIO, which give eloquent testimony to that, follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, June 17, 1993.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: I am writing to ensure that there is a clear understanding of the views of the AFL–CIO and the Labor Advisory Committee for Trade Negotiations and Trade Policy (LAC) with respect to U.S. proposals for NAFTA Labor and Environmental agreements. It is our view that rather than establishing strong, enforceable standards, the proposals tabled by the U.S. government would, as a practical matter, prevent any effective remedy or redress for the exploitation of workers or the pollution of the environment. For labor rights and standards, the proposal actually represents a weakening of existing remedies available under U.S. law.

The problems posed by the NAFTA negotiated by the Bush Administration are significant and far reaching for U.S. workers. On its own terms that agreement is inequitable and nonreciprocal and will encourage U.S. investment in Mexico to the detriment of domestic needs. Its impact on specific industrial sectors could be devastating. While the absence of provisions to ensure or enforce basic worker rights and standards was but one of many deficiencies in the Bush agreement that we pointed out last year, we were hopeful that your commitment to negotiate a labor agreement "with teeth" would at least represent a first step toward the development of a positive agenda for North American trade and investment by the Clinton Administration.

Regrettably, those hopes have been dashed. The Administration's proposal fails to identify even minimal labor rights and standards to be enforced, establishes an oversight process so vague, discretionary, and protracted that a timely resolution of a dispute would be virtually impossible, makes individual violations of even national law nonactionable, and provides at the end of the process no effective remedies. While the rhetoric on the need to ensure observance of worker rights and standards is impressive, the means for achieving that objective does not exist and I'm concerned that the proposal will wind up as little more than "political window-dressing."

Specifically,the proposal falls short in the following areas:

The proposal does not seek agreement on a body of basic labor rights and standards. Indeed, it does not even appear to address violations of national labor law. Rather, it would focus attention on whether there is adequate enforcement of law, not violations of that law.

The Secretariat established by this proposal would not be required to investigate submissions from non-governmental organizations. The proposal includes eight criteria that the Secretariat could use in deciding whether or not to accept a submission, thereby providing a variety of grounds for not pursuing a complaint. For example, the Secretariat must consider whether or not a submission demonstrates "a persistent and unjustifiable pattern of failure by the Party to enforce its labor law." (What is persistent? Is it failure to enforce laws 5 times, 10 times, 20 times? What is unjustifiable? Does the Administration believe that there are justifiable violations of labor law?) Another of the criteria suggest that the Secretariat determine whether a "submission appears to be primarily aimed at the encouragement of labor law enforcement rather than the protection of a domestic industry." How can the Secretariat decide intent? These, and other criteria simply provide a rationale for nonaction in the face of worker abuse.

Should the Secretariat actually accept a submission, information would be sought from the government in question, not the alleged violator of law. There is no investigating authority or subpoena power. The Secretariat has no time constraints in the preparation of a report. The process, even if it went forward, could go on for years.

After all of this, the Secretariat may submit a report to the Council, and the Council would determine by majority vote. If the report demonstrates "a persistent and unjustifiable pattern of non-enforcement of its labor law." Since the Council is made up of labor ministers, their decision-making process will be highly politicized and no doubt be affected by considerations separate from the dispute.

Even if the Council upheld the Secretariat's report, no action would be permitted. Rather, the matter would be referred to an arbitral panel for decision.

Should the arbitral panel find "a persistent and unjustifiable pattern of non-enforcement of its labor law", that decision would be referred back to the Council for further

consideration and if the Council was unable to reach agreement, then and only then, would the complaining party be able to take some action.

The only action available would be the suspension of "an appropriate level of benefits under the NAFTA"—in other words, trade action no harsher than tariffs or regulations that prevail today. Given the tortuous process, even this minimal result would probably never occur.

The structure proposed for labor rights by the Administration stands in sharp contrast to the protections afforded investors or owners of patents and copyrights. Here, rules are clear, and the remedies are strong. We can only conclude that the financial interests of big business will continue to be far better protected than the rights and interests of workers.

Sincerely,

THOMAS R. DONAHUE,
Secretary-Treasurer, AFL-CIO,
Chairman, LAC.

TRIBUTE TO GERARDO TORRES: WARDEN OF THE PASSAIC COUNTY JAIL

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Mr. Gerardo Torres, the newly appointed warden of the Passaic County Jail. Mr. Torres has been working in the field of law enforcement for the past 30 years, and his appointment is well deserved.

A native of Camuy, PR, Mr. Torres has brought great honor to the Hispanic community in New Jersey. In 1972 he was appointed the first Hispanic sergeant in the Passaic County Jail. In 1976, he became that institution's first Hispanic lieutenant and tour commander. He subsequently moved on to the rank of captain and chief of operations. His present position is also a first for Hispanics in New Jersey.

Mr. Torres has consistently proven his dedication and leadership in the field of law enforcement. He is a member of the International Chiefs of Police and the American Correction Officers Association, among others, and is past president of the Passaic County Hispanic Law Enforcement Association.

Mr. Speaker, I ask my fellow colleagues to join me in honoring Mr. Gerardo Torres, warden of the Passsic County Jail.

TRIBUTE TO MRS. MARY B. WILLIAMS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. CLAY. Mr. Speaker, Mrs. Mary B. Williams is retiring from the St. Louis Public Schools after 34 years of service. On June 30, 1993, she is being honored by her colleagues who will pay tribute to her outstanding professional career. Mrs. Williams has served the district in a variety of important roles and has been a guiding force in urban education in St. Louis, MO.

Shortly after completing undergraduate school at Lincoln University, Mrs. Williams was employed as a teacher in the St. Louis Public School District. Later, she served as a high school department head and in 1984 became curriculum supervisor of home economics. Her professional contributions in education are many, including curriculum writing and presentations on the local, State, and national levels. In 1988, while serving on the Personal Growth, Development, and Responsibility Committee, she prepared the character education curriculum for grades 6, 7, and 8. She has membership in many organizations including, American and Missouri Home Economics Association, American Vocational Association, NAACP, YMCA, Annie Malone Children's Home, and Delta Sigma Theta Alumnae, Inc., where she is a Golden Life member serving on the Habitat for Humanity Committee.

Mary Williams is well known among her peers and highly respected throughout the district for her leadership qualities, interpersonal and organizational skills and her devotion to the profession. She served as a featured speaker at the American Vocational Association Conference and has received the prestigious Phi Delta Kappa Excellence in Education Award.

Mary Williams has been a very active member of Antioch Baptist Church for 35 years, having served as immediate past president of the Pastor's Aid Club. She is married to Robert Williams, Jr. They have one daughter, Denise Casey, and a grandson, Eric Casey. She is a relative and friend to many wonderful people.

Mrs. Williams is a superior educator who has given fully and creatively to guide our most precious resource, our children and our youth. I am pleased to call attention to a truly fine educator who contributed greatly to a more human and richer society through quality education.

I invite my colleagues in the U.S. Congress to join with me in wishing Mary Williams well and much success in a retirement filled with tranquility, challenge, and personal fulfillment.

TRIBUTE TO JESS W. SPIKER

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SANTORUM. Mr. Speaker, it is with great pleasure today that I rise to honor Mr. Jess W. Spiker, who celebrated his 100th birthday on June 17, 1993. Mr. Spiker was born in North Versailles Township, PA, which is located in my district.

Mr. Spiker has lived an accomplished first 100 years of his life. He is a retired Government employee who owned and operated a tool and die company in McKeesport, PA. During World War I, he was active in Washington, DC, as a machinist for the U.S. Navy.

Mr. Spiker is extremely gifted at making crafts with his hands. In his 80's, he began a hobby of making clocks, and since then has crafted some 38 clocks. His most prized clock hangs in the main dining room at the Crossroads Retirement Center in Bellevue, WA, where Mr. Spiker currently resides. At the center, Mr. Spiker writes articles for the newsletter. He has also cultivated a beautiful garden for everyone at the center to enjoy. Mr. Spiker is the third member of the Crossroads Retirement Center to have the honor of being inducted into the century club. Mr. Spiker lists hunting as one of his hobbies, and he is said to be very skilled at it.

Mr. Spiker has two children, eight grandchildren and eight great-grandchildren. His son, Kenneth and his daughter, Trudy Laing, were among those present at the joyous family celebration at the Crossroads Retirement Center to celebrate his 100th birthday. It is with honor that I congratulate Mr. Jess W. Spiker on a great 100 years of life, and wish him many more.

THE FISCAL YEAR 1994 VA/HUD APPROPRIATIONS BILL

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. MANZULLO. Mr. Speaker, today the House of Representatives passed the annual spending bill for the Department of Veterans Affairs. But most veterans would be surprised to learn that other Government programs are tied to their annual spending bill, such as space exploration, housing assistance, the Resolution Trust Corporation, which bails out the failed savings and loans, and even pork-barrel projects like $18 million for the Consortium for International Earth Science Information Network [CIESIN] in Saginaw, MI.

I cannot stand by and let this irresponsibility continue. I will not be a party to this fiasco. That is why, despite my intense desire to vote for this spending bill, I am not going to be a part of this process.

Every Cabinet-level department deserves a separate, clean vote on its annual spending bill. If we can have a separate vote on foreign aid, if we can have a separate vote on military construction projects, if we can have a separate vote on defense, certainly we can have a separate vote on veterans.

Congress created the Department of Veterans Affairs and two separate committees dealing exclusively with veterans' issues mainly to give veterans a stronger voice in Washington. But when the rubber meets the road—when the real dollars are appropriated—the concerns and the voices of our veterans are drowned out by other interest groups and by pork-barrel politics.

That's why one of my first congressional reform efforts I supported was to separate veterans' spending from all other appropriations bills. On April 21, I introduced House Resolution 154, the Fair Deal for Veterans Act, to give back veterans their say in the most important part of the legislative process—how their annual spending bill is decided.

For example, the 1994 appropriation bill for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies (H.R. 2491) contains $2.1 billion for

space station *Freedom*. It contained $34 million for the Resolution Trust Corporation. It also proposed spending $25.2 billion on 16 different independent agencies including $18 million for the CIESIN Program in Saginaw, MI, where 11 of the 13 board of directors gave themselves grants from the Government.

Quite frankly, funding the 23 different agencies and pork barrel projects by taking money that should have gone to veterans is not only a personal affront to me but reflects the arrogance of the Democrat-controlled leadership in Congress. While we fund frivolous projects, veterans' spending is given secondary priority.

And, on top of that, several independent studies over the past several years have shown that our veterans' hospitals can barely keep their heads above water. Many have cut back on services to keep only the most essential programs on even keel. Even the current Secretary of Veterans Affairs, Jesse Brown, was a part of these studies when he was the commander of the Disabled American Veterans Organization.

Yet, the House of Representatives cut the President's modest request for veterans' health care by $74 million. How much longer can the veterans bear this burden?

The way to bring about reform is to encourage enough Members to vote against this type of irresponsibility. Unfortunately, only 110 Members had the courage to vote "no." I hold out the hope that the voice of the reformers—the ones who want to shake up the status quo in Washington—will join me in, first, endorsing my Fair Deal for Veterans Act and, second, vote "no" until veterans get the fair shake they deserve. Mr. Speaker, I will continue to vote against fiscally irresponsible spending choices that hold veterans hostage to pork-barrel politics.

DESIGNATION OF THE U.S. POST OFFICE AND COURTHOUSE IN CINCINNATI, OH, AS THE "POTTER STEWART UNITED STATES COURTHOUSE"

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. PORTMAN. Mr. Speaker, today I am introducing a bill to designate the U.S. Post Office and Courthouse Building in Cincinnati, OH as "the Potter Stewart U.S. Courthouse Building" in honor of the late Associate Justice to the Supreme Court, Potter Stewart.

Justice Stewart was a native of Cincinnati, OH. Like his father, James Garfield Stewart, a former mayor of Cincinnati and member of Ohio's Supreme Court, Potter Stewart devoted his life to serving his city and his country. Justice Stewart saw active duty in the U.S. Navy during World War II. He served on Cincinnati's City Council and was vice-mayor. In 1954, he was named by President Eisenhower to the U.S. Court of Appeals for the Sixth Circuit, which resides in the U.S. Post Office and Courthouse Building in Cincinnati. At age 39, Mr. Stewart was the youngest Federal judge in the country.

Following the retirement of Associate Justice Harold H. Burton, President Eisenhower appointed Judge Stewart to the Court during a congressional recess in October 1958, permitting him to join the Court before the Senate confirmed him the following May. At age 43, he was the second youngest Supreme Court appointee since before the Civil War: William O. Douglas was 40 when he was appointed in 1939.

Justice Stewart served on the Court for 23 years. His philosophy on the Court was not one marked by ideology, but by adherence to the principles of the Constitution. Justice Stewart stressed that a judge's job is to be objective, conscientious, diligent, and to remember that everyone is equal before the law. He once said "I think it is the first duty of the justice to remove his own moral, philosophical, and religious beliefs and not to think of himself as some great philosopher king and apply his own ideology."

Mr. Stewart was neither a champion of the political left nor of the political right. He focused on the merits of a case, but shunned broad social and economic interpretations of the law. He was praised by civil libertarians for his support of the first amendment principles of free speech and freedom of the press. And, conservatives commended him for his acceptance of prayer in school and for backing prosecutors and police in many criminal justice cases.

Upon his death in 1985—4 years after his retirement from the bench—Justice Stewart was praised by President Reagan as a "Patriot and a good lawyer—indeed—a brilliant man of the law." Then Vice President Bush called Justice Stewart "an outstanding man who was a symbol of decency and honor. He was a constitutional scholar who interpreted the Constitution without succumbing to the temptation to legislate from the bench."

Mr. Speaker, I hope that the House will take up my bill to name the U.S. Courthouse in Cincinnati after Potter Stewart. I believe its enactment would be an appropriate symbol of recognition for the highly distinguished career of a fine and brilliant son of Cincinnati who served but one master, the Constitution of the United States of America.

FATHER DON MOWERY SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. SUNDQUIST. Mr. Speaker, I am pleased to share with my colleagues the story of one man's impact on a community and on the lives of literally thousands of young people. Father Don Mowery opened Youth Service U.S.A. in Memphis, TN, in 1968, in the aftermath of Martin Luther King's assassination in Memphis. Using military bases nearby, he offered inner-city youth an opportunity to learn vocational and technical skills, and to discover the world of possibilities that awaited them. Today, his program operates nationally at more than 100 military installations.

I have been proud to work with and support Father Don over the years, and I am proud to call his achievement to the attention of this House.

The article from Memphis magazine follows:

THE KIDS ARE ALL RIGHT—FATHER DON MOWERY AND YOUTH SERVICE U.S.A.

(By Dale Berryhill)

Father Don Mowery is not the man you expect to meet. There is no bouncy enthusiasm, no hearty handclasp, no hi-how-ya-doing smile from the man who heads one of the country's most successful social-service organizations. Sure, he shows energy, but it's such calm energy. And his quiet dignity is so quiet that one wonders where the dignity ends and plain shyness begins.

It's not exactly what you expect from a man who has built a unique idea into a national organization so efficient that it has been selected by the White House as a model for other private-initiative organizations—built it so quietly that many Memphians are unaware of its existence, not to mention its scope.

No, Father Don Mowery, at first glance, does not strike one as a human dynamo. But he is, nonetheless. The headquarters of his organization—Youth Service U.S.A.—located in a small residential-looking building on Goodlett at Poplar and Central, does not appear to house an agency which has dealt with over 300,000 young people, with one of the highest success rates in social-service history. But it does, nonetheless. The quiet scene inside does not evoke visions of an organization which has intimate contacts with admirals, chiefs of staff, and Fortune 500 CEO's. But it has, nonetheless.

The story began back in 1968, a bad year for most of America, and an even worse one for Memphis. The sanitation workers' strike brought national attention to the city; the April assassination of Dr. Martin Luther King, Jr. brought rioting and martial law.

The Rev. Donald Mowery, a young Episcopal priest, felt the heat more than most. He had been struggling for several years to establish an urban ministry for underprivileged young people in Memphis. From his office in the McCall Building downtown he could see the flames which lighted scenes of looting, vandalism, and frustration.

One of his main efforts toward relieving that frustration had been a summer-camp program. "We had been taking groups of kids tent-camping at Fuller Park," he recalls. "We had learned the value of getting them out of the inner city. Sitting around a campfire with a counselor, we were much better able to relate than on a street corner."

In the wake of the 1968 rioting, however, city and county officials were forced to tell Father Mowery that the situation was too volatile for camping that year. It appeared that it would indeed be a long, hot summer.

Searching about for ideas, Father Mowery paid a visit to the Memphis Naval Air Station in Millington. The base contained large amounts of undeveloped land, including a lake, all fenced in and far from the inner city where the fires were smoldering. Why not bring the camp groups out here?

Full of hope, Father Mowery made a request to use the land—and was promptly turned down. But as it turned out, he had little time for disappointment.

"We were turned down on Friday," he says. "On Saturday I attended an outing sponsored by the USO which was attended by Admiral Christenson (then commanding officer at the navel base) and his wife, Marge. I got to talking to her about my idea, and she really liked it. She told me to go back to the base on Monday and talk to them again.

"When I got to the base, this fellow who had turned us down came up to me and said, 'I don't know what happened, but I just got

a call from Admiral Christenson.' This fellow had never gotten a call from the Admiral before. He told us the base was ours to use for the summer."

Two conditions were attached to the deal. First, there would be absolutely no publicity of the arrangement. Second, Father Mowery would have to be present at all times with the kids, and he would have to be personally responsible for them. The Navy wanted it understood that they were only lending their facilities, and that this was not a military program.

"I told him he had a deal," says Father Mowery. And so the tension which created the long, hot Summer of Sixty-eight led to a unique partnership—a partnership which has not only survived, but prospered far beyond anyone's dreams.

In fact, the basic idea of a camping program was improved upon almost immediately. Father Mowery found out that he not only could bring his kids to the base, but that they were allowed access to a wide array of facilities. Horseback riding, bowling, swimming, basketball and other activities were made available free of charge. Campers were allowed to purchase their meals in the cafeteria. And when an officer saw camping beside the lake, he volunteered the use of an empty barracks, giving the kids beds and running water.

Things didn't stop there. Base physicians offered to give the kids free check-ups in their spare time. When the Navy dentists saw this, they also offered their services, giving oral-hygiene lectures in addition to check-ups.

All of this was very gratifying to Father Mowery who, because of his agreement to stay with the kids, spent his entire summer on the base. "The bus which picked up the kids on Sunday was the same one which brought in the new load," he remembers.

Then another offer was made to Father Mowery, an offer which eventually changed the entire course of the program. The Memphis Naval Air Station, the largest inland naval facility in America, exists mainly for training purposes. When the vocational/technical trainers became aware of the kids on base, they offered to take them around to the different training areas, exposing them to a wide variety of vocational opportunities: everything from welder and mechanic to fireman.

In the midst of this, someone pointed out that there were usually several empty seats in the training classes being given daily on the base. Approval was quickly granted for the youngsters to sit in on a regular basis.

"All of a sudden we realized that what we had was no longer just a recreation program," says Father Mowery. "It was now the very finest vocational exposure program you can imagine. This pleased us very much because these kids, without goals and without motivation, needed that kind of exposure. And these particular kids weren't going to get it anywhere else in Memphis."

While Father Mowery was as surprised as anyone by the extent of the Navy's charitable attitude, it was actually part of a loosely-defined yet long-standing policy of all military branches to become involved in there communities, whenever feasible. Since lending out facilities to Youth Service involved very little actual cost on the part of the government, the situation satisfied all concerned.

"The military has long had such a policy for community involvement," says George M. Douglas, retired major general in the Air Force Reserve. "But because the initiative was left up to each base commander, it would often become buried under greater concerns. Father Mowery's program offered the perfect vehicle."

And so the program got off to an unexpectedly good start. "We had absolutely no problem with the kids," claims Father Mowery. "We picked them up in the police bus, and started out by teaching them the magic words 'yes sir' and 'no sir.' We had a disciplined program, yet they seemed to appreciate it."

Following the success of the first summer, Father Mowery was contacted by Colonel Eugene Minietta of the Blytheville Air Force Base in Arkansas about starting a similar program there, complete with its own set of residential counselors and its own agenda of activities. The next year Colonel Minietta was transferred to Barksdale AFB in Louisiana, and he again asked Youth Service onto the base. While setting up the latter program, Father Mowery was introduced to the commander of the entire Second Air Force, who invited him to begin such a program on all fifteen of their bases. Meanwhile, Admiral Christenson mentioned the program to other Navy brass while in Washington, and they also began expressing interest.

It was about this time that Father Mowery met General William Westmoreland, then chief of staff of the U.S. Army. The general had taken ill and was placed in the hospital at Fort Bragg, where Father Mowery was serving in the Army Reserve. Being the only Episcopal chaplain on base, he was sent to spend time with the general. Naturally the subject of Youth Service came up, and General Westmoreland committed the Army to it right then and there.

Then in 1975 Secretary of Defense Melvin Laird created the Domestic Action Program, making official the policy of community involvement by the military. When Laird was introduced to Youth Service, he gave it the backing of the entire Department of Defense. In fact, Youth Service was the only non-federal program to be represented on the Domestic Action Council.

And so even more doors were opened for Youth Service. Father Mowery was granted a leave of absence from the Memphis program in order to establish a national organization. Today Youth Service U.S.A. operates on over 100 military installations across the country.

Now another government policy is helping to spur the program's continued growth. It seems that someone brought Youth Service to the attention of President Reagan soon after he announced his doctrine of "Private Initiative," which urged partnerships between private citizens and governmental agencies to solve social problems. Since Youth Service involves the military, local and state governments, churches, and the private industries which donate operating funds, it fit the bill perfectly.

"Reagan asked his Cabinet what they could do in their areas to help Private Initiative," relates Roger S. Sattler, assistant director of the Pentagon's Office of Economic Adjustment. "Because the military is both the largest employer and the largest trainer in the country, it had to have the answer for the President. Youth Service was part of that answer." Youth Service is now one of two programs being utilized by the White House as models of Private initiative.

All of which is revolutionary progress for an organization which operated in relative obscurity for its first forty-five years. Youth Service was founded in 1921 by the Episcopal Church in Memphis in order for clergymen to take their ministry to the disadvantaged. Although it served its purpose well, it still employed only one community worker when Bishop John Vander Horst assigned Rev. Donald E. Mowery to be its new director in 1963.

Father Mowery had grown up in Chattanooga, and attended the University of Tennessee and later Yale's prestigious Berkeley Divinity School. He returned to Tennessee as a priest, and became Vicar of St. Andrews in Nashville, where he also served as chaplain to the police department.

From the beginning he was a social activist. When asked why, Father Mowery refers to his adolescence, part of which he spent working in a Chattanooga funeral home. "I came to realize that when you bury someone, they're dead as they can be, no matter how rich or how poor they were. After I left the seminary, I often saw what a hard time some people were having."

The true extent of the partnership between the military, private industry, and social service which is embodied in Youth Service can be seen in the structure of the organization itself. Local chapters of youth Service U.S.A. are set up as separate non-profit corporations which are subsidiaries-or franchises—of the national group. "This is something that's never been done in the non-profit world," says Deputy Director John Edwards. "It allows us to make sure that each chapter begins with the proper model, yet is tailored to the local situation."

In order to fund their expansion, Father Mowery has successfully initiated a campaign to raise a $15 million dollar endowment. "The interest from this trust fund will allow us to begin a new program every two months for ten years," he says. He has persuaded Thomas G. Pownell, chairman of the board of the Martin Marietta Corporation, to serve as national trust director.

Despite his enormous success with the program, Father Don has remained first and foremost a man of the cloth. He continues, for example, to wear his clerical collar most of the time, a somewhat unusual practice for a priest involved in the urban ministry. He says that it gives him recognition among the young people, and makes it easier for them to talk with him. Perhaps more importantly, he considers Youth Service to be his "priestly function," and he still sees the church as his strength.

He's not alone in that belief. "I don't know of any clergy who have done any more imaginative and creative work for the church," says The Very Reverend Charles Reeves, dean of St. Mary's Cathedral in Memphis. "He's the closest thing I've even seen to being a round peg in a round hole. He has created his ministry himself, and he continues to work hard to make it a part of the church."

A TRIBUTE TO REAR ADM. GEORGE R. MEINIG

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to a friend and a patriot, Rear Adm. George R. Meinig, Commander of the Naval Surface Warfare Center.

On July 1, 1993, Admiral Meinig will retire from the U.S. Navy following 35 years of valorous, distinguished and devoted service to his Nation and to his fellow citizens.

I began my valued friendship with Admiral Meinig on June 28, 1991. The admiral had come to Naval Ordnance Center, Louisville, located in my congressional district, to preside over ceremonies placing command of the station with Capt. Richard Gilbert.

That day was a typically boiling hot, humid, nearly unbearable Louisville summer day. Yet, despite the searing heat and the unforgiving sun, George Meinig remained ceremonially proper and standing tall from the start of the long ceremonies to the very end.

These same qualities and characteristics of dedicative, discipline, and fortitude have been on full display during the recently concluded base closure and realignment review of the Naval Ordnance Station.

Admiral Meinig did not flinch or hold back in Louisville in June 1991. He did not flinch or hold back in Washington these past few tense weeks during which the fate of the station was being decided by the Commission. He was an invaluable member of the team which argued successfully to keep naval ordnance open and working for the fleet. The men and women working at the station are the grateful and thankful beneficiaries of Admiral Meinig's stalwart support.

A 1958 graduate of the U.S. Naval Academy, Adm. George Meinig has held numerous command assignments during his Navy career. He earned decorations for his service during the Vietnam war and the Gulf of Tonkin operation. The Admiral represents the best and the finest of military service, and all Americans owe him a large debt of gratitude for his unselfish dedication to his Nation and to its colors.

Mr. Speaker, I wish Admiral Meinig and his wife, Janet, much health, happiness, and fulfillment in the years ahead.

TRIBUTE TO DWIGHT MOSLEY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to the recently named secretary of the U.S. Tennis Association, Mr. Dwight Mosley, the first African-American to be elected to the U.S. Tennis Association Board. I am honored to recognize a man who has worked so ardently throughout a distinguished career to give disadvantaged youths an opportunity where none may have existed before. He has improved the lives of the thousands of minority youths through his innovative tennis programs.

Mr. Mosley began developing tennis programs at the Washington Tennis Foundation [WTF]. In 1984, Dwight became executive director of WTF. Under his leadership, the number of children participating in the programs each year at the Washington Tennis Foundation has increased dramatically—from 2,000 to 15,000. Every high school in the District of Columbia now has a tennis team. After participating in Mr. Mosley's programs, students have attended colleges and universities on tennis scholarships. For those students following the programs through high school, Mr. Mosley has said, "We are going to make sure they all get a tennis scholarship somewhere."

Dwight Mosley is a dedicated leader of the tennis industry. Before his election as secretary of the USTA, he was chairman of the USTA Minority Participation Committee and a member of the USTA's Executive Committee. He was vice president of the Mid-Atlantic Tennis Association and vice-chairman of the National Junior Tennis League Committee. He also served on the U.S. Open, Education and Research, Olympic and Magazine Committees. Beyond his administrative successes, Mr. Mosley is a 4.0 USTA league player.

It is heartening to see someone who has come so far endeavor to make the way a little easier for our children. Dwight Mosley has worked to ensure that those who could benefit most from a special interest in their early years would find that interest in tennis. For the isolated child, tennis provides inclusion; for the child without a family, tennis instructors provide trust and guidance. For every child, tennis opens doors to a better future. "You see how the kids respond to it, how it affects their lives," Mr. Mosley says.

I ask my colleagues to join me in congratulating Dwight Mosley on his election to the U.S. Tennis Association Board and to salute him for his innovation in using tennis to inspire our youth.

PIONEER FIRE COMPANY NO. 1 HONORED FOR 126 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. KANJORSKI. Mr. Speaker, I am pleased to pay tribute to the Pioneer Fire Company No. 1 for its 126 years of service to the people of the Hazleton area. The Pioneer Fire Company was founded on April 9, 1867, by a group of Hazleton citizens concerned with protecting human lives and the property of their neighbors.

Originally named the Pioneer Fire, Engine, Hose, Hook and Ladder Company No. 1, it consisted of 15 men appointed by the borough council of Hazleton in 1869. It was not until 1949 that the fire company was renamed.

The fire company is not only recognized for its goodwill in the area, but throughout northeastern Pennsylvania and the Commonwelth of Pennsylvania. The company takes great pride in its award-winning marching band. The band annually participates in the Six-County Fireman's Convention Parade and the Hazleton Funfest Parade. The Pioneer Fire Company band is well-known for the 1920's vintage blue wool uniforms worn by its members.

The Pioneer Fire Company has always been on the leading edge of firefighting technology. In 1886, they acquired a Selby horse-drawn engine capable of pumping 750 gallons of water per minute—one of only three on the market at the time. The company later came to acquire an American LeFrance pumper, which was replaced by a Seagraves in 1946. The leased engine was a valuable piece of equipment until 1976, when the city council retired it from service.

In 1942, an 85-foot ladder truck was acquired to replace the American LeFrance aerial. In 1973, the Big One, a 100-foot Seagraves model was purchased, and in 1980, they expanded to a 106-foot Mack aerial. The Mack can be operated by one man and is large enough to serve the entire city.

The company is most proud of its community ambulance service which was founded in 1952. The ambulance association was the first in Luzerne County to become licensed by the Pennsylvania Department of Health.

Mr. Speaker, the Pioneer Fire Company has certainly fulfilled its mission of protecting human lives and the property of their neighbors with their dedicated service for the past 126 years. I commend these brave volunteers for their commitment to their community and I am pleased to recognize their efforts here today.

INTRODUCTION OF LEGISLATION ESTABLISHING AN ELECTRIC VEHICLE DEVELOPMENT PROGRAM WITHIN THE DEPARTMENT OF DEFENSE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. FAZIO. Mr. Speaker, today I am introducing legislation with my colleague, Representative JANE HARMAN, to establish an electric vehicle development program within the Department of Defense. This legislation is based on the electric vehicle program created in the Energy Policy Act of 1992.

As you know, Mr. Speaker, electric vehicles hold the promise of being an important new industry for California. Electric vehicle development also represents an opportunity to help the defense industry and defense workers transition to civilian applications.

The bill we are introducing today creates a 4-year, $90 million program for electric and hybrid vehicle commercialization and infrastructure development. This initiative would be administered through the Advanced Research Projects Agency. The legislation provides for up to 10 regionally dispersed demonstrations, with a 1 to 1 matching requirement. Additionally, no one project could receive more than 25 percent of the total authorized amount. Projects would be conducted in conjunction with military installations wherever possible. The legislation is based on an existing electric vehicle demonstration project being conducted in Sacramento by the Sacramento Metropolitan Utility District and McClelland Air Force Base.

Air quality regulations adopted by the States of California and Massachusetts require that beginning in 1998, 2 percent of new automobiles and light duty vehicles sold in those States be zero emission vehicles. A host of other northeastern and mid-Atlantic States, as well as the States of Oregon, Washington, Texas, Illinois, and Nevada, are considering the adoption of these standards as well. These standards will necessitate the production of 40,000 electric vehicles by 1998, and 200,000 by 2003 in California alone. Near-

term job growth and production capabilities can be expected in this area.

The electric vehicle program established by this legislation will prepare the way for the development of a new industry in California and other parts of the country. In addition, it will help DOD become a responsible partner in efforts to combat air pollution.

Mr. Speaker, I look forward to working with my colleague, Ms. HARMAN, to promote electric vehicle development in California and throughout the country. The legislation we are introducing today is a good start down that road.

FARMERS IN MINNESOTA AND THROUGHOUT MIDDLE AMERICA NEED OUR ATTENTION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. MINGE. Mr. Speaker, I wish to advise Members of the House of Representatives that I will not be in attendance for votes tomorrow, June 30, 1993. Agriculture Secretary Espy will join me and Minnesota Senators WELLSTONE and DURENBERGER in Minnesota's Second Congressional District to visit disaster areas ravaged by recent flooding. While I understand the importance of appropriations votes, the emergency situation in Minnesota demands my personal attention. Today, over 3 inches of rain and hail fell in southwestern Minnesota and flash-flood watches remain.

Tomorrow, we will visit Eugene Petersen's farm near Hardwick, MN. Eugene's farm has 640 acres, 550 of which are tillable. There are 160–180 acres, or 30 percent that he has been unable to plant this spring. Those crops which have been planted are in very poor condition.

Eugene has crop insurance and signed a late-planting agreement. He will in all likelihood be unable to plant the unplanted acres and his insurance will not pay any compensation for his tremendous loss.

Similar circumstances could readily be witnessed in any of the 27 counties in the Second Congressional District, throughout southern Minnesota, and the surrounding States. Crop losses in Minnesota alone are now estimated at $500 million and thousands are expected to be forced out of farming.

This last weekend, I received a moving letter from members and the Chair of the Watonwan County Agricultural Stabilization and Conservation Service that eloquently explains the situation facing thousands of families in Watonwan County and throughout the State:

Approximately 42,000 acres have been totally destroyed in Watonwan County by flooding over the past three weeks. The ground is saturated to the point that the water table is at ground level. There is absolutely nowhere for the water to go at this point. It will be at least 2 weeks of "weather" conditions for any of these acres to be worked and replanted. The rest of the cropland in the county has sustained over a 40 percent loss at this time.

Watonwan County was hit hard in 1991 by excessive moisture and prevented planting. Farmers struggled through 1992 trying to recoup losses from 1991 and keep their heads above water. 1993 will be the breaking point for many farmers. Reduced yields, crop destruction, ridiculously low market prices, and financial burdens from the past 2 crop years are the major factors that will bankrupt the farming industry in our area. We are an agricultural community. When the agricultural industry suffers, it carries through to businesspeople in our communities as well.

In the event of major catastrophes, such as hurricanes, tornadoes, forest fires, earthquakes, flooding, riots, etc., the state and nation provide assistance to cities and individuals to rebuild and recover. Many of these cities and individuals have insurance as well. The 3 percent of the population in the United States that feeds the world should be awarded the same types of aid and assistance in times of disaster.

I am pleased that Secretary Espy and the administration have shown their concern and will visit affected areas. I also hope my colleagues understand the vital need for my absence tomorrow.

TERMINATION OF ADVANCED SOLID ROCKET MOTOR

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. KLUG. Mr. Speaker, I wish to clarify the ASRM amendment the House passed on Rollcall 288 today by a vote of 379–43. The intent of the amendment was to strike $4.5 million in termination costs, leaving a balance of $100 million for that purpose, and to strike $32.6 million in construction costs for the ASRM.

Somehow the reading Clerk inadvertently read the wrong amendment. I am delighted that we prevailed today by a margin of 379–43 which delivers a strong message to conferees to terminate the program. I apologize for the confusion. It was our intent to rollback the termination costs, but not to completely eliminate them. A copy of the correct amendment follows:

Amendment to H.R. 2491, as reported offered by Mr. Klug of Wisconsin:

Page 51, line 12, strike "$4,882,900,000" and insert "4,878,400,000".

Page 51, line 21, strike "$545,300,000" and insert "$512,700,000".

IN HONOR OF THE VOLUNTEERS OF THE KEY WEST TRANSIT HOME FOR CUBAN REFUGEES

HON. ROBERT MENENDEZ

OF NEW JERSEY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. MENENDEZ. Mr. Speaker, we would like to take this opportunity to recognize the humanitarian work of the volunteers of the Key West Transit Home for Cuban Refugees. We commend them for their selfless dedication to assisting their Cuban brothers and sisters who have fled by raft the Communist tyranny of dictator Fidel Castro.

The Transit Home has been instrumental in aiding Cuban refugees by providing temporary housing for those rescued from the waters off the coast of Florida by the Coast Guard and other rescue groups. The housing they provide serves as a promise to the refugees of their life ahead in freedom. They are able to enjoy a full meal, a hot shower, and bed in which to sleep.

The Key West Transit Home's work greatly facilitates the immigration process and eases the transition for the refugees to the United States. The volunteers also acquire permanent housing for the refugees. They help the refugees to locate family members in the United States and prepare them for their new life. Those without family here are connected with other Cuban exile groups who make arrangements to help them resettle.

We are proud to honor the Key West Transit Home for Cuban Refugees. Their hard work and humanitarian commitment inspires all of us and those in Cuba who are still oppressed.

HONORING THE VOLUNTEERS OF BROTHERS TO THE RESCUE

HON. ROBERT MENENDEZ

OF NEW JERSEY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1993

Mr. MENENDEZ. Mr. Speaker, we rise together today to recognize the bravery and dedication of Brothers to the Rescue. The Brothers patrol in private aircraft above the Straits of Florida in search of Cuban refugees who have taken to the high seas on makeshift rafts in the hope of reaching freedom in the United States. The Brothers' mission is noble, and their motives heartfelt.

The Brothers patrol the waters each day, often at great personal peril, for the sole purpose of saving the lives of these refugees. Since they began their regular patrols 3 years ago, they have spotted more than 650 refugees in the Straits.

The Brothers' selfless mission deserves recognition, perhaps more than we can bestow. The Brothers already have saved the lives of hundreds of refugees. Sadly, it is estimated that between one-quarter and three-fourths of the thousands of Cubans who risk crossing the shark-infested waters survive the journey. Some are recaptured by Cuban gunboats, many die of dehydration or exposure, and many disappear without a trace.

We therefore take tremendous pride in offering them our sincerest gratitude on behalf of the hundreds of Cuban brothers and sisters whose lives they have saved.